

# THE CHARTER OF THE UNITED NATIONS

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## HEARINGS BEFORE THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE SEVENTY-NINTH CONGRESS

FIRST SESSION

ON

THE CHARTER OF THE UNITED NATIONS FOR THE  
MAINTENANCE OF INTERNATIONAL PEACE AND  
SECURITY, SUBMITTED BY THE PRESIDENT  
OF THE UNITED STATES ON JULY 2, 1945

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JULY 9, 10, 11, 12, AND 13, 1945

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# THE CHARTER OF THE UNITED NATIONS

MONDAY, JULY 9, 1945

UNITED STATES SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, D. C.*

The committee met, pursuant to call, at 10:30 a. m., in the caucus room, Senate Office Building, Senator Tom Connally, chairman.

Present: Senators Connally, George, Wagner, Thomas of Utah, Murray, Green, Barkley, Guffey, Tunnell, Hatch, Hill, Lucas, Johnson of California, Capper, La Follette, Vandenberg, White, Austin, and Wiley.

Also present: Numerous other Senators, not members of the committee, including Senators Burton, Hart, Millikin, Brooks, McClellan, Radcliffe, McMahon, Ball, and Ellender; and Congressman Sol Bloom.

The CHAIRMAN. The committee on Foreign Relations will please come to order.

We hope that the audience will be as quiet as possible, so that the witnesses may be heard.

On last Monday, President Truman submitted to the Senate the Charter of the United Nations Organization, which was adopted by 50 nations at San Francisco. The President made a stirring speech, and I desire to insert at this place in the record the address of the President, together with a copy of the Charter.

(The documents referred to are as follows:)

ADDRESS BY THE PRESIDENT OF THE UNITED STATES DELIVERED  
BEFORE THE SENATE ON JULY 2, 1945, PRESENTING THE CHARTER  
OF THE UNITED NATIONS, WITH THE STATUTE OF THE INTERNATIONAL  
COURT OF JUSTICE ANNEXED THERETO

*Mr. President and Members of the Senate of the United States:*

It is good of you to let me come back among you. You know, I am sure, how much that means to one who served so recently in this Chamber with you.

I have just brought down from the White House, and have delivered to your Presiding Officer, the Charter of the United Nations. It was signed in San Francisco on June 26, 1945—6 days ago—by the representatives of 50 nations. The Statute of the International Court of Justice is annexed to the Charter.

I am appearing to ask for the ratification of the Charter, and the Statute annexed thereto, in accordance with the Constitution.

The Charter which I bring you has been written in the name of "We, the peoples of the United Nations." Those peoples—stretching all over the face of the earth—will watch our action here with great concern and high hope. For they look to this body of elected representatives of the people of the United States to take the lead in approving the Charter and Statute and pointing the way for the rest of the world.

This Charter and the principles on which it is based are not new to the United States Senate or to the House of Representatives.

Over a year and a half ago, the Senate, after thorough debate, adopted the Connally resolution, which contained the essence of this Charter. It called for "a general international organization based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security." What I am now presenting to the Senate carries out completely this expression of national and international necessity.

Shortly before that, the House of Representatives passed the Fulbright resolution, also favoring the creation of international machinery with participation by the United States.

You and the House of Representatives thus had a hand in shaping the Dumbarton Oaks Proposals, upon which the Charter has been based.

No international document has been drawn in a greater glare of publicity than this one. It has been the subject of public comment for months. This widespread discussion has created the impression in some quarters that there were many points of disagreement among the United Nations in drafting this Charter. Naturally, much more public attention was given to the items of disagreement than to the items of agreement. The fact is that there were comparatively few points upon which there was not accord from the very beginning. Disagreement was reduced to a minimum and related more to methods than to principle.

Whatever differences there were, were finally settled. They were settled by the traditional democratic method of free exchange of opinions and points of view.

I shall not attempt here to go into the various provisions of the Charter. They have been so thoroughly discussed that I am sure you are all familiar with them. They will be so thoroughly discussed on this floor that you and the people of the Nation will all have a complete expression of views.

In your deliberations, I hope you will consider not only the words of the Charter but also the spirit which gives it meaning and life.

The objectives of the Charter are clear.

It seeks to prevent future wars.

It seeks to settle international disputes by peaceful means and in conformity with principles of justice.

It seeks to promote world-wide progress and better standards of living.

It seeks to achieve universal respect for, and observance of, human rights and fundamental freedoms for all men and women without distinction as to race, language, or religion.

It seeks to remove the economic and social causes of international conflict and unrest.

It is the product of many hands and many influences. It comes from the reality of experience in a world where one generation has failed twice to keep the peace. The lessons of that experience have been written into the document.

The choice before the Senate is now clear. The choice is not between this Charter and something else. It is between this Charter and no Charter at all.

Improvements will come in the future as the United Nations gain experience with the machinery and methods which they have set up. For this is not a static treaty. It can be improved—and, as the years go by, it will be—just as our own Constitution has been improved.

This Charter points down the only road to enduring peace. There is no other. Let us not hesitate to join hands with the peace-loving peoples of the earth and start down that road with firm resolve that we can and will reach our goal.

I urge ratification. I urge prompt ratification.

---

THE WHITE HOUSE, July 2, 1945.

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Charter of the United Nations, with the Statute of the International Court of Justice annexed thereto, formulated at the United Nations Conference on International Organization and signed in San Francisco on June 26, 1945, in the Chinese, French, Russian, English, and Spanish languages, by plenipotentiaries of the United States of America and forty-nine other nations.

I recommend that the Senate give favorable consideration to the Charter, with the annexed Statute, herewith submitted and advise and consent to its ratification.

I enclose a letter of transmittal from the Secretary of State.

HARRY S. TRUMAN.

(Enclosures: 1. Letter of transmittal from the Secretary of State; 2. Charter of the United Nations, with annexed Statute of the International Court of Justice—certified copy.)

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DEPARTMENT OF STATE,  
Washington, June 26, 1945.

The PRESIDENT,

*The White House.*

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, a certified copy of the Charter of the United Nations, with the Statute of the International Court of Justice annexed thereto, formulated at the United Nations Conference on International Organization and signed in San Francisco on June 26, 1945, in the Chinese, French, Russia, English, and Spanish languages, by plenipotentiaries of the United States of America and forty-nine other nations.

Respectfully submitted.

[S] E. R. STETTINIUS, Jr.

(Enclosure: Charter of the United Nations, with annexed Statute of the International Court of Justice—certified copy.)

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## THE CHARTER OF THE UNITED NATIONS, INCLUDING THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

### CHARTER OF THE UNITED NATIONS

We the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind; and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small; and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained; and

to promote social progress and better standards of life in larger freedom; and for these ends to practice tolerance and live together in peace with one another as good neighbors; and

to unite our strength to maintain international peace and security; and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest; and

to employ international machinery for the promotion of the economic and social advancement of all peoples; have resolved to combine our efforts to accomplish these aims.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

### CHAPTER I. PURPOSES AND PRINCIPLES

#### ARTICLE 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the

peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

#### ARTICLE 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them in the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter II.

### CHAPTER II. MEMBERSHIP

#### ARTICLE 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

#### ARTICLE 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

#### ARTICLE 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

## ARTICLE 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

## CHAPTER III. ORGANS

## ARTICLE 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

## ARTICLE 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

## CHAPTER IV. THE GENERAL ASSEMBLY

## ARTICLE 9

*Composition*

1. The General Assembly shall consist of all the Members of the United Nations.  
2. Each Member shall have not more than five representatives in the General Assembly.

## ARTICLE 10

*Functions and Powers*

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

## ARTICLE 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

## ARTICLE 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the

Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

ARTICLE 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

- a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;
- b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

ARTICLE 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

ARTICLE 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

ARTICLE 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

ARTICLE 17

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

ARTICLE 18

*Voting*

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

## ARTICLE 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

*Procedure*

## ARTICLE 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

## ARTICLE 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

## ARTICLE 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

## CHAPTER V. THE SECURITY COUNCIL

*Composition*

## ARTICLE 23

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be nonpermanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The nonpermanent members of the Security Council shall be elected for a term of two years. In the first election of the nonpermanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate reelection.

3. Each member of the Security Council shall have one representative.

## ARTICLE 24

*Functions and Powers*

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

## ARTICLE 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

## ARTICLE 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating,

with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

## ARTICLE 27

*Voting*

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

## ARTICLE 28

*Procedure*

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

## ARTICLE 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

## ARTICLE 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

## ARTICLE 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

## ARTICLE 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

## CHAPTER VI. PACIFIC SETTLEMENT OF DISPUTES

## ARTICLE 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.



## ARTICLE 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

## ARTICLE 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

## ARTICLE 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

## ARTICLE 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

## ARTICLE 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

**CHAPTER VII. ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION**

## ARTICLE 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

## ARTICLE 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

## ARTICLE 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

## ARTICLE 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

## ARTICLE 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purposes of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

## ARTICLE 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

## ARTICLE 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national airforce contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

## ARTICLE 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

## ARTICLE 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge

of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies may establish regional subcommittees.

#### ARTICLE 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

#### ARTICLE 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

#### ARTICLE 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

#### ARTICLE 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

### CHAPTER VIII. REGIONAL ARRANGEMENTS

#### ARTICLE 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

#### ARTICLE 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures

against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

#### ARTICLE 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

### CHAPTER IX. INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

#### ARTICLE 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

#### ARTICLE 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

#### ARTICLE 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

#### ARTICLE 58

The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

#### ARTICLE 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

#### ARTICLE 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

## CHAPTER X. THE ECONOMIC AND SOCIAL COUNCIL

*Composition*

## ARTICLE 61

1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate reelection.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

*Functions and Powers*

## ARTICLE 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

## ARTICLE 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

## ARTICLE 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

## ARTICLE 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

## ARTICLE 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

*Voting*

## ARTICLE 67

1. Each member of the Economic and Social Council shall have one vote.
2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

*Procedure*

## ARTICLE 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

## ARTICLE 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

## ARTICLE 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

## ARTICLE 71

The Economic and Social Council may make suitable arrangements for consultation with nongovernmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

## ARTICLE 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

## CHAPTER XI. DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

## ARTICLE 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations

may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

## ARTICLE 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

## CHAPTER XII. INTERNATIONAL TRUSTEESHIP SYSTEM

## ARTICLE 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

## ARTICLE 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

## ARTICLE 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:
  - a. territories now held under mandate;
  - b. territories which may be detached from enemy states as a result of the Second World War; and
  - c. territories voluntarily placed under the system by states responsible for their administration.
2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

## ARTICLE 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

## ARTICLE 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

## ARTICLE 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

## ARTICLE 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

## ARTICLE 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

## ARTICLE 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

## ARTICLE 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end, the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

## ARTICLE 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council operating under the authority of the General Assembly shall assist the General Assembly in carrying out these functions.

## CHAPTER XIII. THE TRUSTEESHIP COUNCIL

*Composition*

## ARTICLE 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and



c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

#### *Functions and Powers*

##### ARTICLE 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

##### ARTICLE 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

#### *Voting*

##### ARTICLE 89

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

#### *Procedure*

##### ARTICLE 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

##### ARTICLE 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

#### CHAPTER XIV. THE INTERNATIONAL COURT OF JUSTICE

##### ARTICLE 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

##### ARTICLE 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.
2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

## ARTICLE 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

## ARTICLE 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

## ARTICLE 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

## CHAPTER XV. THE SECRETARIAT

## ARTICLE 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

## ARTICLE 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

## ARTICLE 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

## ARTICLE 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

## ARTICLE 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

## CHAPTER XVI. MISCELLANEOUS PROVISIONS

## ARTICLE 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

## ARTICLE 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

## ARTICLE 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

## ARTICLE 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

## CHAPTER XVII. TRANSITIONAL SECURITY ARRANGEMENTS

## ARTICLE 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

## ARTICLE 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

## CHAPTER XVIII. AMENDMENTS

## ARTICLE 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council.

## ARTICLE 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be

fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

#### CHAPTER XIX. RATIFICATION AND SIGNATURE

##### ARTICLE 110

1. The present Charter shall be ratified by the signatory states in accordance with the irrespective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratification deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

##### ARTICLE 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

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#### STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

##### ARTICLE 1

The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

#### CHARTER I. ORGANIZATION OF THE COURT

##### ARTICLE 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

## ARTICLE 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

## ARTICLE 4

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907, for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

## ARTICLE 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

## ARTICLE 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

## ARTICLE 7

1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

## ARTICLE 8

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

## ARTICLE 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

## ARTICLE 10

1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be

taken without any distinction between permanent and nonpermanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

#### ARTICLE 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

#### ARTICLE 12

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfills the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seat by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

#### ARTICLE 13

1. The members of the Court shall be elected for nine years and may be reelected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

#### ARTICLE 14

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

#### ARTICLE 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

#### ARTICLE 16

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

#### ARTICLE 17

1. No member of the Court may act as agent, counsel, or advocate in any case.

2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a

member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

## ARTICLE 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

## ARTICLE 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

## ARTICLE 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

## ARTICLE 21

1. The Court shall elect its President and Vice-President for three years; they may be reelected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

## ARTICLE 22

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.

## ARTICLE 23

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

## ARTICLE 24

1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

## ARTICLE 25

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the Court.

## ARTICLE 26

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labor cases and cases relating to transit and communications.

2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

## ARTICLE 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

## ARTICLE 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

## ARTICLE 29

With a view to the speedy despatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

## ARTICLE 30

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

## ARTICLE 31

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3, and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

## ARTICLE 32

1. Each member of the Court shall receive an annual salary.

2. The President shall receive a special annual allowance.

3. The Vice President shall receive a special allowance for every day on which he acts as President.

4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.



5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their traveling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

#### ARTICLE 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

### CHAPTER II. COMPETENCE OF THE COURT

#### ARTICLE 34

1. Only states may be parties in cases before the Court.

2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adapted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

#### ARTICLE 35

1. The Court shall be open to the states parties to the present Statute.

2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

#### ARTICLE 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;
- d. the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

6. In view of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

## ARTICLE 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall as between the parties to the present Statute, be referred to the International Court of Justice.

## ARTICLE 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply—

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;
- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

## CHAPTER III. PROCEDURE

## ARTICLE 39

1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

## ARTICLE 40

1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

## ARTICLE 41

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

## ARTICLE 42

1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

## ARTICLE 43

1. The procedure shall consist of two parts; written and oral.
2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials, and, if necessary, replies; also all papers and documents in support.
3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.
4. A certified copy of every document produced by one party shall be communicated to the other party.
5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

## ARTICLE 44

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.
2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

## ARTICLE 45

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

## ARTICLE 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

## ARTICLE 47

1. Minutes shall be made at each hearing and signed by the Registrar and the President.
2. These minutes alone shall be authentic.

## ARTICLE 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

## ARTICLE 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

## ARTICLE 50

The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

## ARTICLE 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

## ARTICLE 52

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

## ARTICLE 53

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

## ARTICLE 54

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.

2. The Court shall withdraw to consider the judgment.

3. The deliberations of the Court shall take place in private and remain secret.

## ARTICLE 55

1. All questions shall be decided by a majority of the judges present.

2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

## ARTICLE 56

1. The judgment shall state the reasons on which it is based.

2. It shall contain the names of the judges who have taken part in the decision.

## ARTICLE 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

## ARTICLE 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

## ARTICLE 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

## ARTICLE 60

The judgement is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

## ARTICLE 61

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision must be made at latest within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of ten years from the date of the judgment.

## ARTICLE 62

1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.
2. It shall be for the Court to decide upon this request.

## ARTICLE 63

1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.
2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

## ARTICLE 64

Unless otherwise decided by the Court, each party shall bear its own costs.

## CHARTER IV. ADVISORY OPINIONS

## ARTICLE 65

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.
2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

## ARTICLE 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.
2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.
3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.
4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

## ARTICLE 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

## ARTICLE 68

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

## CHAPTER V. AMENDMENT

## ARTICLE 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

## ARTICLE 70

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

For China:

VI-KYUIN WELLINGTON KOO  
WANG CHUNG-HUI  
WEI TAO-MING  
WU YI-FANG  
LI HWANG  
CHUN-MAI CARSON CHANG  
TUNG PI-WU  
HU LIN

For the Union of Soviet Socialist Republics:

A GROMYKO  
A LAVRENTIEV  
K NOVIKOV  
S. TSARAPKIN  
S GOLUNSKY  
S KRYLOV  
RODIONOV

For the United Kingdom of Great Britain and Northern Ireland:

HALIFAX.  
CRANBORNE.

For the United States of America:

E R STETTINIUS, JR  
CORDELL HULL  
TOM CONNALLY  
A H VANDENBERG  
SOL BLOOM  
CHARLES A. EATON.  
HAROLD E. STASSEN  
VIRGINIA C. GILDERSLEEVE

For France:

J. PAUL-BONCOUR

For Argentina:

M CÁNCANO  
O IBARRA G.  
JUAN CARLOS BASSI  
A D BRUNET

For Australia:

F. M. FORDE.  
H V EVATT.

For the Kingdom of Belgium:

A E DE SCHRYVER

For Bolivia:

V ANDEADE  
C SALAMANCA F  
E ABZE Q.

For Brazil:

P. LEÃO VELLOSO  
C DE FREITAS VALLE.  
GEN. ESTEVAO LEITAO DE CARVALHO  
A. CAMILLO DE OLIVEIRA  
DR BERTHA LUTZ

## For the Byelorussian Soviet Socialist Republic:

K KISELEV  
A ZHERRAK  
V. PERTSEV  
G BAIKOV  
F. SHMYGAV

## For Canada:

W. L. MACKENZIE KING.  
LOUIS, S. ST. LAURENT

## For Chile:

JOAQUÍN FERNÁNDEZ F  
MARCIAL MORA M  
JOSÉ MAZA  
GABRIEL GONZÁLEZ.  
CONTRERAS LABARCA  
F. NIETO DEL RÍO  
E ALCALDE C  
GERMÁN VERGARA.  
JULIO ESCUDERO.

## For Colombia:

ALBERTO LLERAS  
AL GONZÁLEZ FERNÁNDEZ  
EDUARDO ZULETA ANGEL  
SILVIO VILLEGAS  
JESÚS M. YEPES.

## For Costa Rica:

JULIO ACOSTA  
J RAFAEL OREAMUNO

## For Cuba:

GMO BELT  
ERNESTO DIHIGO

## For Czechoslovakia:

JAN MASARYK.

## For Denmark:

HENRIK KAUFFMANN  
HARTVIG FRISCH  
E. HUSFELDT

## For the Dominican Republic:

M PEÑA BATLE  
EMILIO G GODOY  
GILBERTO SANCHEZ LUSTRINO  
T. FRANCO F  
MINERVA BERNARDINO

## For Ecuador:

C. PONCE ENRÍQUEZ  
GALO PLAZA  
C. TOBAR ZALDUMBIDE

## For Egypt:

A. BADAWI.  
IB. HADI

## For El Salvador:

HÉCTOR DAVID CASTRO  
CARLOS LEIVA, M. D.

## For Ethiopia:

AKLILU H  
AMBAYE W  
EPHREM T. MEDHEN

## For Greece:

J. A. SOFIANOPOULOS

## For Guatemala:

GUILLERMO TORIELLO  
M. NORIEGA M  
E SILVA PEÑA

## For Haiti:

GERARD LESCOT  
A. LIAUTAUD

- For Honduras:  
JULIÁN R CÁCERES  
MARCOS CARIAS REYES  
VIRGILIO R. GALVEZ
- For India:  
A RAMASWAMI MUDALIAR.  
V. T. KRISHNAMACHARI
- For Iran:  
MOSTAFA ADLE
- For Iraq:  
MOHD. FADHEL JAMALI
- For Lebanon:  
W. NAIM  
A. YAFI  
SALEM.  
CHARLES MALIK
- For Liberia:  
C. L. SIMPSON  
GABRIEL L. DENNIS  
J. LEMUEL GIBSON  
RICHARD HENRIES  
M. N. GRANT
- For the Grand Duchy of Luxembourg:  
HUGHES LE GALLAIS
- For Mexico:  
E. PADILLA  
F. CASTILLO NÁJERA  
MANUEL TELLO.
- For the Kingdom of the Netherlands:  
A. LOUDON
- For New Zealand:  
PETER FRASER.  
C A BERENDSEN
- For Nicaragua:  
MARIANO ARGÜELLO  
LUIS MANUEL DE BAYLE
- For the Kingdom of Norway:  
WILHELM MUNTHE MORGENSTIERNE
- For Panama:  
ROBERTO JIMÉNEZ
- For Paraguay:  
CELSO R. VELÁZQUEZ  
J. B. AYALA
- For Peru:  
MANUEL C. GALLAGHER  
V. A. BELAUNDE  
LUIS FERNÁN CISNEROS
- For the Philippine Commonwealth:  
CARLOS P. ROMULO  
FRANCISCO A. DELGADO
- For Poland:
- For Saudi Arabia:  
FAISAL
- For Syria:  
F. AL-KHOURI  
N. ANTAKI  
N. KOUDSI
- For Turkey:  
HASAN SAKA  
HUSEYIN RAGIP BAYDUR  
FERIDUN CEMAL ERKIN
- For the Ukrainian Soviet Socialist Republic:  
DM. MANUILSKY  
IVAN SENIN  
ALEXANDER PALLADIN  
MIKOLA PETROVSKY



For the Union of South Africa :

J. C. SMUTS F. M.

For Uruguay :

JOSÉ SERRATO

JACOBO VARELA

HÉCTOR LUISI

CY GIAMBUNO

JUAN F. GUICHÓN

HÉCTOR PAYSSÉ REYES

For Venezuela :

C PARRA PÉREZ

GUSTAVO HERRERA

A MACHADO HNDZ

R ERNESTO LÓPEZ

For Yugoslavia :

STANOJE SIMIĆ

I CERTIFY THAT the foregoing is a true copy of the Charter of the United Nations, with the Statute of the International Court of Justice annexed thereto, signed in San Francisco, Calif., on June 26, 1945, in the Chinese, French, Russian, English, and Spanish languages, the signed original of which is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I, Edward R. Stettinius, Jr., Secretary of State, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by an Assistant Chief, Division of Central Services of the said Department, at the city of Washington, in the District of Columbia, this twenty-sixth day of June 1945.

[SEAL]

E. R. STETTINIUS, Jr.,  
*Secretary of State.*

By M. L. KENESTRICK,  
*Assistant Chief, Division of Central Services.*

The CHAIRMAN. We are honored this morning by the presence of Mr. Stettinius, who was not only the head of the United States delegation at San Francisco but was elected by the Conference as its chief presiding officer, and who discharged his duties with great efficiency and splendid ability. We are very happy this morning to begin the hearings by inviting Mr. Stettinius to appear before us. Mr. Stettinius.

**STATEMENT BY HON. EDWARD R. STETTINIUS, JR., PERSONAL REPRESENTATIVE OF THE PRESIDENT OF THE UNITED STATES, ACCOMPANIED BY ALGER HISS, DIRECTOR OF THE OFFICE OF SPECIAL POLITICAL AFFAIRS, DEPARTMENT OF STATE; EDWARD G. MILLER, JR., ASSISTANT TO HON. DEAN ACHESON, ASSISTANT SECRETARY OF STATE; AND CHARLES P. NOYES, ASSISTANT TO MR. STETTINIUS**

MR. STETTINIUS. Mr. Chairman and members of the Committee on Foreign Relations, it is an honor to appear before you as the first witness in your consideration of the United Nations Charter and the Statute of the International Court of Justice.

One week ago today the President submitted the Charter to the Senate for ratification. May I also formally submit to you, on his behalf, and place in the record at this time, the report which I made to him as chairman of the United States delegation at the San Francisco Conference?

Copies of this report have been placed in the hands of every member of this committee and are available to all the other members of the Senate.

The report begins with a letter of transmittal making a general statement on the Charter, and an introduction giving full information on all the preparations for a world organization made by the United States Government, both before and after Dumbarton Oaks.

It deals in full detail with each chapter of the Charter. For the convenience of this committee and of the Senate, each chapter of the report spells out the differences between the Dumbarton Oaks proposals and the Charter and discusses the reasons for the changes and additions which were made, as well as other amendments which it was decided to reject.

References are made in the appropriate places in the report to the documentation of the Conference, especially where official interpretations are involved.

The report also contains an annex, which includes parallel texts of the Charter and the Dumbarton Oaks proposals; a key to this comparison; the text of the Statute of the International Court; the text of the agreement on interim arrangements; and a complete list of delegations attending the San Francisco Conference.

(The report referred to follows:)

## REPORT TO THE PRESIDENT ON THE RESULTS OF THE SAN FRANCISCO CONFERENCE

(By the Chairman of the United States delegation, the Secretary of State, June 26, 1945)

SAN FRANCISCO, CALIF., *June 26, 1945.*

TO THE PRESIDENT OF THE UNITED STATES.

SIR: The United Nations Conference on International Organization met in San Francisco on the 25th day of April, 1945. At that time the war in Europe had lasted for more than five years; the war in the Pacific for more than three; the war in China for almost eight. Casualties of a million men, dead, wounded, captured, and missing had been suffered by the United States alone. The total military casualties of the nations which had fought the European war were estimated at some fourteen million dead and forty-five millions wounded or captured without count of the civilian dead and maimed and missing—a multitude of men, women, and children greater than the whole number of inhabitants of many populous countries. The destruction among them all of houses and the furniture of houses, of factories, schools, shops, cities, churches, libraries, works of art, monuments of the past, reached inexpressible values. Of the destruction of other and less tangible things, it is not possible to speak in terms of cost—families scattered by the war, minds and spirits broken, work interrupted, years lost from the lives of a generation.

Thirty years before the San Francisco Conference was called, many of the nations represented there had fought another war of which the cost in destruction had been less only than that of the present conflict. Total military casualties in the war of 1914-1918 were estimated at thirty-seven million men. Counting enemy dead with the dead among the Allies, and civilian losses with military losses, over thirteen million human beings, together with a great part of the work they had accomplished and the possessions they owned, had been destroyed. Many of the nations represented at San Francisco had

fought the second war still weakened by the wounds they suffered in the first. Many had lost the best of two succeeding generations of young men.

It was to prevent a third recurrence of this great disaster that the Conference of the United Nations was called in San Francisco according to the plans which Mr. Cordell Hull as Secretary of State had nurtured to fruition. The Conference had one purpose and one purpose only: to draft the charter of an international organization through which the nations of the world might work together in their common hope for peace. It was not a new or an untried endeavor. Again and again in the course of history men who have suffered war have tried to make an end of war. Twenty-six years before the San Francisco Conference met, the Conference at Paris, under the inspired and courageous leadership of Woodrow Wilson, wrote the Covenant of a League of Nations which many believed would serve to keep the peace. That labor did not gain the wide support it needed to succeed.

But the Conference at San Francisco, though it was called upon to undertake a task which no previous international conference or meeting had accomplished, met nevertheless with high hopes for the work it had to do. It did not expect—certainly no member of the American Delegation expected—that a final and definitive solution of the problem of war would be evolved. Members of the Conference realized, from the first day, that an evil which had killed some forty million human beings, armed and unarmed, within the period of thirty years, and which, before that, had ravaged the world again and again, from the beginning of history, would not be eradicated by the mere act of writing a charter, however well designed.

Nevertheless, the Conference at San Francisco had behind it the demonstrated capacity of its members to work together to a degree rarely if ever before attained by sovereign nations. Not only in the prosecution of a war fought on four continents and the waters and islands of every ocean under conditions of the greatest danger and difficulty, but in the preparation for the termination of the war and, more particularly, in the preparation for the organization of the post-war world to keep the peace, the principal Allies had established a working and workable collaboration without precedent in the history of warfare. At Moscow in 1943, the United States, the United Kingdom and the Soviet Union and China had made a pledge which still endures, to continue their united action "for the organization and maintenance of peace and security." At Dumbarton Oaks, these four Allies had reached agreement upon proposals for a world security organization, and later at Yalta, the United States, the United Kingdom and the Soviet Union had further extended the area of their common understanding to which China gave her full adherence. These proposals, immediately published for the criticisms and comments of the people of all the United Nations, became the basis of the work at San Francisco.

Furthermore, there was reason, in the nature of the San Francisco Conference itself, to hope that more could be accomplished there than had been possible at earlier meetings. The Conference called at San Francisco was not a peace-time conference summoned to debate the theory of international cooperation, or a post-war conference convened to agree upon a treaty. It was a war-time conference. Every

nation represented at San Francisco was in a state of war when the Conference began. Many were engaged throughout the weeks of its deliberation in bitter and costly fighting. Not only the peoples of the United Nations but the more than sixty million men and women enlisted still in the armed forces of those nations regarded the Conference, and had a right to regard it, as a meeting of *their* representatives engaged upon a labor of immediate importance and concern to *them*. It was a peoples' conference and a soldiers' conference in the sense that it met under the eyes of the soldiers who fought this war and the peoples who endured it, as no previous conference to deal with peace and war had ever met. It was a conference, also, which met in a world which knew of its own knowledge that another war would be fought, if there were another war, with weapons capable of reaching every part of the earth—that similar weapons had indeed been brought to the point of use in the present conflict.

These facts exerted a compelling influence not only on the work of the Conference but on the Charter it evolved. It was the common and equal determination of all those who participated in its labors that the Conference *must* reach agreement: that a charter must be written. The possibility of failure was never at any time admitted. It was the determination of the delegates, also, that the Charter which the Conference produced should be a charter which would attempt to meet and to satisfy the concern and the anxiety of those who had suffered war and who knew at first hand the realities of violence. It would be a charter which would combine, with a declaration of united purpose to preserve the peace, a realistic and suitable machinery to give that purpose practical effect.

The Charter drafted by the Conference at San Francisco is such a charter. Its outstanding characteristic and the key to its construction is its dual quality as declaration and as constitution. As declaration it constitutes a binding agreement by the signatory nations to work together for peaceful ends and to adhere to certain standards of international morality. As constitution it creates four overall instruments by which these ends may be achieved in practice and these standards actually maintained. The first function of the Charter is moral and idealistic: the second realistic and practical. Men and women who have lived through war are not ashamed, as other generations sometimes are, to declare the depth and the idealism of their attachment to the cause of peace. But neither are they ashamed to recognize the realities of force and power which war has forced them to see and to endure.

As declaration the Charter commits the United Nations to the maintenance of "international peace and security", to the development of "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples", and to the achievement of "international cooperation in solving international problems", together with the promotion and encouragement of "respect for human rights and for fundamental freedoms for all". More precisely, the United Nations agree to promote "higher standards of living, full employment, and conditions of economic and social progress and development; solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and universal respect for, and observance of, human rights and

fundamental freedoms for all without distinction as to race, sex, language, or religion”.

Further, in its capacity as declaration, the Charter states the principles which its Members accept as binding. “Sovereign equality” of the member states is declared to be the foundation of their association with each other. Fulfillment in good faith of the obligations of the member states is pledged “in order to ensure to all of them the rights and benefits resulting from membership” in the Organization. Members are to “settle their international disputes by peaceful means” and in such manner as not to endanger international peace and security, and justice. Members are to “refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”. At the same time Members bind themselves to give the Organization “every assistance in any action it takes” in accordance with the Charter, and to “refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action”.

Finally, the Charter as declaration binds those of its Members having responsibilities for administration of territories whose peoples have not yet attained the full measure of self-government, to recognize the principle “that the interests of the inhabitants of these territories are paramount” and to “accept as a sacred trust” the obligation to promote their well-being to the utmost.

These declarations of purposes and principles are notable in themselves. They state, without condition or qualification, a first and overriding purpose “to maintain international peace and security”. International peace and security are the essential conditions of the world increasingly free from fear and free from want which President Roosevelt conceived as the great goal and final objective of the United Nations in this war and for the realization of which he and Cordell Hull worked unceasingly through twelve of the most decisive years of history.

But neither these declarations, nor those others which assert the intention of the United Nations to bring about the economic and social conditions essential to an enduring peace, or to promote respect for human rights and fundamental freedoms, would suffice, in and of themselves, to meet the evil of war and the fear of war which the Conference at San Francisco was called to consider. What was needed, as the Charter itself declares, was machinery to give effect to the purpose to maintain the peace—“effective collective measures for the prevention and removal of threats to the peace”. What was needed, if the United Nations were really determined to have peace, was the means to peace—“to bring about by peaceful means . . . adjustment or settlement of international disputes”.

These means the Charter in its capacity as constitution undertakes to establish. It creates, in addition to its Secretariat and the Trusteeship Council with its specialized but vital functions, four principal overall instruments to arm its purposes and to accomplish its ends: an enforcement agency; a forum for discussion and debate; a social and economic institute through which the learning and the knowledge of the world may be brought to bear upon its common problems; an international court in which justiciable cases may be heard. The first is called the Security Council; the second, the General Assembly;

the third, the Economic and Social Council; the fourth, the International Court of Justice. Their functions are the functions appropriate to their names.

It will be the duty of the Security Council, supported by the pledged participation, and backed by military contingents to be made available by the member states, to use its great prestige to bring about by peaceful means the adjustment or the settlement of international disputes. Should these means fail, it is its duty, as it has the power, to take whatever measures are necessary, including measures of force, to suppress acts of aggression or other breaches of the peace. It will be the duty of the Security Council, in other words, to make good the commitment of the United Nations to maintain international peace and security, turning that lofty purpose into practice. To that end the Council will be given the use and the support of diplomatic, economic and military tools and weapons in the control of the United Nations.

It will be the responsibility of the General Assembly to discuss, debate, reveal, expose, lay open—to perform, that is to say, the healthful and ventilating functions of a free deliberative body, without the right or duty to enact or legislate. The General Assembly may take up any matter within the scope of the Charter or relating to the powers and functions of any organs provided in the Charter. It may discuss the maintenance of peace and security and make recommendations on that subject to the Security Council calling its attention to situations likely to endanger peace. It may initiate studies and make recommendations for the purpose of promoting international cooperation in the maintenance of peace and security. It is charged with the duty of assisting in the realization of human rights and fundamental freedoms and encouraging the development and codification of international law. It may debate any situation, regardless of origin, which it thinks likely to impair the general welfare, and recommend measures for its peaceful adjustment. It may receive and consider reports from the various organs of the United Nations, including the Security Council.

Stated in terms of the purposes and principles of the Charter, in other words, it is the function of the General Assembly, with its free discussion and its equal votes, to realize in fact the "sovereign equality" of the member states to which the United Nations are committed and to develop in practice the "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples" which the chapter on Purposes names as its second objective. Furthermore, it is the function of the Assembly to realize in its own deliberations the "international cooperation in the solution of international problems" which the Charter recites as one of its principal aims, and to employ the weapon of its public debates, and the prestige of its recommendations, to promote and encourage "respect for human rights and for fundamental freedoms".

The relation of the Economic and Social Council to the stated purposes of the United Nations is similarly direct and functional. The attainment of the ends which the United Nations lists among its Purposes in economic, social, health and other related fields, requires expert knowledge and careful study and the development of collaborative programs of action. The instrument devised by the Charter to that end is a Council in the economic and social field acting under the

general responsibility of the Assembly and consisting of representatives of eighteen states.

The Economic and Social Council is empowered to make and initiate studies in its field, to frame reports and to make recommendations on its own initiative not only to the General Assembly, but to the Members of the Organization and to the specialized agencies in the fields of economics, health, culture, labor, trade, finance, human rights, and the like, which will be associated with the United Nations under the Council's coordination. Furthermore, the Council is authorized to call international conferences "on matters falling within its competence"; to prepare, for submission to the General Assembly, "draft conventions" in this field; "to perform services at the request of Members of the United Nations and at the request of specialized agencies"; and to obtain reports from the member states and from the specialized agencies on steps taken to give effect to its recommendations and those of the General Assembly. In a field of interest which concerns the peoples of the world as directly as the field of social and cultural and economic improvement, the power to study, report and recommend—the power to call conferences, prepare draft conventions and require reports of progress—is a power which can be counted on to go a long way toward translating humanitarian aspirations into human gains.

The role of the International Court of Justice in the realization of the objectives of the Charter is obvious from the general nature of the Court. The purposes of the Charter include the adjustment or settlement of international disputes "in conformity with the principles of justice and international law". The International Court of Justice is the instrument of the United Nations to effect this purpose in the case of justiciable disputes referred to the Court by the parties. Where disputes are referred to the Court, or where member states accept the compulsory jurisdiction of the Court in certain categories of cases, its decisions are, of course, binding upon the parties. Moreover, under the Charter, all members of the United Nations undertake to comply with the decisions of the Court. Where a party to a case decided by the Court fails to comply with its decision, the matter may be brought to the attention of the Security Council for appropriate action.

These four overall instruments of international action constitute the principal means by which the Charter proposes to translate the world's hope for peace and security into the beginning of a world practice of peace and security. There are other instruments, adapted to other and more special ends. There is the Trusteeship Council, which will have the heavy responsibility of attaining in non-strategic areas the objectives of the trusteeship system established by the Charter. There is the Secretariat which, as an international civil service responsible to the Organization alone, will constitute its staff. The Security Council, the General Assembly, the Economic and Social Council and the Court are, however, the principal tools through which, and by which, the general aims and purposes of the Charter would be carried out.

They are instruments admittedly of limited powers. The jurisdiction of the Court is not compulsory unless accepted as such by member states. The Assembly cannot legislate but merely discuss and recommend. The Security Council is obliged, when force is used, to act through military contingents supplied by the member states. Meas-

ured against the magnitude of the task to which the United Nations have committed themselves and considered in the light of the long history of previous failures in this undertaking, such limited instruments may seem inadequate to the labor to be done. They have, nevertheless, characteristics which justify a greater hope for their success than the extent of the powers delegated to them would imply. They have behind them the history of humanity's long effort to suppress, in other areas of life, disorder and anarchy and the rule of violence. These four instruments are, in effect, the four principal agencies through which mankind has achieved the establishment of order and security as between individuals and families and communities.

On the frontiers of democratic society—not least upon the American frontiers—the instruments of order have always been, in one form or another, an agency to enforce respect for law with moral and physical power to prevent and to suppress breaches of the peace; a court in which the differences and disagreements of the citizens could be heard and tried; and a meeting place where the moral sense of the community could be expressed and its judgments formed, whether as declarations of law or as declarations of opinion. To these three fundamental and essential instruments of order, time and the necessities of advancing civilization have added a fourth institution through which technical knowledge and accumulated experience can be brought to bear upon the social and economic problems of society—problems with which learning and science and experience can effectively deal.

These four fundamental instruments—the enforcement officer, the Court, the public meeting, and the center of science and of knowledge—are instruments to which free men are accustomed. They are instruments in the use of which self-governing men have become adept over many generations. They are instruments the efficacy of which has been demonstrated by the whole history of human civilization. Their establishment in the international world, though accompanied by limitations upon their scope, will not alter their quality nor diminish their prestige. To transplant vines and trees from familiar to unfamiliar environments, is necessarily to cut them back and prune them. To transplant social organisms from the world of individual and group relations to the world of international relations, is necessarily also to limit them and cut them back. Nevertheless, instruments of proven social value taken over from the domestic to the international world carry with them qualities of vigor and of fruitfulness which the limitations placed upon them by their new condition cannot kill. They have behind them an historical momentum and a demonstrated usefulness which means far more, in terms of ultimate effectiveness, than the precise legal terms by which they are established in their new environment.

Moreover, if the work of cutting back is done realistically, the chances of survival are increased. The four social instruments taken over by the United Nations have been adapted to the conditions of the actual world of international relationship with a realistic appreciation of the limiting factors to be faced. The Security Council is not the enforcement agency of a world state, since world opinion will not accept the surrender of sovereignty which the establishment of a world state would demand. The Security Council, therefore, depends



upon the sovereign member states for the weapons both of persuasion and to force through which it will attempt to keep the peace. But its dependence upon the member states is realistically adapted to the situation of the member states. The Council is to use the power of the member states in accordance with the realities of the distribution of power. The voting procedure of the Security Council is expressive of the actualities of the possession and the exercise of power in the modern world. The five principal military powers of our time are made permanent members of the Council. Furthermore, in order that their possession of power and their use of power may be made to serve the purpose of peace, it is provided that they shall exercise their power only in agreement with each other and not in disagreement.

A similarly realistic acceptance of the facts of the actual world limits the General Assembly to discussion and deliberation without the power to legislate, since the power to legislate would necessarily encroach upon the sovereign independence of the member states. So too the Economic and Social Council has no power or right to interfere with the domestic affairs of the states composing the United Nations. And for the same reason the jurisdiction of the Court is limited. These adaptations to the realities of the existing situation in the contemporary world do not decrease, but on the contrary increase, the likelihood that the instruments borrowed by the Charter of the United Nations from the history of the ancient struggle for peace and order among individual men will serve their purpose in the newer struggle for peace and order among nations.

Upon the belief that the Charter as Constitution will furnish effective means for the realization of the purposes fixed by the Charter as Declaration; and upon the belief that the Charter as Declaration will set noble and enduring goals for the work of the Charter as Constitution, I base my firm conviction that the adoption of the Charter is in the best interests of the United States and of the world.

If we are earnestly determined, as I believe we are, that the innumerable dead of two great holocausts shall not have died in vain, we must act in concert with the other nations of the world to bring about the peace for which these dead gave up their lives. The Charter of the United Nations is the product of such concerted action. Its purpose is the maintenance of peace. It offers means for the achievement of that purpose. If the means are inadequate to the task they must perform, time will reveal their inadequacy as time will provide, also, the opportunity to amend them. The proposals of the Sponsoring Powers on which the Charter is based were published to the world six months before the Conference to consider them convened. In these six months the opinion of the world was brought to bear upon their elements. Subsequently, at the Conference itself, every word, every sentence, every paragraph of the Charter's text was examined and reconsidered by the representatives of fifty nations and much of it reworked. For the first time in the history of the world, the world's peoples directly, and through their governments, collaborated in the drafting of an international constitution. What has resulted is a human document with human imperfections but with human hopes and human victory as well. But whatever its present imperfections, the Charter of the United Nations, as it was written by the Conference of San Francisco, offers the world an instrument by which a real beginning may be made

upon the work of peace. I most respectfully submit that neither we nor any other people can or should refuse participation in the common task.

EDWARD R. STETTINIUS, Jr.

## INTRODUCTION

### UNITED STATES PREPARATION FOR THE CONFERENCE

With the outbreak of war in Europe it was clear that the United States would be confronted, after the war, with new and exceptionally difficult problems. Whether or not we became a belligerent, it was inevitable that we would be drawn into situations created by the war and its aftermath. Special facilities were obviously required to deal with the enlarged responsibilities of the Department of State. Accordingly, a Committee on Post-War Problems was set up before the end of 1939 to analyze developments which were likely to influence the post-war foreign relations of the United States. The Committee consisted of high officials of the Department of State. It was assisted by a research staff, which, in February, 1941, was organized into a Division of Special Research.

The work on post-war problems was greatly enlarged and intensified after the attack on Pearl Harbor. By direction of the President, the research facilities were rapidly expanded, and the Departmental Committee on Post-War Problems was reorganized into an Advisory Committee on Post-War Foreign Policies.

The new Committee was headed by Secretary Cordell Hull as Chairman. Under Secretary Sumner Welles was Vice Chairman. The membership of the Committee consisted of Assistant Secretaries of State Dean Acheson, Adolf A. Berle, Jr., and Breckinridge Long; of high officials of other Departments of the Government; of a number of members of Congress; and of a group of distinguished experts from outside the Government. The Congressional group included, from the Senate Committee on Foreign Relations, the Honorable Tom Connally of Texas, the Honorable Walter F. George of Georgia, the Honorable Elbert D. Thomas of Utah, the Honorable Warren R. Austin of Vermont, and the Honorable Wallace H. White, Jr. of Maine, and, from the House Committee on Foreign Affairs, the Honorable Sol Bloom of New York, the Honorable Luther A. Johnson of Texas and the Honorable Charles A. Eaton of New Jersey. The group from outside the Government included Mr. Hamilton Fish Armstrong, Mr. Isaiah Bowman, Mr. Norman H. Davis, Mrs. Anne O'Hare McCormick, Mr. James T. Shotwell, and Mr. Myron C. Taylor. Other officials of the Department of State participated continuously in the work of the Committee. These included Mr. Green H. Hackworth, Mr. James Clement Dunn, and Mr. Leo Pasvolsky, the latter serving as the Committee's Executive Officer and Director of Research.

The Advisory Committee had a number of Subcommittees, including one on Political Problems, presided over by the Secretary or the Under Secretary of State; one on Security Problems, presided over by Mr. Davis; one on Territorial Problems, presided over by Mr. Bowman; and one on Economic Problems, presided over by Mr. Taylor.

The Advisory Committee and its Subcommittees had a broad and comprehensive program of work, embracing all of the important

aspects of post-war foreign policy. The execution of its assignment required on the part of the Department of State constant contact with the other Departments and agencies of the Government, as well as with the Congress. In this way international conferences were prepared and machinery created for the solution of such problems as relief and rehabilitation, food and agriculture, and aviation. The important Bretton Woods Conference, in which the Treasury Department took a leading role, dealt with problems in the monetary and financial field. The question of the post-war treatment of enemy states was under continuing study in the Departments of State, War and Navy. At the same time, work was carried forward in many other fields.

From the very beginning, however, the problems of post-war peace and security organization were paramount. In the Atlantic Charter, four months before Pearl Harbor, President Roosevelt and Prime Minister Churchill focused the world's attention on the supreme need for "a peace which will afford to all nations the means of dwelling in safety within their own boundaries" and for the "establishment of a wider and permanent system of general security." On January 1, 1942, all of the nations then at war with the Axis, by signing the Declaration by United Nations, affirmed their adherence to the purposes and principles of the Atlantic Charter. It was the task of the Department of State, of its various Committees and of the other Departments of the Government associated with it, to devise ways and means by which the United States could make its contribution toward the translation of these high purposes and ideals into an institutional structure of organized international relations.

The work involved finding answers to many difficult questions and problems. There was need, first of all, for fundamental decisions as to whether or not United States membership in a strong international organization should be recommended, and, if so, on what terms and in what kind of organization. A particularly difficult question was whether there should be a single organization for international security and the advancement of human welfare, or whether the security organization and the organization for the improvement of economic and social conditions should be separate.

Another recurring problem was that of regional arrangements. What should be their relation to the world organization? Should the world organization be built on regional arrangements, or, on the contrary, should regional arrangements be built into a world organization deriving its authority from individual states?

There were many other problems to be considered. Granted that the organization was to have a general assembly and a security council, what should be the difference between the functions of the two, and what should be their relations to each other? Should the council be an executive committee of the assembly or a separate body? Should the organization be empowered to employ force for purposes of peace and security? If so, should it have an international police force of its own, or should it rely on military contingents supplied by the several states? What should be the relation of the World Court to the organization; should it be one of its branches or a separate organ?

These and many other questions raised in part by the experience of the League of Nations and in part by the nature of the problem

of international organization as such, occupied the Department and its Committees from the beginning of the work to its end.

By the middle of 1943, a question of the highest importance came to the fore. It was that the principal United Nations were fully resolved to carry the war to a successful conclusion, and military developments on the Eastern front, in the Mediterranean, and in the Pacific made it apparent that their victory was only a matter of time, steadfastness of purpose, and intensity of effort. In all of the United Nations public opinion was moving strongly in support of post-war arrangements to maintain the peace. In the United States, public opinion with reference to our participation in an international security organization was developing rapidly under Congressional leadership. The Fulbright Resolution was introduced in April, 1943. The Ball-Burton-Hatch-Hill Resolution, the Connally Resolution and others were also introduced during the summer and fall of 1943. In September of that year, the Republican Party adopted its important Mackinac Declaration.

It was in these circumstances that, by direction of President Roosevelt, Secretary Hull went to Moscow for the first meeting of the Foreign Ministers of the United States, the United Kingdom, and the Soviet Union. Out of that meeting came a clear and unequivocal answer of the principal Allies as to their intentions after the war. In a ringing declaration, to which China was a party, the four powers proclaimed their determination to continue, after the war, the close cooperation which had characterized their war effort; their recognition of the fact that the maintenance of international peace and security after the war would require the creation of an international organization, open to membership by all peace-loving states, large and small; and their resolve to work together for the creation of such an organization. The Moscow Declaration was confirmed and strengthened, at Cairo and Teheran, by the joint statements of the heads of government of the four nations.

The ideas and even many textual expressions which went into the Moscow Declaration were developed in the course of the Department's work and in the continuing discussions which took place, especially in the Subcommittees on Political Problems and on Security Problems referred to above.

The emphasis in the Moscow Declaration on the desirability of establishing a world security organization "at the earliest practicable date" served as a renewed impetus for the work being done by our Government and by the governments of the other principal United Nations. The Advisory Committee had already completed, in the political field, its extremely valuable general review of post-war problems. The time had come to set up in the Department committees of a more technical character. One of these committees was specifically charged with the preparation of concrete proposals for an international peace and security organization of the kind envisaged in the Moscow Declaration.

Building on the immense amount of materials gathered and prepared in connection with the work of the Advisory Committee and its Subcommittees, the new Committee proceeded to formulate a set of concrete proposals for eventual transmission to the other governments as a basis for further four-nation discussions contemplated at the Moscow Conference. The work was done under the immediate

direction of Secretary Hull and Under Secretary Stettinius. Its results were, at various stages, submitted to the President for his approval. By midsummer of 1944 the main ideas had become sufficiently crystallized to enable the President, on June 15 of that year, to issue a statement giving a basic outline of the kind of international organization the Government of the United States considered desirable.

At various times during this period, Secretary Hull consulted with a non-partisan group of members of the Senate Committee on Foreign Relations, including the Honorable Tom Connally of Texas, Chairman of the Committee, the Honorable Walter F. George of Georgia, the Honorable Alben W. Barkley of Kentucky, the Honorable Guy M. Gillette of Iowa, the Honorable Elbert D. Thomas of Utah, the Honorable Arthur H. Vandenberg of Michigan, the Honorable Wallace H. White, Jr., of Maine, the Honorable Warren R. Austin of Vermont, and the Honorable Robert M. La Follette, Jr., of Wisconsin, as well as with a non-partisan group of members of the House of Representatives, including the Honorable Sam Rayburn of Texas, Speaker of the House, the Honorable Sol Bloom of New York, Chairman, Committee on Foreign Affairs, the Honorable John W. McCormack of Massachusetts, Majority Leader, the Honorable Robert Ramspeck of Georgia, Majority Whip, the Honorable Joseph W. Martin, Jr., of Massachusetts, Minority Leader, the Honorable Charles A. Eaton of New Jersey, Ranking Minority Member, Committee on Foreign Affairs, and the Honorable Leslie C. Arends of Illinois, Minority Whip. From time to time, Secretary Hull also consulted with other Congressional leaders and with outstanding experts outside the Government.

From the latter part of 1942, there was another feature of the Department's work which proved to be of very great value. In order to make possible an overall review and direction of the many activities that were being carried on in the various fields by the Department itself and by its Committees, President Roosevelt and Secretary Hull established a small informal steering group, which consisted of Secretary Hull, Under Secretary Welles, Mr. Green H. Hackworth, Mr. James Clement Dunn, Mr. Norman H. Davis, Mr. Myron C. Taylor, Mr. Isaiah Bowman, and Mr. Leo Pasvolksky. In September of 1943, Mr. Stettinius, upon becoming Under Secretary of State, replaced Mr. Welles as a member of this group. The group met frequently with Secretary Hull and from time to time with the President. The discussions were informal and wide-ranging. Sometimes they included the critical examination of prepared memoranda, more often they dealt with the broad perspective of major policy questions. They kept the planning and thinking of the technical staffs and of the specialized committees closely coordinated with the highest political judgments.

#### DUMBARTON OAKS CONVERSATIONS

On July 18, 1944, an American draft proposal which had resulted from more than two years of study and consultation, was submitted to the British, Soviet and Chinese Governments. Shortly thereafter, these governments submitted corresponding papers to the Department of State. The four documents taken together constituted the basis of the Dumbarton Oaks conversations which took place in Washington

from August 21 to October 7, 1944, in accordance with an understanding reached at the Moscow Conference that conversations of this type among representatives of the four governments would be held as soon as practicable. The Dumbarton Oaks Proposals, which resulted, are printed in Appendix A of this Report. They are shorter and less detailed than the American draft of July 18 but are otherwise essentially similar. At the same time they expressed the most essential views of the other consulting powers.

The Dumbarton Oaks Proposals did not constitute in any sense a complete Charter for the proposed international organization. Rather they set forth the essential structural framework of an organization consisting basically, as its four main pillars, of a General Assembly, a Security Council, an Economic and Social Council, and an International Court of Justice. That organization was to be based on the principle of sovereign equality of all peace-loving states and was to be open to participation by all such states, large and small. It was to provide for the maintenance of international peace and security and for the creation of conditions of stability and well-being necessary for the maintenance of peace. The Dumbarton Oaks Proposals also set forth the basic obligations and responsibilities in all these fields which would have to be assumed by all participating states if the projected organization was to be effective. They were intended to serve as a basis for a general conference of all United Nations at which the entire structure would be developed more fully and a definitive Charter would be written.

There were several questions which were left open at Dumbarton Oaks and on which agreement was necessary at a high political level. The most important of these related to the voting procedure in the Security Council, agreement on which was finally reached at the Crimea Conference in February 1945.

Another was the question of the treatment of non-self-governing territories and particularly the possible functions of the projected organization in the field of trusteeship responsibility with respect to some such territories. An immense amount of work in this field had been done in the Department and by its committees, and the subject was discussed with the other governments concerned on several occasions. It was not, however, until the Crimea Conference that agreement was reached to include this particular question on the agenda of the general conference.

The Crimea Conference thus opened the way for the San Francisco Conference. Between the two meetings, the work of preparation moved from the hands of committees and officials into those of the Delegation and its advisers.

During the six months immediately preceding the San Francisco Conference there was another and highly important phase of preparation. In an unprecedented action by the four powers represented at Dumbarton Oaks, the proposals there evolved were immediately published for world comment and criticism, prior to the discussion of them at the proposed conference of the United Nations. It is doubtful whether the democratic process has ever before been applied so broadly and so directly to a developing problem in the field of international relations.

Moreover, the result more than justified the confidence of President Roosevelt and his associates. Public discussion produced criticisms

and suggestions of great value to the development of the Charter. Within the United States, the Department of State distributed approximately 1,900,000 copies of the text of the Dumbarton Oaks Proposals. It also responded, within the limits of time and manpower, to the public demands made upon it for information about the text. Officers of the Department accepted some 260 speaking engagements, out of many times that number of invitations, from organizations of all kinds—schools, labor unions, church groups, women's clubs, associations of all kinds throughout the country. In addition, at the invitation of the motion picture industry and of one of the principal broadcasting companies, motion picture films and a radio series relating to the Proposals were prepared. The public response, estimated in number of inquiries, was impressive. Letters to the Department relating to the Dumbarton Oaks Proposals reached a weekly peak of about 20,000 by the month of April.

#### THE UNITED STATES DELEGATION AND CONSULTANTS AT SAN FRANCISCO

The second, or public, phase of the preparation for the San Francisco Conference did not end with the consideration of the comments and criticisms evoked by the Dumbarton Oaks Proposals. On the contrary, the public discussion of the question led directly to a development which was not only an innovation in the conduct of international affairs by this Government but also, as events proved, an important contribution to the Conference itself. As a direct result of public discussion of the Proposals, forty-two national organizations were invited to send representatives to San Francisco to serve as Consultants to the United States Delegation. Included among them were leading national organizations in the fields of labor, law, agriculture, business, and education together with principal women's associations, church groups, veterans' associations and civic organizations generally. (A list of the organizations and their representatives is printed in Appendix D.)

The purpose of inviting these Consultants was to inform them of the work of the Conference and of the United States Delegation and to secure their opinions and advice. Regular meetings were held with the Chairman and members of the United States Delegation, and a liaison staff kept the Consultants in continuing contact with the documentation of the Conference and with information about it. As subsequent Chapters of this Report will indicate, the Consultants were largely instrumental in the introduction into the final Charter of certain important provisions. Their presence in San Francisco meant that a very large body of American opinion which had been applying itself to the problems of international organization played a direct and material part in drafting the constitution of the United Nations.

In addition to the forty-two organizations represented through Consultants, a number of other organizations sent representatives to San Francisco, for whom special liaison facilities were maintained near the Veterans Building and the Opera House. Meetings of this larger group were also addressed by members of the United States Delegation and others particularly informed as to the work of the Conference.

The official United States Delegation to the San Francisco Conference was named by President Roosevelt on February 13, 1945, in the course of the Yalta Conference. On that day, President Roosevelt

stated that the United Nations Conference on International Organization would be held in San Francisco on April 25 and that the United States would be represented by the Honorable Edward R. Stettinius, Jr., Secretary of State; the Honorable Cordell Hull, former Secretary of State; the Honorable Tom Connally, United States Senator from Texas and Chairman of the Senate Committee on Foreign Relations; the Honorable Arthur H. Vandenberg, United States Senator from Michigan and member of the Senate Committee on Foreign Relations; the Honorable Sol Bloom, Member of Congress from New York and Chairman of the House Committee on Foreign Affairs; the Honorable Charles A. Eaton, Member of Congress from New Jersey and ranking minority member of the House Committee on Foreign Affairs; Commander Harold E. Stassen, U. S. N. R., former Governor of Minnesota; and Miss Virginia Gildersleve, Dean of Barnard College, New York City.

The United States Delegation met for the first time in the office of the Secretary of State on March 13, 1945. During the next five weeks the Delegation held twelve meetings, in the course of which members of the Department of State and of the committees which had worked on the problem of peace and security reported upon the preparatory work which had been done in the Department and in consultation with other governments. In these meetings the United States Delegation reviewed the Dumbarton Oaks Proposals as well as the discussions from which they resulted and examined its own position with reference to comments upon the proposals and criticisms of them received by the Department following their publication.

The Delegation was aided in this work by the group of advisers whose names are printed in Appendix D of this Report. Included among them were the principal advisers to the Delegation who worked continuously with it from the beginning of its studies to the completion of its deliberations in San Francisco. These included Assistant Secretary of State James Clement Dunn; Mr. Green H. Hackworth, Legal Adviser to the Department of State; Mr. Leo Pasvolosky, Special Assistant to the Secretary of State; and Mr. Isaiah Bowman and Mr. Hamilton Fish Armstrong, Special Advisers to the Secretary of State, Mr. John Foster Dulles joined the group of principal advisers before the departure of the Delegation from Washington. Both in the Delegation's preparatory work in Washington and during the Conference, military advisers headed by the Honorable John J. McCloy, Assistant Secretary of War, and the Honorable Artemus Gates, Assistant Secretary of the Navy, sat regularly with the Delegation in San Francisco, particularly for the consideration of military and security questions.

Throughout the preliminary part of its work the Delegation met several times in the White House with President Roosevelt, and later with President Truman, to discuss the more important questions of policy raised in the course of its deliberations. By the time of its final meeting in Washington on April 18, the Delegation had prepared its recommendations for President Truman with respect to modifications in the text of the Dumbarton Oaks Proposals and additional problems.

The first meeting of the United States Delegation in San Francisco was held on April 23, 1945, two days before the opening of the Conference, at the Delegation's headquarters in the Fairmont Hotel.



Between then and the end of the Conference on June 26, the Delegation met together a total of some sixty-five times. While each of the members of the Delegation, their advisers and the technical experts was assigned to one or more of the committees which conducted the substantive work of the Conference, the position taken by the United States on specific issues coming before the committees was established in advance after full deliberation at Delegation meetings.

During the early stages of the Conference, the principal work of the Delegation was to review the decisions taken by it in Washington in the light of further suggestions made by other governments for changes in the Dumbarton Oaks Proposals. After the position of the Delegation on these suggestions had been established, they were then discussed with the Delegations of the other Sponsoring Powers, and these consultations also took into account the new suggestions of the consulting governments themselves. Between April 25 and May 4, such a remarkable degree of unanimity was reached among the four Delegations concerned that they were able to present jointly to the Conference their unanimously approved suggestions for some thirty amendments to the Dumbarton Oaks Proposals. Throughout the remainder of the Conference, this extremely fruitful consultative procedure between the great powers (France having been subsequently added to the consulting group) was followed on all major issues of the Conference to the point where either a unanimous position was established between them on particular Conference issues, or, in a few instances, agreement was reached between them to pursue their own courses in the committee discussions. In this way, the great powers were able to assist in expediting the work of the Conference and in resolving many of the most difficult problems that were presented to it. The meetings between the great powers were attended by all or nearly all of the members of the United States Delegation; their principal advisers, and appropriate technical experts, as well as by corresponding representatives of the other Delegations involved.

In arriving at their conclusions on all of the matters that came before them in connection with the Conference, the members of the Delegation retained complete freedom of action and judgment while at the same time agreeing that, in the case of differences of opinion, the position of the Delegation should be determined by a majority vote. The confidence of the Chairman of the Delegation, expressed in its first meeting when he stated his conviction "that while free in pursuing our personal views and convictions, we shall be able to work as one team", was abundantly justified. In fact, the United States Delegation was successful in achieving throughout its long and difficult labors a spirit of cooperation and a degree of unanimity which were remarked by all who were familiar with its work.

Altogether, the preparation for the United Nations Conference on International Organization was planned, organized and executed so as to bring to bear upon the unresolved problem of the organization of the world for peace the experience and resources of the entire Government and people. In the actual labor of the Conference as well as in the preparation which preceded it, the American press, radio and motion pictures played an important part. Once the nation was committed, through the publication of the Dumbarton Oaks

Proposals, to a wholly democratic procedure in the discussion of the question of world organization, it was essential that the people should be fully informed of the problem before them and of the proposals presented for its solution. Only thus was it possible to carry through a program of democratic collaboration to which Franklin Delano Roosevelt and Cordell Hull had given inspiring leadership worthy of the best traditions of this nation.

#### NAME

The United Nations was the title proposed in the Dumbarton Oaks Proposals for the general international organization. This title, suggested by President Roosevelt, was taken from the Declaration of January 1, 1942, which formally brought the United Nations into being. By the time the San Francisco Conference opened, forty-seven nations had signed this Declaration.

The United Nations in their Declaration affirmed that complete victory over the common enemies was essential to the defense of life, liberty, independence, and religious freedom, and the preservation of human rights and justice. To achieve this victory, each signatory pledged its full resources in the war and agreed not to make a separate armistice or peace. The signatories of the Declaration also subscribed to the common long term program of purposes and principles embodied in the Atlantic Charter, the central goal of which is the establishment of a peace "which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want". Thus, the name, the United Nations, has been associated from the beginning with complete victory over the common enemies and the establishment of future peace and security.

Some delegations at the San Francisco Conference were not at first entirely satisfied with the United Nations as a title for the proposed organization. They felt that the name of a group of states bound together in wartime alliance was not appropriate for an international organization to maintain future peace and security, an organization which would in time include some of the states which have been or are now enemies of the United Nations. It was also felt it would be difficult to find an equivalent in certain languages.

In the discussions at San Francisco the United States Delegation held firmly to the title proposed in the Dumbarton Oaks Proposals. The Delegation took the position that the war had been successfully prosecuted under the banner of the United Nations; that good fortune attaches to this name; and that we should go forward under it to realize our dreams of the peace planned by the President who conceived the phrase. Other delegations also supported the title on the ground that we of the United Nations intend to stand together in peace for the same principles we fought for together in war. Furthermore, they said, the name will be no less appropriate in the future when vanquished nations are considered for membership, since they will be obliged to accept United Nations standards of conduct before they can be admitted. Numerous delegations, moreover, supported the choice of the title, the United Nations, as a tribute to its originator. Acting upon the overwhelming sentiment in favor of that name, the Conference Committee which considered this subject adopted it unanimously and by acclamation.

## PREAMBLE

The Preamble introduces the Charter. It seeks to strike the key-notes of the Organization. In general language it expresses the common intentions, the common ideals which brought the United Nations together in conference at San Francisco and inspired their work.

No preamble was drafted at Dumbarton Oaks. The participating nations felt that it was not feasible to prepare a preamble until after the provisions of the Charter for the general international organization were generally agreed upon with the other nations concerned. It was felt that a meaningful preamble expressing the real intentions and controlling motives that brought all the peoples of the United Nations together to establish the Organization could emerge only from discussions among representatives of those nations.

At the beginning of the San Francisco Conference Field Marshal Smuts of South Africa proposed that there should be a preamble to the Charter and submitted a draft which is the basis of the text finally adopted. The draft included a declaration of human rights and of the common faith which sustained the peoples of the United Nations in their bitter and prolonged struggle for the vindication of those rights and of that faith. It expressed the thought that our war had been for the eternal values which sustain the spirit of men and that we should affirm our faith not only as our high consideration and guiding spirit in the war but also as our objective for the future.

The opening words of the Preamble, and therefore of the Charter, are modelled upon the opening words of the Constitution of the United States—"We the peoples of the United Nations". The Delegation of the United States proposed these words which in our history express the democratic basis on which government is founded. These words also express our concern for the welfare of the peoples of the world and our confidence that they are "coming into their own". Although no other treaty among nations had thus sought to speak for the peoples of the world instead of merely for their governments, the proposal of the United States Delegation was received with general satisfaction. This was in a very real sense a peoples' conference but the peoples of the world act through governments and the Preamble closes with the statement that the respective governments, through their representatives assembled in San Francisco, have agreed to this Charter.

The committee of the Conference charged with the formulation of the Preamble and with the chapters stating the Purposes and the Principles of the United Nations, found some difficulty in distributing among these three sections of the Charter the basic ideas upon which it is founded. The Preamble is an integral part of the Charter but the obligations of the Members are to be found in other portions of the text. Although the legal force to be attributed to a preamble of a legal instrument differs in different systems of law, the Conference did not doubt that the statements expressed in the Preamble constitute valid evidence on the basis of which the Charter may hereafter be interpreted.

The words of the Preamble need no special analysis here. The thoughts behind them—from the appeal to save the future from the scourge of war, through references to respect for obligations arising

from treaties, on to the establishment of institutions to translate ideals into realities—all these run through and inspire the succeeding chapters of the Charter.

## PURPOSES AND PRINCIPLES OF THE ORGANIZATION

### (Chapter I)

#### PURPOSES

Article 1 gives the Purposes of the Organization; it defines the objectives. The Purposes, as the report of a Committee of the Conference says, "are the aggregation of the common ends" on which the minds of the delegates met. Hence, they are "the cause and object of the Charter to which member states collectively and severally subscribe." The Purposes are binding on the Organization, its organs and its agencies, indicating the direction their activities should take and the limitations within which their activities should proceed.

The first purpose of the Organization is: "To maintain international peace and security". It was set out originally in the Moscow Declaration of October 30, 1943, and continuously asserted throughout the preparations that led up to the San Francisco Conference. That purpose, repeated in the Dumbarton Oaks Proposals, stands unchanged in the Charter that emerged from San Francisco. There are no conditions and no qualifications. The United States feels and has maintained that without international peace and security the peoples of the world could not be free from fear or free from want—that the fundamental freedoms could be enjoyed only if international peace and security were assured. The events of the past decade bear tragic testimony to the correctness of this point of view.

In the maintenance of international peace and security the Organization is authorized to proceed along three broad lines.

First, the Organization is authorized to bring about by peaceful means, and in conformity with the principles of justice and international law, the adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

Second, it is empowered to take effective collective measures to prevent and to remove threats to the peace. The Organization is expected to inform itself of potentially dangerous situations in advance of the actual outbreak of violence and to employ appropriate measures to deal with them.

Third, the Organization is empowered to take effective collective measures to suppress acts of aggression or other breaches of the peace. We in the United States have long held that unless an international organization has force available, to be used if necessary, the organization can never be effective. The attitude of the people of the United States on this subject was expressed in 1943, when, by overwhelming nonpartisan majorities, the Fulbright Resolution passed the House of Representatives and the Connally Resolution was adopted by the Senate of the United States.

These three procedures for maintaining international peace and security have been supported by the United States since the beginning of its studies in connection with the establishment of a general international organization. They were embodied in the Dumbarton Oaks Proposals and were incorporated in the Charter substantially as they

were drafted in the Proposals. An exception is the addition of the phrase "in conformity with the principles of justice and international law", which was added at San Francisco to meet the wishes of those who felt that the reference to law and justice should be explicit rather than implicit as in the Dumbarton Oaks Proposals.

The purpose to maintain international peace and security is not wholly expressed, however, in the procedures for pacific settlement, preventive action and enforcement measures. The Organization also has the purpose and is empowered to take positive and affirmative action to assist in bringing about the conditions essential for peace throughout the world and for its enjoyment. The Dumbarton Oaks Proposals included such a positive purpose for the Organization. Following the pattern set in those Proposals, there is stated in Article 1 the purpose of the Organization to achieve cooperation among nations in solving international problems of an economic, social, cultural, or humanitarian character. At San Francisco a number of delegations favored even further enumeration of the types of problems with which the Organization would have inevitably to concern itself in its efforts to promote conditions conducive to peace. Following discussion, however, it was considered preferable to rely on the broad statement of purposes in general terms that would cover the appropriate problems.

The Dumbarton Oaks Proposals contained a statement in the Chapter on Economic and Social Cooperation that the Organization should promote respect for human rights and fundamental freedoms. Many people in this country and throughout the world expressed the hope that this purpose of the Organization could be given more emphasis and be spelled out more completely in the Charter. It was therefore proposed at San Francisco by the four Sponsoring Powers—the United States, the United Kingdom, the Soviet Union and China—and it was agreed by the Conference, that the reference to human rights should be brought forward and stated prominently in the first Chapter among the purposes of the Organization. It was also agreed, on the suggestion of the Sponsoring Powers, that the statement with respect to human rights and fundamental freedoms in the Dumbarton Oaks text should be amplified to provide that the Organization would seek to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion".

As in the case of the economic, social, cultural, and humanitarian problems with which the Organization may deal, "human rights and fundamental freedoms" are not enumerated or spelled out. The United States Delegation has, however, made clear its understanding that the "fundamental freedoms" include freedom of speech and that freedom of speech involves, in international relationships, freedom of exchange of information.

The Sponsoring Powers also proposed that it should be the purpose of the United Nations to develop friendly relations among nations on the basis of "respect for the principle of equal rights and self-determination of peoples".

This purpose has a prominent place in the Atlantic Charter. It corresponds also to the desire of people everywhere. Its inclusion in the Charter expressed the wishes not of the Sponsoring Powers alone but of other nations as well.

A final purpose of the United Nations is "to be a center for harmonizing the actions of nations in the attainment of these common ends". This purpose was stated in substantially the same terms in the Dumbarton Oaks Proposals and was not the subject of controversy at San Francisco. Whether the term "center" be thought of in geographical or in spiritual terms, it symbolizes the thought that the common efforts of the member states are to be focused in the Organization.

As finally drafted, the Charter thus expresses an overriding and unqualified purpose to maintain international peace and security, not only by taking appropriate measures to settle disputes and to prevent or suppress acts of aggression, but also by creating conditions favorable to the preservation of peace through the solution of economic, social, cultural and humanitarian problems and through the promotion of respect for human rights and freedoms including the equal rights and self-determination of peoples.

#### PRINCIPLES

Article 2 sets forth in one place in the Charter the chief obligations of a general nature assumed by Members of the United Nations and the basic principles on which the Organization is founded. The Principles stated in this Chapter are binding on the Members. The organs of the United Nations are equally bound to respect them in performance of their particular functions. The Charter speaks for itself: "The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles". The plan of having a body of fundamental principles brought together in one chapter at the opening of the Charter was conceived at Dumbarton Oaks, and, with some additions, Article 2 remains in large part as it was drafted in Chapter II of the Proposals.

The first principle states that the Organization "is based on the sovereign equality of all its Members." The expression "sovereign equality" is taken from the Moscow Four-Nation Declaration of October 30, 1943. Mr. Cordell Hull, who signed this Declaration on behalf of the United States, explained in an address to the Congress that the principle of the sovereign equality of all peace-loving states, large and small, as partners in a future system of general security, would be the foundation stone upon which the proposed general international organization would be constructed. Mr. Hull explained further that the adoption of this principle was particularly welcome to the United States; that nowhere has the conception of sovereign equality been applied more widely than in the American family of nations.

The expression "sovereign equality" was understood to mean that states are juridically equal and that they enjoy the rights inherent in their full sovereignty. It was further understood that this principle involves respect for the personality of a state and for its territorial integrity and political independence, an understanding which is strengthened by the fourth principle.

The second principle provides that all Members of the United Nations shall fulfill "in good faith" the obligations assumed by them in accordance with the Charter in order to ensure to all of them the rights and benefits resulting from membership in the Organization. The wording adopted varies only slightly from that agreed to at Dum-

barton Oaks. It was used to indicate as clearly as possible that the enjoyment of rights and benefits of membership depends upon the fulfillment of obligations. This principle, however, does not mean merely that if a Member fulfills its obligation, it may then exercise certain rights; it implies also that, unless all Members of the Organization carry out in good faith their obligations, none of the Members can receive the full benefits of membership in the Organization. The fulfillment of duties and obligations by all member states will alone assure the effectiveness of the Organization. It was thought necessary to include this principle among those on which the Organization is founded in view of past experience when nations have tended to emphasize their rights and to neglect their duties and have subscribed to obligations which, in time of international crisis, they ignored.

The third principle provides that all Members shall settle their international disputes by peaceful means in such a manner that international peace, security, and justice are not endangered. Except for the insertion of the words "international" and "justice", this principle is in the form in which it was written at Dumbarton Oaks. At San Francisco, on the initiative of the Sponsoring Powers, the word "international" was added to make it perfectly clear that the Organization would concern itself only with disputes *among* the nations, a conclusion stated more explicitly in the seventh principle. At the request of a number of nations who wished to make it clear that the settlement of international disputes should be consonant with the principles of justice, the Conference accepted the addition of the word "justice". It was understood that this principle does not obligate the Members to settle all their international disputes. Some disputes, if they do not endanger international peace and security, may be left in a quiescent state, although means are provided to have them brought before the Organization at any time. The substance of the clause is that peaceful means shall be the one method by which international disputes will be settled and furthermore the settlement itself shall not be such as to endanger either international peace and security, or justice.

The fourth principle provides that all Members of the United Nations shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations. Except for the reference to territorial integrity and political independence, this principle was also included in the Dumbarton Oaks Proposals. Under this principle Members undertake to refrain from the threat or use of force in any manner inconsistent with the purposes of the Organization. This means that force may be used in an organized manner under the authority of the United Nations to prevent and to remove threats to the peace and to suppress acts of aggression. The whole scheme of the Charter is based on this conception of collective force made available to the Organization for the maintenance of international peace and security. Under Article 51 force may also be used in self-defense before the machinery of the Organization can be brought into action, since self-defense against aggression would be consistent with the purposes of the Organization.

There was strong feeling among many nations at San Francisco that the Charter should include a statement emphasizing respect for the territorial integrity and political independence of states. Agreement was reached to state the obligations of Members of the Organization to refrain in their international relations from the threat or use of force against territorial integrity or political independence. The standards of conduct of this country permit us to assume this obligation with no hesitation, and such an obligation is consistent with the purpose of the United Nations to prevent the threat or use of force in any manner inconsistent with its objectives.

The fifth principle provides that all Members of the United Nations shall give every assistance to the Organization in any action undertaken by it in accordance with the provisions of the Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action. This principle combines the fifth and sixth principles which were in the Dumbarton Oaks Proposals. It means first of all that the Members will be obligated to give to the Organization any assistance which their obligations under the Charter require of them. Unless the Organization can count on such assistance, it cannot now plan effectively or operate successfully. From this general obligation stem the other more specific obligations to give assistance on particular matters which are further elaborated in other provisions of the Charter. It means also the corollary of this obligation. It constitutes a general pledge not to strengthen the hand of a state which has violated its obligations under the Charter to the point where preventive or enforcement action has become necessary. This principle was unanimously adopted at San Francisco.

The sixth principle states that the Organization shall ensure that states not Members act in accordance with these principles so far as may be necessary for the maintenance of international peace and security. This principle was voted at San Francisco as it stood in the Dumbarton Oaks Proposals. Accordingly, non-member states will be expected to conform to the principles of the United Nations in so far as such conformity is necessary to assure the maintenance of peace and security. In addition, the Organization is directed to see that non-member states do not threaten or breach the peace. Such action by the Organization is, of course, an essential condition for the preservation of the general peace of the world.

At San Francisco this principle was unanimously adopted. The predominant sentiment was that unless the Organization undertook this responsibility with respect to states not members of the Organization, the whole scheme of the Charter would be seriously jeopardized. In the background of the thought of many delegates was the action of Germany and Japan, ex-members of the League, who menaced the peace until finally they wrought havoc throughout the world.

The seventh and last principle provides that nothing in the Charter "shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state". It provides equally that the Members are not required to submit such domestic matters to settlement. One exception is then provided; the principle is not to "prejudice the application of enforcement measures under Chapter VII".



The formulation of this principle differs from that adopted in the Dumbarton Oaks Proposals, and a shift in its location in the Charter also carries important consequences. In the Dumbarton Oaks Proposals the principle had been included in Paragraph 7 of Chapter VIII, Section A, which deals with the pacific settlement of disputes. It stated that nothing in the first six paragraphs of that Section should apply to "situations or disputes arising out of matters which by international law are solely within the domestic jurisdiction of the state concerned".

At San Francisco, preliminary discussion among the delegations of the Sponsoring Powers brought to light a number of suggested changes. Numerous amendments had been introduced by other delegations, many of which were devoted to providing means for determining which questions are "domestic". The Sponsoring Powers accordingly formed a subcommittee of jurists which recommended the phrasing finally adopted, with one exception based upon a subsequent Australian amendment. The subcommittee also suggested the shifting of the paragraph to Chapter I where it would be included among the Organization's Principles. The recommendations were adopted by the Sponsoring Powers and introduced by them as a joint amendment.

The change may be explained in terms of its four principal consequences:

1. The proviso with reference to domestic jurisdiction becomes a limitation upon all of the activities of the Organization rather than merely a limitation upon the action of the Security Council under Chapter VI of the Charter (which is the equivalent of Section A of Chapter VIII of the Dumbarton Oaks Proposals). Exception was made in the Sponsoring Powers' amendment only for action by the Security Council under Chapter VII of the Charter (the equivalent of Section B of Chapter VIII of the Dumbarton Oaks Proposals). That exception was more apparent than real because action under that Chapter of the Charter can be taken only after the Security Council has determined the existence of a threat to the peace, a breach of the peace, or an act of aggression. The same limitation was applicable under the Dumbarton Oaks formula, in view of its express restriction to Section A of Chapter VIII. If a situation arises on which action under Chapter VII of the Charter is authorized, it would by that very fact be hard to conceive how the matter could any longer be considered "essentially domestic". As discussion of the Sponsoring Powers amendment developed in the Committee of the Conference, however, it was pointed out by the Australian Delegation that Chapter VII of the Charter authorizes the Security Council to take two very different types of action: it can make recommendations or it can resort to enforcement action. The Australian Delegation conceded that if the situation were one involving such a disturbance of the peace as to require measures of enforcement, the Security Council should not be deterred by the argument that a domestic question was involved. It argued, however, that the principle of non-interference in domestic matters should be so phrased as to exclude the inference that the Security Council might make a recommendation to a state concerning the way in which a domestic question should be settled. After very considerable debate, this view prevailed, and the amendment of the

Sponsoring Powers was restricted to provide as an exception to the principle of non-interference in domestic questions only the application of enforcement measures under Chapter VII.

To extend this principle to the activities of the Organization as a whole, instead of limiting it to the pacific settlement of disputes as had been proposed at Dumbarton Oaks, seemed desirable because of the amplification of the power and authority given to the Assembly and, particularly, to the Economic and Social Council. Without this general limitation, which now flows from the statement of the principle in Chapter I, it might have been supposed that the Economic and Social Council could interfere directly in the domestic economy, social structure, or cultural or educational arrangements of the member states. Such a possibility is now definitely excluded. The general limitation also qualifies the power of the General Assembly under Article 10 with respect to the making of recommendations to the Members of the Organization.

2. The present text omits the reference to "international law", found in the Dumbarton Oaks Proposals, as the test whether or not a matter is "domestic". This deletion was supported by the argument that the body of international law on this subject is indefinite and inadequate. To the extent that the matter is dealt with by international practice and by text writers, the conceptions are antiquated and not of a character which ought to be frozen into the new Organization.

3. The language used in the Dumbarton Oaks Proposals excluded matters which are "solely" within domestic jurisdiction, whereas the new Charter language excludes intervention in what is "essentially within the domestic jurisdiction". It seemed ineffectual to use "solely" as a test in view of the fact that under modern conditions what one nation does domestically almost always has at least some external repercussions. It seemed more appropriate to look to what was the essence, the heart, of the matter rather than to be compelled to determine that a certain matter was "solely" domestic in character.

4. The new language adds to the Dumbarton Oaks Proposals a provision that the Members shall not be required to submit matters which are essentially within the domestic jurisdiction to "settlement" under the Charter. That proviso seemed to be called for in view of the obligation on Members under the third principle to settle their international disputes by peaceful means, although as has been noted, the phrasing of that principle was altered to emphasize this very point. It is quite conceivable that there might be an international dispute with reference to such matters as tariff, immigration, or the like, but where such a dispute relates to matters which are essentially domestic in character, settlement through international processes should not be required. It would of course remain true that under the fourth principle, neither party to the dispute would be justified in resorting to force.

## MEMBERSHIP

### (Chapter II)

Two concepts concerning the basis of membership in the Organization found consideration both before and during the San Francisco

Conference. On the one hand, there were those who believed that the Organization should immediately embrace all the states of the world, save the enemy or ex-enemy states. According to this school of thought even these latter were to be admitted at an early stage in the development of the Organization. On the other hand, there were those who held that membership should depend on the fulfillment of certain conditions, leaving it to the Organization itself to decide whether these conditions had been met.

At first sight both the Dumbarton Oaks proposals and the Charter appear to reflect the idea of qualified and limited membership. A closer study of the provisions of the Charter and of the proceedings at the Conference reveals, however, that there is nothing in the Charter which would prevent any state from eventually becoming a Member. The Charter thus combines regard for present realities with the hope that some day all the nations will join their efforts in maintaining the peace of the world and in advancing the welfare of their peoples.

#### ORIGINAL MEMBERS AND ADMISSION OF NEW MEMBERS

The provisions of the Charter regarding membership retain the original text of the Dumbarton Oaks Proposals—"Membership of the Organization is open to all peace-loving states"—but add the further qualification that new Members must accept the obligations of the Charter and that they must, in the judgment of the Organization, be able and ready to carry those obligations out. The original provision empowering the General Assembly to admit new Members upon the recommendation of the Security Council was maintained without change.

The Dumbarton Oaks Proposals made no provision regarding original Members of the Organization. When it was agreed that membership should be qualified, it was found necessary to provide a clause defining original Members. It was agreed that original membership should include not only the nations which participated in the San Francisco Conference but also those which had previously signed the Declaration by United Nations of January 1, 1942. This formula makes provision for the membership of certain countries which may not technically be called states but which are nevertheless signatories of the United Nations Declaration, as well as of a country such as Poland which was a signatory of the United Nations Declaration but was not represented at the San Francisco Conference.

As suggested above, the idea of qualified and limited membership prevailed only after considerable discussion. The advocates of universality sought to maintain their position by opposing any provisions in the Charter which would limit the possibility of universality, and they particularly directed their attention to the elimination of the Dumbarton Oaks provision on expulsion. While not pressing for a specific insertion in the Charter of a clause prohibiting withdrawal, they urged the adoption of an interpretative statement holding that the absence of a withdrawal clause was to be interpreted as meaning that the right of withdrawal did not exist. They likewise opposed the insertion in the Charter of any rigid qualifications for membership.

## WITHDRAWAL

The United States Delegation was particularly concerned with the question of withdrawal. The Delegation took the position that there should be no explicit provision in the Charter either prohibiting the right of withdrawal or providing for voluntary withdrawal, but considered that an interpretative statement should be incorporated in the proceedings of the Conference explaining the silence of the Charter on this question. The attitude of the Delegation was first set forth in the following statement of Representative Eaton to the Technical Committee on May 21, 1945:

"It is the position of the United States Delegation that there should be no amendment prohibiting withdrawal from the Organization. The memorandum of the Rapporteur of the Drafting Sub-Committee on membership read to this Committee on May 14 suggests that if there is no prohibition of withdrawal, and if the Charter remains silent on this matter, any possibility of lawful withdrawal is eliminated. That is not my view. Rather, it is my opinion that if the Charter is silent on withdrawal, the possibility of withdrawal would have to be determined in any particular case in the light of the surrounding circumstances at the time."

A number of the delegations held that there should be an express provision in the Charter permitting members to withdraw in the event of the entry into force of Charter amendments which they found it impossible to accept. They pointed out that this protection was needed because it might be possible for the Organization, acting through its normal amending procedure, or through a general conference, to increase the obligations of Members without their consent. In reply it was pointed out that under the kind of Organization that was being established, it would not be possible to compel Members to accept amendments to which they had not consented, but that it was not necessary to provide for a specific provision in the Charter to assure them of the right of withdrawal in those circumstances.

It was finally agreed that no provision be made in the Charter for withdrawal, but that a statement regarding it should be included in the report of the Committee handling the subject, so that it might be adopted by the Conference. The text of this statement, in which the United States Delegation concurred, and which was eventually adopted by the Conference, is as follows:

"The Committee adopts the view that the Charter should not make express provision either to permit or to prohibit withdrawal from the Organization. The Committee deems that the highest duty of the nations which will become Members is to continue their cooperation within the Organization for the preservation of international peace and security. If, however, a Member because of exceptional circumstances feels constrained to withdraw, and leave the burden of maintaining international peace and security on the other Members, it is not the purpose of the Organization to compel that Member to continue its cooperation in the Organization.

"It is obvious, particularly, that withdrawals or some other forms of dissolution of the Organization would become inevitable if, deceiving the hopes of humanity, the Organization was revealed

to be unable to maintain peace or could do so only at the expense of law and justice.

"Nor would a Member be bound to remain in the Organization if its rights and obligations as such were changed by Charter amendment in which it has not concurred and which it finds itself unable to accept, or if an amendment duly accepted by the necessary majority in the Assembly or in a general conference fails to secure the ratification necessary to bring such amendment into effect.

"It is for these considerations that the Committee has decided to abstain from recommending insertion in the Charter of a formal clause specifically forbidding or permitting withdrawal."

The result of the foregoing is a situation different from that which existed under the League of Nations. The League Covenant recognized withdrawal as an absolute right which any Member could exercise for any reason, or even without reason. In fact, the right was utilized primarily by would-be aggressors. Under the present Charter, withdrawal is permissible but it will have to be justified.

#### EXPULSION AND SUSPENSION

A number of delegations urged that the Dumbarton Oaks provision on expulsion be omitted from the Charter. They expressed the view that expulsion applied to a state and not to a government, and accordingly it would be more difficult to readmit a Member once expelled than it would be to suspend the exercise of the rights and privileges of membership, since these might be restored at any time by the Security Council. It was likewise suggested that the retention of the provision on suspension and the omission of the provision on expulsion would in effect impose a more serious penalty upon a recalcitrant Member because such a Member would continue to be bound by the obligations of the Charter. A state which was expelled, on the other hand, would not be so bound and might have greater freedom of action. Those who held this view proposed that the provision on suspension be extended to include the power of the Organization to suspend Members who gravely and persistently violated the principles contained in the Charter. While there was considerable support for this position, it was pointed out by a number of delegations, and particularly by the Delegation of the Soviet Union, that it would be unfortunate to have a Member persistently violating the principles of the Charter while continuing to remain a Member of the Organization. Such a Member would be like a cancerous growth and ought not, it was thought, to be associated in any way with the Organization. In the end this view prevailed at the Conference, as did the view that the Dumbarton Oaks provision for suspension should also be retained.

#### ORGANS

#### (Chapter III)

The structure of international organizations has tended to follow a somewhat uniform pattern. Under this pattern, there is a general body in which all members of the organization are represented, and

where they have an opportunity to participate in formulating and carrying out plans and purposes. At the same time, it has been recognized that the many members of such a body cannot efficiently conduct the details of the organization's affairs. Accordingly, there is usually a smaller group which can meet more frequently and apply in specific situations the organization's general rules and principles. It is also clearly necessary to have some kind of staff to arrange the meetings and to attend to the multitudinous details of a continuously functioning organization. Depending upon the type of organization, additional bodies or organs may be added.

The League of Nations was organized in general along the above lines. It has its Assembly, in which all members are represented, its smaller Council, and its Secretariat. In addition, there are in the general framework of the League system a variety of special bodies and committees of which the two most important are the International Labor Organization and the Permanent Court of International Justice.

Chapter IV of the Dumbarton Oaks Proposals listed the principal organs of the proposed organization—a General Assembly, a Security Council, an international court of justice, and a Secretariat. They provided also that the Organization might establish such subsidiary agencies as might be found necessary. Chapter IX of the Dumbarton Oaks Proposals also provided for the establishment of an Economic and Social Council, although this was not listed among the "principal organs".

#### ESTABLISHMENT OF ORGANS

At San Francisco the structure of the Organization was discussed in connection with the listing of the principal organs. There was no question of eliminating any of the organs mentioned in Chapter IV of the Dumbarton Oaks Proposals but it was seen that certain additions ought to be made. By reason of their importance, the Economic and Social Council and the Trusteeship Council were added to the original list of organs prescribed at Dumbarton Oaks.

Each of the principal organs is described in detail in other chapters of this Report. They are established by and listed in Chapter III of the Charter and are referred to here for the purpose of indicating the general structure of the Organization.

Article 7 of the Charter retains the provision which is found in Chapter IV of the Dumbarton Oaks Proposals to the effect that the Organization may establish such subsidiary agencies as may be found necessary. Article 63 provides that the Economic and Social Council, subject to approval by the General Assembly, may enter into arrangements with various specialized intergovernmental agencies having wide international responsibilities in economic, social, cultural, educational, health, and related fields. This provision, in modified form, reproduces the suggestion made in Chapter IX, Section A, Paragraph 2, of the Dumbarton Oaks Proposals. It will depend upon the nature of these organizations and of the agreements entered into with them whether they become agencies or organs of the United Nations or whether they retain their separate existence and special relationship to the United Nations.

## EQUALITY FOR MEN AND WOMEN

Some consideration was given at Dumbarton Oaks to the possibility of providing that positions in the Secretariat be open equally to men and women. It was, however, decided that such a provision, if considered desirable, might be inserted by the Conference at San Francisco. The question of the desirability of this turned out to be the primary issue confronting the Committee of the Conference considering Chapter III of the Charter. While there was no objection to the insertion of an appropriate clause, there was difficulty in agreeing on the exact text. Some delegations felt that such a provision should apply only to the Secretariat. It was argued, however, that a broader provision including other organs and agencies of the Organization would be more desirable. The principal question arose over the wording of an amendment introduced by the Uruguayan Delegation to the effect that "Representation and participation in the organs of the Organization shall be open both to men and women under the same conditions". This was open to the objection that it implied that Members of the Organization might be obligated to apply the principle in appointing their representatives on various organs of the Organization. It was argued that the Organization could not place restrictions upon Members in the appointment of their own representatives. Consequently, after considerable discussion, it was agreed that it would be more suitable if the Charter merely provided that the Organization should "place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs". This is the phraseology now found in Article 8.

## THE GENERAL ASSEMBLY

## (Chapter IV)

In the contemporary world, public opinion plays a greater part internationally than it has ever played before. The inter-dependence and inter-relation of peoples and countries may make world problems of problems that develop in any part of the world. At the same time, modern instruments of communication, with the continuing interchange of expression among nations and peoples which they make possible, create a situation in which a true world opinion can form.

It is essential, therefore, that the United Nations, which is designed to play an effective part in the world of our time, should relate itself through appropriate instruments to public opinion. Whatever executive or legal or advisory organs it may possess, it must also provide a forum for discussion. Not to do so would be to deprive the organization of one of the most powerful means at its disposal for the accomplishment of its purpose.

The establishment of such a forum, however, creates obvious difficulties. In the present state, at least, of world opinion, an international legislative body is out of the question, since the several nations are not willing to sacrifice their sovereignty to the extent of permitting an international legislature to enact laws binding upon them or on

their peoples. At the same time, an assembly with the power to discuss but without the power to reach conclusions, is not an effective forum for the discussion of real issues or for the focusing of opinion. It was doubtless for this reason, in part, that the Assembly of the League of Nations was given powers which duplicated to a considerable extent those of the Council of the League.

The problem is resolved in the Charter of the United Nations by creating a General Assembly having broad powers of discussion, but possessing at the same time the right to initiate studies and to make recommendations for the purpose of promoting international cooperation. Since the conclusions reached after full discussion and debate by the representatives of fifty or more nations will necessarily carry great influence, the Assembly seems assured of an important role in the formation of world opinion. The successful performance of this role would require that the proceedings of the General Assembly should not be secret and the Conference took this view. Although the Charter leaves it to the General Assembly to fix its own procedure, Commission II of the Conference urged that the rules of procedure adopted at the first meeting should provide that, "save in exceptional cases, the sessions of the General Assembly shall be open to the public and the press of the world".

The position taken by the United States Delegation with reference to the General Assembly was clearly defined from the beginning of the Conference. From the first Conference question to the last—that is to say, from the question of the organization of the Conference itself to the question of the limits of discussion in the proposed General Assembly—the United States Delegation supported the general proposition that an effective international organization must be constructed on the most broadly democratic basis, if it is to operate effectively. It was a member of the United States Delegation who expressed the hope that the General Assembly would be "the town meeting of the world". It is believed that that hope has been realized in the Charter.

#### THE FUNCTIONS AND POWERS OF THE GENERAL ASSEMBLY

In its general structure and competence in its relations with the other organs of the Organization, the General Assembly remains as it was basically conceived in Chapter V of the Dumbarton Oaks Proposals. However, as a result of the San Francisco Conference the enumeration of the functions attributed to the General Assembly, has been expanded and made more specific. This has had the effect of broadening the range of activity and of making more precise the duties with which the General Assembly will be entrusted.

The functions of the General Assembly may be broadly described as being *to deliberate, to administer, to elect, to approve budgets and to initiate amendments.*

The United Nations is not, of course, a super-state nor is the General Assembly a legislative or law-making body in the usual sense of that term. It is, however, a *deliberative* body which has the right to consider and discuss any subject within the scope of the Charter or relating to the powers and functions of any organs provided in the Charter. With one exception, which is noted later, it may also make recommendations to the Members of the United Nations or to the Security Council on any such matters (Article 10). The General As-



sembly will probably not have extended sessions such as the Congress of the United States or the Parliamentary bodies of other countries. It will meet annually and in special session when called (Article 20) and it seems likely that its sessions will not ordinarily run for more than five or six weeks, since the responsible officials who attend its meetings usually cannot be away from their national responsibilities for a greater length of time. Its deliberative character, however, will normally result in the passing of resolutions on the subjects brought before it and it will usually be the duty of the various councils and of the Secretariat to give such effect to these resolutions as they may require. The term "deliberative" therefore is characteristic of its general functions.

The *administrative* functions with which the General Assembly will be endowed include making recommendations for the coordination of policies of the various international economic and social agencies which operate directly under its authority or which are brought into relation with the Organization. (Articles 57, 58; 60). It will establish regulations governing the Secretariat (Article 101). It will have important duties of supervision over areas under trusteeship (Articles 87, 88). Moreover, it will be the organ primarily responsible for the smooth functioning of the entire Organization and for seeing that provision is made for the establishment of such subsidiary organs as will be necessary to carry out its duties (Article 22).

The *electoral* function attributed to the General Assembly places it in a central position in the entire Organization, since most of the other organs will partially or wholly depend upon the election of members by the General Assembly. For example, six of the eleven state members of the Security Council will be periodically elected by the General Assembly (Article 23), as well as the eighteen states members of the Economic and Social Council (Article 61) and some of the members of the Trusteeship Council (Article 86, Paragraph c). In addition, the judges of the International Court of Justice will be elected by the General Assembly concurrently with the Security Council. The Secretary-General will be appointed by the General Assembly upon the recommendation of the Security Council (Article 97). Also on the recommendation of the Security Council, the General Assembly will admit new members to the United Nations (Article 4).

The *budgetary* function of the General Assembly empowers that body to consider and approve the budget of the Organization as well as any financial and budgetary arrangements with specialized inter-governmental agencies brought into relationship with it, and to apportion overall expenses of the Organization among its Members (Article 17). The allocation to the General Assembly of the task of apportioning the expenses and approving the budgets of the Organization is an extension to the international field of the fundamental principle of democratic government that the purse strings should be held by the most widely representative organ. At the Conference there was some discussion of the desirability of specifying in detail the budgetary procedures and methods of apportioning expenses, but all such suggestions were in the end rejected on the ground that the Charter should be held as much as possible to the description of fundamental powers and functions, and that the General Assembly could safely be left to take care of details through its own subsequent regulations.

The *amending* or constituent function of the General Assembly gives that body power by a two-thirds vote to recommend the adoption of amendments to the Charter itself and to initiate the calling of a general conference for revision of the Charter. Amendments would, however, require ratification by two-thirds of the Members of the United Nations including all the permanent members of the Security Council in order to become effective (Articles 108, 109).

The General Assembly will also have a special *sanctioning* power with respect to Members which fail to carry out their obligations under the Charter. The Assembly is empowered, upon the recommendation of the Security Council, to suspend from the exercise of rights and privileges of membership any Member against which preventive or enforcement action has been taken, and to expel from the Organization any Member which has gravely or persistently violated the principles of the Organization (Articles 5, 6). It is not necessary, however, for the General Assembly to participate in the decision to restore the rights and privileges of a suspended Member. The last point was made, not to detract from the powers of the General Assembly, but rather as a means of facilitating the operation of security measures and to speed the return to full participation in the Organization of a Member which alters its behavior for the better as a consequence of enforcement measures taken against it.

For assistance in the discharge of any of its functions, the General Assembly may ask the International Court of Justice for an advisory opinion on any legal question (Article 96).

#### PEACEFUL ADJUSTMENT OF SITUATIONS LIKELY TO IMPAIR THE GENERAL WELFARE

The part which the General Assembly plays in the peaceful adjustment of situations likely to impair the general welfare can not be completely understood except in connection with its relationship to the Security Council, but the main lines of its activities in this field may be sketched first.

The General Assembly, in being empowered by Article 14 to recommend measures "for the peaceful settlement of any situations, regardless of origin, which it deems likely to impair the general welfare or friendly relations," possesses an additional grant of authority which gives the widest possible latitude to its initiative and statesmanship. The provision resulted from an amendment proposed by the Sponsoring Powers which was approved by the Conference.

Several amendments were submitted to the Conference to provide explicitly that the General Assembly should have the right to recommend the revision of treaties. The able debate on these amendments revolved around the meaning of the phrase "any situations, regardless of origin," as used in Article 14. The United States Delegation took the position that explicit reference to the revision of treaties would throw the weight of the Organization too heavily on the side of revision and encourage change beyond the needs of situations requiring it. It was argued that it is not possible to launch an international organization based on international integrity and at the same time intimate any lack of respect for treaties, which are the principal instruments through which international integrity functions. Indeed, a consideration of the general welfare and friendly relations might call for a recommendation that a treaty should be respected

by its signatories rather than that it should be revised. The thousands of treaties in operation as the bond of orderly relations among the nations of the world, should not be weakened by raising doubts about their value or permanence.

On the other hand, if situations exist under treaties which are alleged to impair the general welfare or to threaten friendly relations between nations, or to conflict with the purposes and the principles of the Charter, such situations shall be open to discussion or recommendation by the General Assembly.

It was the view of the United States Delegation, therefore, that the General Assembly should not interest itself in a treaty *per se*, but rather in the conditions and relations among nations which may impair the general welfare or friendly relations among nations. These threats to the general welfare may arise from treaties or from situations having no relation to treaties. In any case, as soon as situations emerge as a threat to the general welfare, they should become a matter of concern to the General Assembly. Thus the broad powers entrusted to the General Assembly will enable it to render effective aid in the difficult process of "peaceful change".

Representatives of many other delegations participated in the debate and there was a wide measure of agreement that the Charter should not contain a specific reference to a power to recommend the revision of treaties. Accordingly, the amendments providing for such a power were not approved.

Another and more specialized function of the General Assembly will enable it to make long range contributions to the peaceful settlement of disputes. Under Article 13 it is given the duty of initiating studies and making recommendations for the encouragement of the progressive development and codification of international law. This clause was inserted in the Charter in response to a general demand that the rule of law among nations should be strengthened. As that law is strengthened, the role of another organ of the United Nations, the International Court of Justice, which is also designed to aid in the cause of pacific settlement, will increase in effectiveness.

#### REPRESENTATION AND VOTING

The provisions of the Dumbarton Oaks Proposals that the General Assembly is to consist of representatives of all Members and that each is entitled to one vote, are incorporated in the Charter. Following the suggestion in the Proposals that a maximum number of delegates for each country be stated in the basic instrument, the figure has been set at five. This was considered adequate to provide for representation of all the Members on the principal committees of the General Assembly (Articles 9, 18).

The provision in the Dumbarton Oaks Proposals for a two-thirds majority in voting on "important questions" (which are listed in the text) and a simple majority for all other questions, was written into the Charter (Article 18). It is significant that no one seriously considered perpetuating the unanimity rule which operated in the League of Nations and in many other international bodies.

The Conference made only one change of substance in the portions of the Dumbarton Oaks text relating to the structure and proceedings of the General Assembly itself. This was to add a provision depriving

a Member of the right to vote if it is two years or more in arrears in the payment of its financial contributions. This amendment, which was submitted in various forms by five different Delegations, was adopted with the overwhelming support of the representatives of nations large and small. In order to prevent undue hardship, it has been provided that the General Assembly should have the power to waive the penalty if the nonpayment of contributions is due to causes beyond the control of the Member in question (Article 19).

#### THE RELATION OF THE GENERAL ASSEMBLY TO THE OTHER PRINCIPAL ORGANS

Perhaps the basic difference between the constitutional arrangement of the United Nations and that of the League of Nations, is that instead of the Assembly and the Council having identical functions, as was the case under the League, the General Assembly and the Security Council will each have different functions assigned to it. The General Assembly is primarily a body for deliberation and recommendation, while the Security Council is given powers to act in the maintenance of international peace and security whenever it deems necessary (Article 11).

A certain interaction is provided in the relations between the General Assembly and the Security Council. For example, the former may make recommendations to the Security Council in any matters affecting the maintenance of peace and security, provided these matters are not actively being dealt with at the time by the Security Council, but in the latter case the Security Council may ask the assistance of the General Assembly in carrying out its functions (Article 12).

The relations between the General Assembly on the one hand and the Economic and Social Council and the Trusteeship Council on the other are of a different order. Both of these Councils are subordinate to the General Assembly and act under its authority. These Councils will, however, initiate policies and recommendations for the consideration of the Assembly and will have certain administrative functions to carry out on behalf of the Assembly.

The Assembly will be empowered to "receive" and "consider" reports from all three Councils and from other organs. In the case of the Security Council, it is provided that there shall be "annual and special reports" which "shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security" (Article 15). This provision caused considerable debate during the course of the Conference and at one stage the Technical Committee in charge had approved a version of the clause which would have conferred upon the General Assembly the right to approve or disapprove the reports of the Security Council, to make observations or recommendations thereon, and to submit recommendations to the Security Council with a view to ensuring complete observance of the duties of the Security Council inherent in its responsibility to maintain international peace and security. This version was objected to on the ground that it would alter the relationship between the Security Council and the General Assembly by making the Security Council a subordinate body. Consequently the Committee agreed upon the language now incorporated in Article 15 with the understanding that the word "consider" as used therein shall be interpreted as en-

compassing the right to discuss, and that the power of the General Assembly to discuss and make recommendations as defined elsewhere in Chapter IV, is not to be limited in any way with respect to its consideration of reports from the Security Council.

The budgetary and electoral functions of the General Assembly in relation to each of the Councils emphasizes also the central position of the General Assembly in relation to the other bodies of the Organization.

*Relationship of the General Assembly to the Security Council*

Some of the amendments submitted to the Conference would have modified essentially the distribution of powers outlined in the Dumbarton Oaks Proposals. In several amendments the General Assembly would have been designated as the primary organ of the Organization, while others were designed to give the General Assembly an equal share with the Security Council in the maintenance of peace and security. In still others the Security Council would have been limited by the constant supervision of the General Assembly in the consideration of methods and measures to maintain peace and security. The substance of these amendments was opposed by the Conference. However, various adjustments were made to perfect the correlation of the General Assembly and the Security Council in matters pertaining to the maintenance of peace and security.

The General Assembly, in addition to its right of free discussion at all times, was granted the authority to address to the governments or to the Security Council, or both, its recommendations on principles and questions pertaining to the maintenance of peace and security. The channelling of recommendations to the governments, as well as to the Security Council, may strengthen the process of recommendation and help to check disputes between nations before they reach an acute stage.

The United Nations Charter follows the provisions of the Dumbarton Oaks Proposals by providing that the General Assembly must, either before or after discussion, refer to the Security Council questions on which action is necessary. The General Assembly is also empowered to call the attention of the Security Council to situations which are likely to endanger peace or security. Until the moment when the question is taken under consideration by the Security Council, the General Assembly may make recommendations, but from that moment until the Security Council ceases to deal with the matter, the General Assembly must not make recommendations with regard to that dispute or situation unless the Security Council so requests.

In order to avoid a situation in which a dispute might be kept on the agenda of the Security Council without being actively considered, a provision was added to the Charter requiring the Secretary-General, with the consent of the Security Council, to notify the Assembly as soon as the Security Council has ceased to deal with such matters.

A clause was also written into Article 12, Paragraph 2, of the Charter providing that the Secretary-General, with the consent of the Security Council, must notify the General Assembly at each session of any matters relative to the maintenance of international peace or security which are being dealt with by the Security Council. These provisions were supported as a means of ensuring that the General

Assembly would be kept informed if the Security Council failed to settle a dispute or wished to request a recommendation from the General Assembly. They were also supported on the ground that since all members of the Organization are responsible for assisting in enforcement measures, they are entitled to full information about action that is contemplated or has been taken.

The role of the General Assembly in the maintenance of peace and security can be summarized as follows:

1. The right to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments;

2. The right to make recommendations to the Members or to the Security Council on such principles;

3. The right to discuss any questions pertaining to the maintenance of international peace and security brought before it by any Member of the Organization, by the Security Council or, in certain cases, by a non-member;

4. The right to make recommendations to the Members or to the Security Council with regard to any such questions;

5. The responsibility to refer questions on which action is necessary to the Security Council either before or after discussion or recommendation;

6. The right to call the attention of the Security Council to situations likely to endanger international peace and security;

7. The obligation not to engage in making recommendations while the Security Council is dealing with a dispute unless the Security Council so requests;

8. The right, subject to the judgment of the Security Council, to be notified of any matters relating to the maintenance of international peace and security which are being dealt with by the Security Council and to receive notification when the Security Council ceases to deal with such matters;

9. The responsibility to cooperate with the Security Council, upon its request, in steps to preserve or restore peace. Such measures would include the suspension of members against which enforcement action is being taken, the expulsion of members which persistently violate the principles contained in the Charter, and the enlistment of full support for either non-military or military enforcement measures;

10. The right to receive and consider annual and special reports from the Security Council.

These functions of the General Assembly and the relationships between it and the Security Council provide for a maximum utilization of the special qualifications of the General Assembly for effective deliberation and recommendation.

#### *Relationship of the General Assembly to the Economic and Social Council*

The responsibility of the General Assembly for the development of more widespread and more effective cooperation among the nations in subjects of mutual interest was stated in Chapter V of the Dumbarton Oaks Proposals. At San Francisco the list of subjects was lengthened to add to the economic and social (as well as the political) fields mentioned in the Proposals, the cultural, educational and health

fields, and human rights and fundamental freedoms. This list is not, however, intended to be exhaustive or final (Article 13).

The relationship of the Economic and Social Council to the Assembly in these matters is a subordinate one. Although the Economic and Social Council is itself one of the principal organs of the Organization and is intended to carry on the bulk of the work of the Organization in regard to such matters, it acts always under the authority of the General Assembly. The General Assembly itself is specifically empowered to initiate studies and make recommendations for the purpose of promoting cooperation in all fields within its jurisdiction. This jurisdiction includes the coordination of the activities of specialized agencies brought into relationship with the United Nations, which is effected by the Economic and Social Council partly by direct dealings with the agencies, and partly through recommendations to the General Assembly and to the Members. The General Assembly would of course be free to act or not to act upon such recommendations as it might see fit.

In the Dumbarton Oaks Proposals, the references to the promotion of respect for human rights and fundamental freedoms was included only in Chapter IX dealing with the Economic and Social Council. In the Charter, however, this responsibility, stated in even broader terms, is mentioned in Chapter IV which relates to the General Assembly, as well as in Chapter X dealing with International Economic and Social Cooperation. It is clear that both organs have responsibility in this field, although again the relationship of the Economic and Social Council to the General Assembly is essentially a subordinate one.

#### *The Position of the General Assembly within the Organization*

From the foregoing description it is clear that the General Assembly occupies a central position in the Organization. Although it cannot invade the functions which have been specifically assigned in security matters to the Security Council, it will nevertheless wield great authority and influence throughout all parts of the Organization and will affect the development of basic policies of the entire Organization.

Unlike the functions of the Security Council, which are primarily political and in case of need may be repressive in character, the functions of the General Assembly will be concerned with the promotion of constructive solutions of international problems in the widest range of human relationships, economic, social, cultural and humanitarian. The General Assembly, therefore, may well come to be regarded by all nations as the forum in which their interests can be effectively represented and promoted.

## THE SECURITY COUNCIL

### (Chapter V)

#### INTRODUCTION

There can be no debate after this war, as occurred in 1918, over which country won the war. This war was won not by any one country but by the combined efforts of the United Nations, and par-

ticularly by the brilliantly coordinated strategy of the great powers. So striking has been the lesson taught by this unity that the people and Government of the United States have altered their conception of national security. We understand that in the world of today a unilateral national policy of security is as outmoded as the Spads of 1918 in comparison with the B-29's of 1945 or the rocket planes of 1970. We know that for the United States—and for other great powers—there can be no humanly devised method of defining precisely the geographic areas in which their security interests begin or cease to exist. We realize, in short, that peace is a world-wide problem and that the *maintenance* of peace, and not merely its *restoration*, depends primarily upon the unity of the great powers.

There were theoretically two alternative means of preserving this unity. The first was through the formation of a permanent alliance among the great powers. This method might have been justified on narrow strategic grounds, but it would have been repugnant to our traditional policy. It also would have contained elements of danger because it might well have been interpreted as a menace by nations not party to it. Accordingly, this method was rejected.

The second method was through the establishment of a general security system based upon the principle of sovereign equality of all peace-loving states and upon the recognition of the predominant responsibility of the great powers in matters relating to peace and security. This was the policy adopted by this Government as reflected in the Moscow Declaration of October 30, 1943, in which the Four Nations declared:

“That their united action, pledged for the prosecution of the war against their respective enemies, will be continued for the organization and maintenance of peace and security. . . .

“That they recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security.”

In the framework of the United Nations, the provisions for the General Assembly give recognition to the principle of the sovereign equality of all nations. The provisions for the Security Council recognize the special responsibilities of the great powers for maintaining the peace and the fact that the maintenance of their unity is the crucial political problem of our time.

#### PURPOSE OF THE SECURITY COUNCIL

The Security Council is that agency of the Organization which is charged with the principal responsibility and empowered to take the necessary action for the maintenance of international peace and security. It is so organized as to afford full opportunity for the great powers to maintain in the post-war era their essential unity. It is to be in continuous session in order to assure that at all times it feels the pulse of the world and is prepared to take appropriate remedial measures when the earliest symptoms of irregularity become apparent.

The responsibilities of the Security Council are two-fold: primarily to induce, by every conceivable method, peaceful solutions of inter-



national disagreements; and, secondly, as a last resort, to apply force, even to the employment of military measures, in order to maintain peace or to suppress any breach of the peace. The manner in which the Security Council will undertake to perform its functions of pacific settlement and enforcement are set forth in Chapters VI, VII, and VIII. With the exception of Article 26, which specifically assigns responsibility to the Security Council for formulating plans for the regulation of armaments, Chapter V is concerned with the fundamental structure and powers of the Security Council. It is this aspect of the Council that is dealt with here.

#### THE SPECIAL POSITION OF THE GREAT POWERS IN THE COUNCIL

It was taken as axiomatic at Dumbarton Oaks, and continued to be the view of the Sponsoring Powers at San Francisco, that the cornerstone of world security is the unity of those nations which formed the core of the grand alliance against the Axis. Their continuous consultations in San Francisco with resultant unity on main Conference issues were one of the outstanding features of the Conference and augur well for the future. We cannot base our national policy solely on independent action. We can support our interests effectively in Europe and Asia only by patient consultations through which we will extend the area of agreement among the great powers. Only by such discussions will our influence be felt.

Within the United Nations, the Security Council is the vehicle for continuing and developing this process of consultation. In this respect, it is without precedent in international relations; it differs from the traditional alliance and is unlike the Council of the League of Nations. It will provide us with an effective means of direct participation in the discussion of issues which may vitally affect our own strategic interests. The prestige of the Security Council, its influence in world affairs generally, and its success in the maintenance of peace and security will depend upon the degree to which unity is achieved among the great powers.

The special position accorded to the most powerful nations is reflected in the composition of the Security Council and in the character of its voting procedure. Both of these issues involved the problem of establishing a satisfactory working relationship with the smaller nations. In addition, the question of voting raised the problem of the proper form in which to cast the relationship of the great powers among themselves.

#### *Permanent Members*

The long-standing problem of the proper kind of relationship to establish between greater and smaller powers presented itself in unprecedentedly acute form because of the dramatic way in which the present war has demonstrated the importance not only of population and space, but as resources and industrial development, in the successful control of potential or actual aggression. At Dumbarton Oaks the Sponsoring Powers had provided for a Security Council of eleven members in which the five leading powers among the United Nations would have permanent seats. This provision for permanent membership was approved at San Francisco (Article 23, paragraph 1). Proposed amendments, a few of which would have abandoned

the concept of permanent members but most of which were designed to increase the number of such members, did not command substantial support.

#### *Non-Permanent Members*

It was decided at Dumbarton Oaks to propose that a majority of the seats on the Security Council should be occupied by smaller states to be elected for two-year terms by the General Assembly. To assure a measure of rotation in the election of such states, it was provided that a retiring member could not be eligible for immediate re-election. In this manner the Sponsoring Powers recognized that the concern for international peace and security is of necessity a general one, and that, therefore, the interests of all states should be taken into account.

A large number of amendments were submitted at San Francisco with the purpose of enlarging the Security Council by increasing the number either of permanent or of non-permanent members, or both. Other amendments would have required the additional members to be selected from a particular region or regions. Still others would have abandoned the idea of permanent, in favor of non-permanent, membership.

The United States and the other Sponsoring Powers pointed out the importance of making a sharp distinction between the functions of the Security Council and those of the General Assembly, and the consequent necessity of keeping the Security Council small in the interest of efficiency. The majority opinion in the Conference supported this point of view, and the Dumbarton Oaks provision on membership was accepted. (Article 23, paragraph 1.)

#### *Participation of Non-Members of Security Council*

While the number of full-participating members of the Security Council was fixed at eleven in the Dumbarton Oaks Proposals, provision was also made for the participation of any Member of the Organization in the discussion of any question which the Council deems specially to affect the interests of that Member. Further, the Security Council was obligated to invite any Member of the Organization not having a seat on the Council and any state not a Member of the Organization to participate in discussion, if it is party to a dispute under consideration in the Council. These provisions were incorporated in the present Charter (Articles 31 and 32). Various amendments of these provisions were presented to the Conference. One would have left the Security Council no discretion to determine whether the interests of a given state may be affected. Others would have placed all parties to a dispute on an equal basis with members of the Security Council in respect to voting and other matters. These amendments were defeated, but the Conference adopted a proposal of the Sponsoring Powers that, in the case of a non-member of the Organization, the Security Council shall lay down the conditions for the participation of such non-member in its deliberations.

Furthermore, the Conference adopted, in accordance with a Canadian suggestion, the very important amendment incorporated in Article 44, which is discussed under the heading "No Taxation Without Representation" in Chapter VII.

*Elect'ion of Non-Permanent Members*

Other proposals made at San Francisco were concerned not with the number of non-permanent members, but with the criteria to be employed by the General Assembly in electing them. Those states which might be classified as "middle" powers by virtue of the nature of their contributions to the prosecution of the present war, took the position that it was entirely in accord with the philosophy of the Security Council, and, indeed, a necessary element in its successful functioning, that their eligibility for election as non-permanent members be given special recognition. At the same time, there was a strong sentiment in favor of explicitly recognizing the desirability of an equitable geographical distribution among the non-permanent members.

In response to these views, the Sponsoring Powers took the initiative in proposing, and the Conference adopted, an amendment which provides that the General Assembly shall elect the nonpermanent members of the Security Council in accordance with two principles: "due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution". Article 23, paragraph 1).

## VOTING IN THE SECURITY COUNCIL

Even more than the composition of the Council, the voting procedure highlights the special position of the great powers.

The Yalta voting formula provides for a system of qualified majority voting in the Security Council, which represents an advance over the procedure in the Council of the League of Nations. In no instance is the unanimous vote of all of the members of the Council required; in all cases a majority vote of seven is sufficient to take decisions. When the question under consideration is one of procedure, the vote of any seven members, whether permanent or non-permanent, determines the position of the Security Council. On all other matters, decisions of the Council must be made by an affirmative vote of seven members including those of all of the permanent members, except that in decisions with respect to peaceful settlement of disputes (Articles 33 to 38) a party or parties to a dispute must abstain from voting.

The issue of the voting procedure in the Security Council was the most difficult one which confronted the nations in the preparation of the Charter. At Dumbarton Oaks it was not possible to reach agreement on these issues, which bring into sharpest focus the entire problem of the adjustment of the relations among the great powers, and between them and the other nations of the world. While there was no question at Dumbarton Oaks as to the necessity of unanimity of the great powers with respect to enforcement action, it was not possible to reach agreement on other aspects of voting procedure and consequently the entire matter was left open. The Dumbarton Oaks Proposals were completed in respect of voting procedure at the Crimea Conference in February, 1945, when President Roosevelt submitted a proposal which was approved by Marshal

Stalin and Prime Minister Churchill, and later accepted by China. The principal decision made at Yalta was that the unanimity requirement should apply to procedures of pacific settlement but that it should not be carried to the extent of permitting a member of the Security Council to take part in deciding a case to which it is a party. Therefore, it was agreed that any party to a dispute must abstain from voting. Both then and subsequently the United States favored strongly the requirement of abstention because it would facilitate the consideration of disputes in the Security Council.

The voting procedure in the Security Council became one of the most controversial issues of the Conference. The special voting rights of the great powers were vigorously attacked by the smaller powers on the ground that the so-called veto, particularly as applied to decisions at the stage of peaceful settlement, is unreasonable and might result in many cases in the inability of the Security Council to take jurisdiction of situations the treatment of which would then be shifted outside the Security Council. For the various reasons referred to below, the great powers strongly supported the Yalta voting formula and it was ultimately accepted by the Conference without change. It constitutes Article 27 of the Charter.

During the debate on the voting formula, the smaller powers asked a series of questions as to its application, and a Subcommittee was created for the purpose of clarifying the doubts which had arisen in the Committee discussion. It was decided to prepare and address to the Sponsoring Powers a formal questionnaire on the subject. Upon the receipt of this questionnaire, the delegations of the Sponsoring Powers began the preparation of a joint statement designed to interpret the formula officially, insofar as such an interpretation of a basic constitutional provision could appropriately be made in advance of its adoption and without any practical experience as to the operation of the Organization or the Security Council.

In the course of the preparation of this statement there arose a point on which the Sponsoring Powers differed. They were at all times fully in agreement that the text of the Yalta formula must be approved without change and that the rule of unanimity of the permanent members should apply to decisions of the Security Council during the stage of peaceful settlement as well as during enforcement. However, a question of interpretation arose as to whether under the formula any one permanent member, not a party to a given dispute, could prevent the consideration and discussion of such dispute by the Council. The Department of State between the time of the Crimea Conference and San Francisco, had issued an official statement interpreting the Yalta voting formula in the sense that no one member could prevent such discussion. The United States Delegation placed considerable importance upon this interpretation and its views were shared by the delegations of the United Kingdom, China and France. The Delegation of the Soviet Union expressed the opinion during the preparation of the joint statement that the discussion and consideration of a dispute in the Security Council should be considered a substantive, rather than a procedural, matter. In the exchange of views which occurred on this important point the United States Delegation stressed the imperative necessity of providing for full discussion and consideration of any situation brought before the

Security Council before any one permanent member could prevent further action by the Security Council with respect to the dispute. After full deliberation the Delegation of the Soviet Union agreed to this viewpoint; and complete agreement was therefore reached among the great powers on this basic question.

There follows the principal portion of the joint statement of the Sponsoring Powers with which France associated itself. (The Chapters referred to in the first four quoted paragraphs are those of the Dumbarton Oaks Proposals.)

"1. The Yalta voting formula recognizes that the Security Council, in discharging its responsibilities for the maintenance of international peace and security, will have two broad groups of functions. Under Chapter VIII, the Council will have to make decisions which involve its taking direct measures in connection with settlement of disputes, adjustment of situations likely to lead to disputes, determination of threats to the peace, removal of threats to the peace, and suppression of breaches of the peace. It will also have to make decisions which do not involve the taking of such measures. The Yalta formula provides that the second of these two groups of decisions will be governed by a procedural vote—that is, the vote of any seven members. The first group of decisions will be governed by a qualified vote—that is, the vote of seven members, including the concurring votes of the five permanent members, subject to the proviso that in decisions under Section A and a part of Section C of Chapter VIII parties to a dispute shall abstain from voting.

"2. For example, under the Yalta formula a procedural vote will govern the decisions made under the entire Section D of Chapter VI. This means that the Council will, by a vote of any seven of its members, adopt or alter its rules of procedure; determine the method of selecting its President; organize itself in such a way as to be able to function continuously; select the times and places of its regular and special meetings; establish such bodies or agencies as it may deem necessary for the performance of its functions; invite a member of the Organization not represented on the Council to participate in its discussions when that Member's interests are specially affected; and invite any state when it is a party to a dispute being considered by the Council to participate in the discussion relating to that dispute.

"3. Further, no individual member of the Council can alone prevent consideration and discussion by the Council of a dispute or situation brought to its attention under paragraph 2, Section A, Chapter VIII. Nor can parties to such dispute be prevented by these means from being heard by the Council. Likewise, the requirement for unanimity of the permanent members cannot prevent any member of the Council from reminding the members of the Organization of their general obligations assumed under the Charter as regards peaceful settlement of international disputes.

"4. Beyond this point, decisions and actions by the Security Council may well have major political consequences and may even initiate a chain of events which might, in the end, require the

Council under its responsibilities to invoke measures of enforcement under Section B, Chapter VIII. This chain of events begins when the Council decides to make an investigation, or determines that the time has come to call upon states to settle their differences, or makes recommendations to the parties. It is to such decisions and actions that unanimity of the permanent members applies, with the important proviso, referred to above, for abstention from voting by parties to a dispute.

"5. To illustrate: in ordering an investigation, the Council has to consider whether the investigation—which may involve calling for reports, hearing witnesses, dispatching a commission of inquiry, or other means—might not further aggravate the situation. After investigation, the Council must determine whether the continuance of the situation or dispute would be likely to endanger international peace and security. If it so determines, the Council would be under obligation to take further steps. Similarly, the decision to make recommendations, even when all parties request it to do so, or to call upon parties to a dispute to fulfill their obligations under the Charter, might be the first step on a course of action from which the Security Council could withdraw only at the risk of failing to discharge its responsibilities.

"6. In appraising the significance of the vote required to take such decisions or actions, it is useful to make comparison with the requirements of the League Covenant with reference to decisions of the League Council. Substantive decisions of the League of Nations Council could be taken only by the unanimous vote of all its members, whether permanent or not, with the exception of parties to a dispute under Article XV of the League Covenant. Under Article XI, under which most of the disputes brought before the League were dealt with and decisions to make investigations taken, the unanimity rule was invariably interpreted to include even the votes of the parties to a dispute.

"7. The Yalta voting formula substitutes for the rule of complete unanimity of the League Council a system of qualified majority voting in the Security Council. Under this system non-permanent members of the Security Council individually would have no 'veto'. As regards the permanent members, there is no question under the Yalta formula of investing them with a new right, namely, the right to veto, a right which the permanent members of the League Council always had. The formula proposed for the taking of action in the Security Council by a majority of seven would make the operation of the Council less subject to obstruction than was the case under the League of Nations rule of complete unanimity.

"8. It should also be remembered that under the Yalta formula the five major powers could not act by themselves, since even under the unanimity requirement any decisions of the Council would have to include the concurring votes of at least two of the non-permanent members. In other words, it would be possible for five non-permanent members as a group to exercise a 'veto'. It is not to be assumed, however, that the permanent members, any more than the non-permanent members, would use their 'veto' power wilfully to obstruct the operation of the Council.

"9. In view of the primary responsibilities of the permanent members, they could not be expected, in the present condition of the world, to assume the obligation to act in so serious a matter as the maintenance of international peace and security in consequence of a decision in which they had not concurred. Therefore, if a majority voting in the Security Council is to be made possible, the only practicable method is to provide, in respect of non-procedural decisions, for unanimity of the permanent members plus the concurring votes of at least two of the non-permanent members.

"10. For all these reasons, the four sponsoring Governments agreed on the Yalta formula and have presented it to this Conference as essential if an international organization is to be created through which all peace-loving nations can effectively discharge their common responsibilities for the maintenance of international peace and security".

By the time the joint statement was presented to the Committee it appeared that there was no serious disposition on the part of other delegations to press certain amendments designed to eliminate the rule of unanimity of the great powers with respect to enforcement action. The only open question then as to voting procedure was in connection with peaceful settlement. Many delegations had proposed amendments to alter the voting procedure, several of them with the idea of removing the process of pacific settlement from the requirement of unanimity of the permanent members. This was the purpose of an Australian amendment, which, when offered originally, had enlisted the support of several other delegations, and, in a revised form, provided the test of conference sentiment on this problem after the issuance of the Sponsoring Powers' statement. The amendment was rejected, although many delegations abstained when the vote was taken.

During the course of the debate on the Australian amendment and the voting formula itself, it was stressed by the great powers that their special voting position would be used with a great sense of responsibility and consideration of the interests of the smaller nations and that therefore the "veto" would be used sparingly. The eyes of world opinion will be directed upon the Security Council in all of its deliberations with respect to the maintenance of peace and security. Any misuse of the voting procedure would offend this great weight of opinion and impair the development of the prestige upon which the ultimate success of the Organization will depend. Since the great powers have carried the brunt of two great wars in one generation, their interest in building a strong and effective organization will surely make them ever conscious of maintaining this prestige.

Finally, it was emphasized that in the consideration of the problem, the aspect of formal voting in the Council should not be over-emphasized in relation to the process of careful discussion and examination of alternative methods of procedure which in the vast majority of cases could be expected to result in agreement among the great powers. It was pointed out in this connection that for many months the great powers have been working together in the formulation of this Charter and that their efforts thus far have produced complete unanimity without the taking of formal votes.

## THE SECURITY COUNCIL'S PRIMARY RESPONSIBILITY FOR MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY

In addition to the special position accorded the great powers, a distinguishing characteristic of the Security Council is that, in relation to other parts of the Organization, it has primary responsibility for international peace and security. The League of Nations Covenant granted concurrent jurisdiction of the Council and the Assembly with respect to the peaceful settlement of disputes and the taking of enforcement action, whereas the Members of the United Nations in the first paragraph of Article 24 "confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf". This feature of the Dumbarton Oaks Proposals was incorporated in the final Charter without change, after the defeat of various amendments which attempted to place a share of the ultimate responsibility for peace and security on the General Assembly. All of these proposals, which ranged from assignment of primary responsibility to the General Assembly to the granting of a negative veto to the General Assembly over decisions of the Security Council, were rejected by large majorities. However, as described in Chapter IV of this Report, other amendments were adopted which clarify the relationship between the Security Council and the General Assembly.

One of the most difficult problems in this connection had to do with the nature of the reports to be submitted by the Security Council to the General Assembly and the extent of the latter's authority with respect to such reports. In the end an amendment was adopted which provided that the Security Council shall submit annual and where necessary special reports to the General Assembly (Article 24, paragraph 3); that these reports shall include an account of the measures which the Security Council has decided upon or taken to maintain international peace and security; and that the General Assembly shall receive and consider the reports. (Article 15).

In another important respect the functions of the General Assembly and the Security Council are interrelated and placed in scale. Under Article 11, the General Assembly may consider the "principles governing disarmament and the regulation of armaments." Under Article 26, the Security Council with the assistance of the Military Staff Committee, is responsible for formulating "plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments." This responsibility is placed on the Security Council in order "to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources".

## THE BINDING EFFECT OF DECISIONS OF THE SECURITY COUNCIL

A third characteristic of the Security Council is to be found in the principle set forth in the Dumbarton Oaks Proposals and incorpo-



rated without change in Article 25, which reads as follows: "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter". This is an important complement to the Security Council's responsibility for decisions relating to enforcement measures. It is a sharp departure from the League of Nations Covenant, inasmuch as each member of the League could determine for itself whether or not it would in any particular situation participate in sanctions.

It is to be noted that the members of the Organization agree to carry out the decisions of the Security Council "in accordance with the present Charter". Thus the precise extent of the obligation of members under Article 25 can be determined only by reference to other provisions of the Charter, particularly Chapters VI, VII, VIII and XII (Article 24, paragraph 2). Decisions of the Security Council take on a binding quality only as they relate to the prevention or suppression of breaches of the peace. With respect to the pacific settlement of disputes, the Council has only the power of recommendation. Moreover, with respect to enforcement measures, the character and amount of military assistance which members of the organization place at the disposal of the Council will be governed by the terms of special agreements which are provided for in Article 43.

Thus the obligation of Members of the Organization to carry out decisions of the Council is made the subject of precise definition, while the Council, for its part, is under obligation by Paragraph 2 of Article 24 to act, in discharging its duties "in accordance with the purposes and principles of the United Nations". The framework of the purposes and principles within which the Security Council is to take its decisions is set forth in Chapter I. Among the Purposes it is stated that the adjustment or settlement of international disputes shall be brought "about by peaceful means, and in conformity with the principles of justice and international law . . .". Moreover, it is set forth as one of the Principles that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations". It is, of course, a recognized principle of legal interpretation that a document is to be construed as a whole, and it was brought out in the debates at San Francisco that general provisions of the Charter must be read in conjunction with specific definitions of rights and obligations.

#### CONCLUSION

The foregoing description of the Security Council serves to emphasize its unique character. It is not a traditional alliance in that it is an integral part of a general international organization. It is hardly even "quasi-judicial" in its conciliatory function because of the latitude permitted for the play of political considerations. Its functions are mixed and, therefore, it cannot be characterized exclusively as a police body. Its novel character is matched only by the unprecedented conditions of the international relations of our time.

## PACIFIC SETTLEMENT OF DISPUTES

## (Chapter VI)

## INTRODUCTION

Of all the technical committees which did the real work at the San Francisco Conference, one which attracted a minimum of public attention was the Committee on Peaceful Settlement which was responsible for Chapter VI of the Charter. It is conflict which is dramatic and demands attention, and there is by definition no conflict in peaceful settlement. The popular attention was focused on novelty, and machinery for peaceful settlement of disputes is no novelty. The committee was dealing with old issues, with matters which have been the subject of many international conferences in the last half-century, with problems on which there is a large library of weighty tomes and a large area of common agreement.

To Americans in particular, peaceful procedures for the settlement of disputes are thoroughly familiar. From the earliest days of the Republic, this country was a leading contributor to the development of such procedures; the Jay Treaty of 1794 and the Alabama Claims Arbitration of 1872—to name but two—are still landmarks in the development of techniques for pacific settlement of controversies between nations.

During the twentieth century the development of methods for peaceful settlement has progressed apace. Beginning with the Hague Conference of 1899 and reaching its highest mark to date in the rules and procedures of the League of Nations, this development has attained a stage of advancement at least as great as that in any field of international cooperation. During this period, the record of the United States in the actual settlement of disputes was not inferior to that of other states but this government was not willing, as other states had come to be willing, to accept in advance commitments to follow prescribed procedures of pacific settlement.

In general the development has followed two channels: arbitration or judicial settlement for disputes of a legal character, and conciliation for other types of differences. In both cases a majority of the states of the world community were obligated to submit their disputes to one procedure or the other.

The peaceful procedures delineated in the host of bilateral and multilateral treaties which have been signed in the past half-century have been extremely useful in settling a large number of minor controversies, but with few exceptions they proved inadequate to the task of coping with critical disputes. What then are the prospects for development under Chapter VI of the United Nations Charter?

The answer to that question may be found, not in this Chapter but in the following one, which grants the Security Council, power to coerce states when, refusing to follow peaceful procedures to ultimate settlement of disputes, they attempt to gain their ends by force or threat of force. This sanction for the Security Council's recommendations under Chapter VI gives new meaning to the old procedures for peaceful settlement which are embodied in this Chap-

ter. If the security functions of the organization develop over the years, as they can with the cooperation of the nations and peoples of the world, emphasis on peaceful settlement will grow too, and do so, paradoxically as it may at first appear, precisely because the Security Council possesses under Chapter VII the power to take enforcement action.

#### DUMBARTON OAKS PROPOSALS

Effective means for the peaceful settlement of disputes between nations obviously are essential to any international organization for the maintenance of peace and security. The Dumbarton Oaks provisions relating to peaceful settlement were based upon the lessons learned over centuries and more particularly upon those from the experience of the League of Nations.

The specific clauses are in Chapter VIII, Section A of the Dumbarton Oaks Proposals and Chapter VI of the Charter, but they must be read in the light of other provisions. First of all, the Members of the United Nations are obligated, under paragraphs 3 and 4 of Article 2, to "settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered", and "to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state". Then, in a marked advance over the League Covenant, which gave Council and Assembly concurrent jurisdiction, the Security Council is given primary responsibility for the maintenance of international peace and security, the General Assembly's role in connection with disputes being definitely limited.

The authors of the Dumbarton Oaks Proposals did not intend to require that states should settle all their disputes. Encouragement and means were provided to that end in Paragraphs 2 and 3 of Chapter VIII, Section A; but the only disputes which states were to be obligated to settle were those whose continuance was likely to endanger peace. This obligation was preceded, in the Dumbarton Oaks Proposals, by a blanket power given to the Security Council to investigate disputes for the purpose of deciding whether their continuance might endanger peace. Any state was to have the right to bring such a dispute before the Security Council or before the General Assembly.

Various methods of settlement were stated for illustration, such as negotiation, mediation, conciliation, arbitration, or judicial settlement. States, however, were to be free to settle the dispute by means of their own choice, and the Security Council could, in this first stage, do no more than urge the parties to adopt some such means.

If the parties failed to reach a settlement by such means, they were to be obligated to refer the dispute to the Security Council which, however, could do no more than recommend methods or procedures of adjustment. It was expected that the Council would refer justiciable disputes to the Court, and have the right to ask advisory opinions of the Court on legal questions before it.

Paragraph 7 of Chapter VIII, Section A provided that none of the above procedures should apply to matters which, under international law, are solely within the domestic jurisdiction of the state concerned.

At San Francisco, the domestic jurisdiction provision was modified and it was transferred to the Chapter on Purposes and Principles where it now appears as Paragraph 7 of Article 2.

#### CHANGES AT SAN FRANCISCO

While the substance and essential framework of all the Dumbarton Oaks provisions for peaceful settlement were retained in the Charter as finally written at San Francisco, several important additions were made. Perhaps the most important, at least so far as the Security Council is concerned, is that now found in Article 37, by which the Security Council can recommend not only methods and procedures of peaceful settlement, but the actual terms of settlement as well. This was one of the amendments submitted early in the Conference by the Sponsoring Powers. The power to recommend terms of settlement, as distinct from procedures, comes into play when the parties to a dispute have failed to settle it by means of their own choice and have referred it to the Security Council.

The parties are not obligated at this stage of a dispute to accept the terms of settlement recommended by the Security Council, any more than they are obligated to accept the Council's other recommendations. If, however, their failure to do so results in a threat to the peace, then the enforcement provisions of Chapter VII come into play.

Amendments were offered at San Francisco, the principal one by the Mexican Delegation, to give the General Assembly equal authority with the Security Council in the peaceful settlement of disputes. These amendments were rejected because the technical committee on pacific settlement, like other committees, upheld the principle of separation of powers between the Security Council and the General Assembly which had been adopted at Dumbarton Oaks. This left with the Security Council that primary responsibility for the maintenance of peace and security which is fundamental to the whole structure of the United Nations, although the powers of the General Assembly to assist in the peaceful settlement of disputes and in the peaceful adjustment of situations which might give rise to disputes were broadened at San Francisco.

Other amendments were offered to distinguish between legal and political questions, and to require the submission of the former to judicial settlement. Most of these were answered by the decision in another committee not to give compulsory jurisdiction to the International Court of Justice.

A similar effort was made to restrict the freedom of the Security Council by proposing that it be limited in its decisions by reference to principles of international law or justice. These were opposed by the United States and other nations on the ground that due observance of justice and of international law was assured by Articles 1 and 2, as revised, and that the Security Council should not be hampered by detailed direction of its activities. The Conference agreed with this position.

A further pertinent amendment was made in the Committee on Regional Arrangements, which added resort to regional arrangements or agencies to the other methods of peaceful settlement specified in Article 33. "Enquiry" was also included as one of these methods.

Considerable attention was devoted to rearranging the sequence of the paragraphs on peaceful settlement in the interest of greater clarity. Under the new arrangement, the chapter logically begins with the provision (Article 33) that states shall settle their disputes by means of their own choosing, including the various procedures specified therein. This obligation is still restricted to disputes whose continuance might endanger peace, but provision is made in Article 38 for settling all types of disputes if the parties so request.

Article 34 authorizes the Security Council to investigate, not only disputes likely to endanger the peace, but also "any situation which might lead to international friction or give rise to a dispute." Moreover, by the next article, any member of the United Nations may bring any such situation or dispute to the attention of the Security Council or the General Assembly. Thus, ample provision is made for getting a menacing dispute or situation before the proper organs. As a result of an amendment made by the Sponsoring Powers, a provision was added to Article 35 which would require any non-member which brings a dispute before the Security Council or the General Assembly to accept the obligations of pacific settlement contained in the Charter. After a dispute is brought before the Security Council, the decision to discuss and consider it is to be taken by a vote of any seven members of the Security Council, but the rule requiring a unanimous vote of the permanent members of the Security Council plus at least two other members, will operate in relation to any decision to make an investigation of the matter, and to subsequent decisions under this Chapter (subject to the provision that a party to a dispute shall not vote).

At any stage, the Security Council may recommend to the parties appropriate procedures or methods of adjustment. Two changes in the Dumbarton Oaks text occur here. The first change exhorts the Security Council to take into consideration the procedures which have already been adopted by the states themselves. The second change makes it clear that, while legal disputes should normally be referred to the Court, it is only the parties to the dispute which can so refer them; the Security Council can only recommend that this be done.

Another, and important, stage is reached with Article 37, under which, as above stated, the Security Council may take up a dispute if the parties have failed to reach a settlement by their own means and if the Security Council "deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security". The Council may now recommend either procedures or actual terms of settlement, but it does not have the power to compel the parties to accept these terms. It has power to enforce its decisions only after it has determined under the provisions of Chapter VII that a threat to the peace, a breach of the peace or an act of aggression exists. These provisions are analyzed in the following chapter of this Report.

#### SIGNIFICANCE OF THE CHAPTER

Chapter VI is the core of the provisions found in the Charter for pacific settlement of disputes but, as has been noted, there are related provisions in many other parts of the document. Taken as a whole, it is a comprehensive system. Every assistance is provided to the

nations themselves to settle their trouble peacefully. The right of the Security Council to intervene develops by carefully graduated stages only as it becomes necessary to do so for the maintenance of peace. The General Assembly has wide powers to watch over the conduct of the member states, and new avenues have been opened which can remove the causes of disputes even before they arise. The judicial settlement of legal questions is encouraged and the optional clause in the Statute of the Court makes possible, as regards those states which accept it, a wide degree of compulsory jurisdiction over such disputes. If member states fail in the end to settle their disputes peacefully, and this failure is regarded as a threat to the peace, the authority of the Security Council carries on, under Chapter VII of the Charter, to the use of force.

In comparison with the League of Nations system, the Charter provisions for peaceful settlement are both stronger and more flexible. Primary responsibility is centered in the Security Council, in distinction to the concurrent jurisdiction given to the Council and the Assembly under the League Covenant. As has been shown in Chapter V of this Report, much greater power is available to the Security Council under the Charter than to the League Council under the Covenant to act effectively when any dispute or situation becomes a threat to the peace.

It is clearly an advantage, from the viewpoint of decisive action, that the Security Council is not so restricted as the Council of the League, in determining what is a threat to the peace, breach of the peace, or act of aggression. Under the League system there had to be "resort to war, in disregard of . . . covenants under" certain designated articles of the Covenant. The Charter of the United Nations, on the other hand, leaves the Security Council free, within the purposes and principles of the Organization, to determine whether any situation is a threat to the peace.

Finally, the Security Council of the United Nations, when it has decided that a threat to the peace exists, has at its disposal much more effective economic and military powers than were available to the League. Since these powers are ready to be used if a threat to the peace results from the failure of member nations to live up to their obligation to settle disputes peacefully, the fact of their existence increases the chances that the Security Council can bring about a peaceful settlement which will make the use of force unnecessary.

The obligations for peaceful settlement undertaken by the Members of the United Nations under the Charter are much the same as those under the League of Nations Covenant. But the means provided for fulfilling these obligations are better and the sanctions that will follow failure to fulfill them are far stronger. Nevertheless, as the experience of the League showed, the success or failure of the United Nations will in the last analysis depend not upon the terms of the Charter, but upon the willingness of members to meet their responsibilities. All the Charter can do is to increase the chances for success. That has been done. But only the member states, by their conduct, can assure success. If they do, the use of force will atrophy, and conflicts among nations will be settled by peaceful means.

## ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

## (Chapter VII)

## INTRODUCTION

Chapter VII of the Charter provides the teeth of the United Nations. While the novel quality of the enforcement measures envisaged in that Chapter may attract undue public attention at the expense of other vital functions of the Organization, the fact remains that upon the confidence which member states repose in the efficacy of the measures designed to halt aggression—a confidence which may have to meet the test of successive crises—the survival of the entire Organization and of world peace itself must ultimately depend. Certain other provisions of the Charter which have undergone the most intensive public scrutiny and debate, such as the so-called Yalta voting formula, derive much of their importance from the manner in which they may affect or be affected by the operation of Chapter VII.

In this Charter, governments have for the first time undertaken to conclude agreements to provide armed forces and attendant facilities to be used on the call of an international agency in enforcing international peace and security. The acceptance of these provisions by the United States will mark the formal assumption by it for the first time of responsibility for maintaining world security, and will constitute concrete evidence of the recognition by this country that its own security is founded upon its cooperation with other countries in the maintenance of world peace.

This will represent a notable change in our foreign policy and in our military policy. But if it means a far-reaching commitment, entailing expense and some limitation on our freedom of action, it must be weighed against what it is designed to prevent—the appalling cost in men and material wealth of another war. Nor can we overlook the fact that other states, not so powerful as we, will assume relatively heavy obligations without retaining the large measure of control which the United States will enjoy as one of the permanent members of the Security Council.

The thirteen articles of Chapter VII, which follows closely Chapter VIII, Section B, of the Dumbarton Oaks Proposals, fall into four groups. Articles 39–42 endow the Security Council with the powers necessary to deal effectively with threats to the peace and with breaches of the peace and acts of aggression. The next five articles contain all the provisions designed to enable the Council to employ military measures swiftly and effectively. Then follow in Articles 48, 49 and 50, the obligations of the Members in respect of enforcement action and a provision designed to assist Member states which encounter special economic problems in fulfilling these obligations. The last Article, 51, is the new “self-defense” provision which is discussed in detail in connection with regional arrangements (Chapter VIII of this Report).

There was little disposition on the part of the Conference to challenge the concept that the Organization must take enforcement

action and have force at its disposal to do so; nor, even more significantly, was there much evidence of a desire to limit the obligations of members. However, the proposal to concentrate in the Security Council the responsibilities for the enforcement of peace was the subject of much debate, as were some of the important details of the chapter.

Four principal questions were dealt with in the consideration at San Francisco of Chapter VIII, Section B, of the Dumbarton Oaks Proposals: (1) Should the authority for the Council's decisions be altered, either through granting the Assembly the right of participation in those decisions or through enlarging the permanent membership of the Council? (2) Should the liberty of action of the Council be restricted, either by providing definitions of aggression which would be binding upon it, or by other means? (3) How could the measures for creating and using military forces for international security be perfected? (4) Should the Military Staff Committee be enlarged or otherwise altered from the pattern set down in Dumbarton Oaks? A good deal of attention was also devoted in a few instances to clarifying the language of the provisions on which general agreement already existed, but in general the provisions of this Chapter underwent very little change at San Francisco. On the issues involved in this Chapter the interests of the United States differed little from those of the other great powers, and the unanimity of agreement among the so-called "Big Five" was especially prominent throughout the consideration of this Chapter.

#### CHALLENGES TO THE PEACE

At San Francisco there was a ready recognition as at Dumbarton Oaks of the need to grant the Organization authority to determine when a situation has become a threat to the peace and to decide when an act of aggression has occurred or a breach of the peace exists.

The Conference decided, however, that Paragraphs 1 and 2 of Chapter VIII, Section B, of the Dumbarton Oaks Proposals with reference to the making of such determinations contained some over-nice distinctions concerning the different phases of a dispute and the particular measures which might apply in each case. The old first paragraph provided that the Security Council should take measures to maintain peace and security if it should determine that the failure to settle a dispute under certain of the provisions of Chapter VIII, Section A constituted a threat to the peace. The old second paragraph gave the Security Council general authority to determine the existence of any threat to the peace, breach of the peace, or act of aggression, and to make recommendations or decide upon measures to be taken upon such an eventuality. The discussion of these provisions by the Conference made it clear that the second paragraph contained all of the authority required to enable the Security Council to make the necessary determinations, and that as a consequence it was unnecessary to provide for any separate procedure with respect to a situation arising from the failure to settle a dispute under Chapter VIII, Section A (Chapter VI of the Charter). It was decided, therefore, to eliminate the old first paragraph as redundant and to incor-



porate the second with slight modifications into the Charter as Article 39, reading as follows:

“The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.”

If any single provision of the Charter has more substance than the others, it is surely this one sentence, in which are concentrated the most important powers of the Security Council. It leaves a wide latitude to the discretion of the Security Council, which decides whether a threat to the peace, breach of the peace, or act of aggression exists, and having so decided is free to choose whether to make recommendations to the disputing parties or to proceed with sanctions or to do both. While there was some sentiment for laying down more precisely the duties of the Security Council in particular circumstances, an overwhelming majority of the participating governments were of the opinion that the circumstances in which threats to the peace or aggression might occur are so varied that the provision should be left as broad and as flexible as possible. The general duties of the Security Council are clear, and reliance upon the fulfilment of those duties is based, as it must inevitably be, on the good faith of its members.

#### ACTS OF AGGRESSION

One of the most significant lines upon which debate concerning the liberty of action of the Council proceeded, was that which concerned the proposed inclusion in the Charter of provisions with respect to determination of acts of aggression. Various amendments proposed on the subject, including those of Bolivia and the Philippine Commonwealth, offered a list of sharply-defined eventualities (such as invasion of, or attack on, another state, interfering with its internal affairs, etc.) in which the Council would be bound to determine by formula not only the existence of aggression but also the identity of the aggressor. These proposals also implied that in such cases the action of the Council would be automatic. The United States Delegation, believing that the acceptance of such a concept was most undesirable, played an active part in opposing the amendments. The Conference finally agreed that even the most simple and obvious cases of aggression might fall outside any of the formulae suggested, and, conversely, that a nation which according to a formula strictly interpreted could be deemed the offender in any particular instance might actually—when all circumstances were considered—be found to be the victim of intolerable provocation. Since it was admittedly impossible to provide a complete list, the Security Council might have a tendency to consider of less importance acts of aggression not specifically covered therein. The problem was especially complicated by the progress in modern techniques of warfare and the development of novel methods of propaganda and provocation.

Finally, it was recognized that if the Council were bound to automatic action, the result might be that enforcement measures would be applied prematurely. The Technical Committee dealing with this

question therefore decided to hold to the provision quoted above which gives the Council ample authority to decide what constitutes a threat to the peace, a breach of the peace, or an act of aggression, and to decide also which of the disputing parties has been mainly at fault.

#### PROVISIONAL MEASURES

Related to the general question of the enforcement authority of the Security Council was the matter of provisional measures designed to prevent a deterioration of any disturbance pending the definitive recommendations or decisions of the Security Council. While such an authority was implicit in the original paragraphs which introduced the section on enforcement measures in the Dumbarton Oaks Proposals, the Sponsoring Powers decided to propose the insertion of an entirely new provision, incorporated in the Charter as Article 40. The measures envisaged in this Article are measures which the disputing parties will be asked to undertake themselves upon recommendation of the Council, and are therefore not to be regarded as preliminary sanctions.

It is anticipated that such provisional measures will in no wise delay the final recommendations or decisions of the Security Council, but that on the contrary compliance with them will greatly facilitate and expedite a final solution of the dispute. As specifically stated in Article 40, compliance with provisional measures will in no way prejudice "the rights, claims, or position of the parties concerned". The Security Council shall on the other hand "duly take account of failure to comply". It was felt that the language of the latter statement, which leaves a certain discretion to the Council, was preferable to a more positive statement binding the Council to direct all its measures against that side which had failed to comply. As in the matter of defining an aggressor, it was recognized that while failure to comply with provisional recommendations must be regarded as serious, the burden of provocation might nevertheless in some instances be overwhelmingly on the other side.

Provisional measures will be used only in appropriate cases. If they are not used or if they do not resolve a particular dispute, the Security Council will proceed to use other measures—either non-military measures under Article 41, or military measures under Article 42. It should be pointed out that the sequence of Articles 41 and 42 does not mean that the Council must in all cases resort to non-military measures in the first instance. While ordinarily this would be the case, since crises generally take a long time to develop, in a case of sudden aggression the Security Council may resort at once to military action without proceeding through any intermediate step, and the language of Article 42 has been refined to make this clear.

#### THE CONCENTRATED AUTHORITY OF THE COUNCIL

In the opinion of the United States Delegation, the effectiveness of the Organization as an instrument of international peace was at stake in two groups of amendments to Chapter VIII, Section B, of the Dumbarton Oaks Proposals. One group was intended to permit the General Assembly to participate in the Security Council's decisions,

and the others sought in various ways to enlarge the membership of the Security Council on a permanent basis. Both were eventually discarded in the interest of greater speed and certainty of enforcement action, but only after a vigorous discussion in which certain of the smaller nations, especially some which had experienced occupation by the enemy, gave strong support to the position of the great powers. It was emphasized that the Council will act only on behalf of the Organization as a whole, and that, in view of the requirement of unanimity of the permanent members and of the representative character especially of the elective members of the Council, any positive action by it may be counted upon to reflect the wishes of the majority of the Assembly.

Enforcement measures, in order to be effective, must above all be swift. The majority of the delegations agreed with the argument of the United States that it is impossible to conceive of a swift and effective intervention if the decision of the Council must be submitted to Assembly ratification, or if the measures applied by the Council are susceptible of revision by the Assembly. Such provisions, moreover, would be contrary to the basic concept of the Organization, which, as has been shown, envisages a marked distinction between the functions of the two bodies.

“NO TAXATION WITHOUT REPRESENTATION”

One significant and constructive change resulted from the debate in the adoption of a wholly new Article, 44, which contains the substance of an amendment submitted at the Conference by the Delegation of Canada and strongly supported by the other “middle powers”. It gives realization on the level of international security arrangements to the cherished axiom of American history: “No taxation without representation”. Once the Security Council has determined on the employment of armed forces, it must give to each state asked to contribute contingents a voice in the decisions concerning the employment of its own forces. For the purpose of such decisions, in other words, the voting membership of the Security Council may be increased by one—but by no more than one—for each decision.

Here is the way Article 44 will work: If four states not represented on the Security Council are to be asked to furnish armed forces to cope with an emergency, they may, if they desire, send representatives to sit temporarily with the Council; but each of these four *ad hoc* representatives would participate only in the decision which concerns the use of the armed forces of his own country. No similar right is given to states when the contribution involved is only the use of facilities and assistance they have agreed to provide, and an amendment to give such a right was rejected. The Conference felt that there is a substantial difference between sending men to fight and, for example, making an airfield available.

It is particularly important to notice that the membership of the Security Council remains unchanged for all decisions leading up to and including the decisions to impose military sanctions. Thus the operation of the security machinery will not be dangerously slowed by the new provision. Moreover, the provision will not affect the use

of the contingents of the great powers, which will doubtless constitute the bulk of the forces used to carry out the Council's decisions. Even the process of consulting the states that are not members of the Council should not appreciably delay the effective functioning of their contingents.

#### PROVISION OF ARMED FORCES

The effort to clarify and to make more adequate the procedures for making military forces available to the Security Council involved some significant departures from the Dumbarton Oaks text as concerns the special agreements for supply of forces. Even as originally drafted in the earlier document, Paragraph 5 of Chapter VIII, Section B, was novel and far-reaching. The League of Nations Covenant, the only comparable document of the past, did not contain any provision requiring member states to conclude agreements for the supply of forces to execute military sanctions. The insertion of such a provision in the Dumbarton Oaks text thus represented a long step forward.

One point in connection with these agreements which should be stressed is that, as is brought out in the report of the Rapporteur, no Member of the United Nations can be called upon to supply for the use of the Security Council forces which are not provided for in the agreements.

#### AGREEMENTS WITH SECURITY COUNCIL

The Conference made useful improvements over the provisions of the Dumbarton Oaks Proposals with respect to these agreements and clarified and strengthened the powers of the Security Council in regard to them. The delegations of the Sponsoring Powers and France, cooperating with that of Australia, presented, and the Conference adopted, a consolidated amendment embodying the substance of several proposals.

In the first place, under a clause containing the substance of a French proposal, the facilities which are to be made available under the special agreements will include rights of passage. Such a provision was implied in the original text, but it was deemed preferable that the obligation be stated clearly. In specifically naming rights of passage, the Conference nevertheless made it clear that this phrase should not be construed restrictively.

Under another French proposal, as modified in the new amendment, the special agreements will provide for the degree of readiness of the armed forces committed and their general location, as well as for the numbers and types of forces and the nature of the facilities and assistance, as specified in the original text. These changes cannot but sharpen considerably the edge of the sword which will ultimately be placed in the hands of the Security Council.

Another significant change from the Dumbarton Oaks text provides that the Security Council shall take the lead in negotiating the special agreements which, instead of being concluded among the member states, are to be concluded between the states on one side—either individually or in groups—and the Security Council itself on the other. Originally suggested at the Conference by the Delegations of Australia and New Zealand, the new provision will not only expedite the conclusion of the special agreements but will also make

for a more rational arrangement in that the party which will have to call for the forces and direct their use, namely the Security Council, will be the same party to which are owed the obligations to provide them.

This change is also of considerable legal significance in that the member states, by the very act of signing the Charter, collectively recognize the legal capacity of the Security Council to conclude agreements with them. The novelty of this concept, while noteworthy, is greatly over-shadowed by its ready and unanimous acceptance at the Conference, where many of the representatives were experts in international law. It must be observed, however, that this departure is not wholly new. The League of Nations was on various occasions party to agreements with sovereign states; and even the United States, which was not a member of the League, concluded certain agreements with the Council of the League.

The special agreements provide for a structure which still remains to be erected. Article 43 does not enable the Security Council to exercise its functions of enforcement. It only obliges the Member states to negotiate and conclude with the Security Council *as soon as possible* the special agreements which will provide to the Organization the bones and muscle of authority. Negotiation of the agreements cannot be begun, of course, until the Security Council is in existence and therefore considerable time may elapse before the conclusion of these agreements and the availability of forces to the Council. This fact should be clearly borne in mind in any appraisal of the potentialities of the United Nations in dealing with situations during the period pending the coming into effect of these agreements. It has an important bearing upon the question of transitional security arrangements discussed in Chapter XVII, and of mutual assistance treaties discussed in Chapter VIII.

#### AIR FORCE CONTINGENTS

Special provision is made in Article 45 for national air-force contingents which the member states are to hold *immediately available* to the Organization for military measures of special urgency. Certain delegations at first questioned the wisdom of giving a unique place to air forces and observed that a militarily realistic conception demands the provision from the outset of all the branches of armed forces. However, they expressed themselves as wholly satisfied with the explanation that this was already provided for in substance by virtue of the addition of the requirement in Article 43 that the special agreements should provide for the degree of readiness in which contingents of forces should be held. Although this change might make Article 45 less necessary than before, the majority of the countries felt that the great and immediate striking power of air forces over long distances, warranted a special provision with respect to that branch of military power and particular emphasis on the immediate availability of air force contingents.

#### MILITARY STAFF COMMITTEE

Another significant feature of Chapter VII is the creation of the Military Staff Committee, a wholly new type of agency. This Com-

mittee will consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives, and will be a permanent international body. It will advise and assist the Security Council in all problems which are military in nature or which have military implications. Its responsibilities under the Security Council will include the strategic direction of any armed forces placed at the disposal of the Council. In addition, it will advise the Council as to the special agreements envisaged in Article 43, and prepare plans for the application of the armed forces made available through those agreements.

This innovation is in reality but one of the many examples of the manner in which the experience of the present war has been drawn upon in drafting the Charter. What has been done was simply to take the idea of the Combined Chiefs of Staff which played such a significant role in Anglo-American strategic planning and direction and adjust it to the needs of the new Organization.

The Military Staff Committee is given power in Article 47 to establish regional sub-committees. This is a change from the Dumbarton Oaks Proposals which (in Chapter VI, Section D, Paragraph 2) gave this power directly to the Security Council. Before setting up these subcommittees, the Military Staff Committee, acting under the authorization of the Security Council, is to consult with the appropriate regional agencies, but the Staff Committee will have the final decision. As finally included in the Charter, this clause combines a Sponsoring Power amendment with an addition introduced by Peru during the discussion of more radical suggestions of Uruguay and Bolivia. In keeping with the provision in Article 53 for the use of regional agencies, where appropriate, in enforcement action, this amendment constitutes a recognition of the important role of regional agencies in the Organization.

There was originally some sentiment for the permanent or *ad hoc* enlargement of the Military Staff Committee itself, though the inclusion of representatives of member states other than the five permanent members of the Security Council. The Conference, however, decided by a large majority that concern for efficiency, for permanency of membership, and for apportioning military responsibility according to military capacity, dictated leaving the membership unchanged.

#### OBLIGATIONS AND RIGHTS OF MEMBERS

While security and world peace are of universal concern, the realities of geography must also be considered. This applies especially, though not solely, to the lesser powers, whose military effectiveness in areas remote from their home territories is likely to be slight. One must recognize also a distinction between the world-wide responsibilities of the great powers and the more restricted scope of activities of the lesser states. These considerations are accounted for in Article 48, Paragraph 1, which provides in substance that the Security Council may determine in each instance which states or groups of states are to carry out its decisions. In addition, this Article provides that the member states shall fulfill their undertakings not only directly but also through their action in other international agencies of which they are members. Under this provision, for example, in the event of economic sanctions against a particular

aggressor, the Members would use their influence to prevent the International Monetary Fund from giving financial or other assistance to that aggressor.

Article 49, which has been slightly altered in language, but not in substance, from the Dumbarton Oaks text, imposes another obligation upon Members, by requiring them to help each other in carrying out the measures decided upon by the Security Council.

These obligations are specific applications of the general duty of Members under Article 2, Paragraph 5, which requires all Members to give the Organization "every assistance in any action it takes in accordance with the present Charter".

It is obvious that a nation whose economic well-being depends heavily on trade with a particular state will suffer unduly from the imposition of a blockade or of other economic sanctions against the later state. Similarly, a nation which grants rights of passage to forces which are executing the decisions of the Security Council may, especially if the state which is the target of the sanctions is a neighbor, suffer a well-nigh complete disruption of its economic life. Such problems are especially likely to arise in the case of the smaller states, and it is towards relieving as much as possible such disproportionate burdens that Article 50 is directed. These two Articles provide for a world-wide adjustment, by equitable distribution of the economic burden of sanctions, to the accidents of geography and of international trade. It was specifically the understanding of the Conference that the obligation imposed by those paragraphs extends to financial problems. It is also noteworthy that under Article 50 the privilege of consulting the Security Council in regard to the solution of special problems arising from the imposition of sanctions is extended to states which are not Members of the Organization. The Charter, through Article 2, Paragraph 6, and Article 103 also provides protection for the Members against non-members in case the fulfilment of obligations under Articles 48, 49, and 50 should involve difficulties with non-member states.

#### CONCLUSION

Taken together, the provisions of Chapter VII constitute a noteworthy step forward in international organization. They concentrate authority in one body and give that body the power and the means to assert its authority. On the other hand, they furnish safeguards for nations which are asked to undertake heavy responsibilities. The total effect is to strike a proper balance between what is essential if the organization is to be effective in maintaining peace and security and the realities which must be accepted in creating an association of sovereign states rather than a super-state.

#### REGIONAL ARRANGEMENTS

##### (Chapter VIII)

#### INTRODUCTION

The articles of the Charter of the United Nations which deal with regional arrangements are intended to mesh into the system of international security established on a universal basis such existing or future

regional instrumentalities as might serve to further its objectives without detracting from its authority and effectiveness.

The United States and the other American Republics have had a special interest in the maintenance of the inter-American system, which has demonstrated its usefulness in preserving the peace and security of the Western Hemisphere and in advancing its welfare. This system had been in process of development for more than half a century and had only recently, in March, 1945 attained full maturity in the Act of Chapultepec. Moreover, various countries in Europe, especially since 1942, have made alliances in the interest of their own peace and security, and seven Arabic-speaking countries, on March 22, 1945, formed the League of Arab States.

All of these countries, and others represented at the Conference, individually and collectively, were deeply concerned with the problem of their security in a world which, for the second time within a generation, had been devastated by a great world struggle. These nations could not be expected to abandon instruments of regional cooperation which they considered essential to their security, but they all recognized the necessity of laying the foundations of an organization which would give hope of maintaining peace on a universal basis. Hence the problem arose of integrating regional arrangements and agencies with the establishment of a universal security organization. Articles 51 to 54 of the Charter are designed to effect this integration.

#### THE DUMBARTON OAKS PROPOSALS

The Dumbarton Oaks conversations faced squarely the issue of the relationship between regional arrangements and a general international organization. It was held imperative to give the proposed world organization genuine and overall authority to deal with the problems of war and peace. At the same time the value of regional arrangements was clearly recognized. The principle was accepted that regional instrumentalities which promote peace and security, and which stimulate confidence in the success of collective security arrangements, will, if properly integrated within the general framework, serve to strengthen the organization itself and further its purposes. This was the genesis of Chapter VIII, Section C, on Regional Arrangements, of the Dumbarton Oaks Proposals.

This section stipulated that nothing in the Charter should preclude the existence of regional arrangements or agencies, provided they were "consistent with the purposes and principles of the Organization". It was recognized that regional organizations might play a constructive role in the settlement of "local disputes . . . either on the initiative of the states concerned or by reference from the Security Council".

Similarly the Security Council could utilize regional arrangements for enforcement action, provided that such enforcement action should be undertaken only when authorized by the Council and that the latter should be kept fully informed of all action taken or contemplated under regional arrangements or by regional agencies. It was recognized that the Council must have a general authority over regional security machinery in order to prevent such arrangements



from developing independently and thus possibly pursuing different ends. In other words, this provision was intended to coordinate the functions of a regional grouping with those of a general organization, and at the same time establish the final authority of the latter.

#### AMENDMENTS APPROVED AT SAN FRANCISCO

The United Nations Conference on International Organization made several changes in the foregoing provisions on regional arrangements, without altering the basic principle of universality accepted by the Dumbarton Oaks Conference.

#### *Amendments Proposed*

The proposals submitted at San Francisco for amending this section fell largely under three categories.

There were some proposals from the Latin American delegations which raised the problem of the extent of autonomy in respect of pacific settlement of disputes and enforcement action under regional arrangements, as well as with respect to regional arrangements in the social, economic, and cultural spheres. The similar interest of the members of the League of Arab States in this latter aspect of regionalism was manifested in an Egyptian proposal for a separate chapter to deal with arrangements of a permanent character contemplating international cooperation on a comprehensive basis among states of a region. Likewise Australia submitted a proposal whereby the parties to regional arrangements would be authorized to take measures for their peace and security if the Security Council failed to act and did not authorize regional enforcement action. A similar Belgian proposal recognized the right of automatic action under regional arrangements in case of urgent necessity, but provided for the authority of the Security Council to suspend the execution of such action.

Another series of amendments proposed to approach the regional problem through modification of the voting procedure in the Security Council. Suggestions of this nature which were presented by Australia, Belgium and Venezuela proposed to qualify the so-called "veto" power of the permanent members in the case of regional enforcement action.

A third group of amendments was concerned with the specific problem of pacts of mutual assistance like the Anglo-Soviet treaty of May 26, 1942 and similar treaties, and of their integration within the framework of the General Organization. Although these mutual assistance pacts fell within the general denomination of "Regional Arrangements", it was recognized that they were concerned primarily with the problem of military security. Amendments with respect to this important matter were proposed by the Soviet Union, France, Belgium, Czechoslovakia, and Turkey. Essentially two issues were involved in this problem: (1) the permanent inherent right of self-defense, individual or collective, against a possible aggressor; and (2) the provisional or temporary right of the parties to such pacts to take preventive action against a possible aggression on the part of states which had fought against the United Nations during the present war.

*Amendments Approved*

In order to meet the legitimate desires which these amendments represented, the Conference in San Francisco adopted three principal modifications of the Dumbarton Oaks Proposals:

(1) an amendment to Chapter VIII, Section A, Paragraph 3 (Article 33 of the Charter) adding regional agencies or arrangements to the processes of pacific settlement, and a closely related amendment to Chapter VIII, Section C, Paragraph 1 (Article 52 of the Charter) providing that parties to regional arrangements should attempt to solve local disputes through regional arrangements;

(2) an amendment to Chapter VIII, Section C, Paragraph 2 (Article 53 of the Charter) stipulating the right to take preventive action under regional arrangements against renewal of aggressive policy on the part of enemy states; and

(3) an amendment to Chapter VIII, Section B, adding a new Paragraph 12 (Article 51 of the Charter) recognizing the right of individual and collective self-defense against armed attack.

The foregoing modifications were all submitted to the Conference by the four Sponsoring Powers and were accepted by the other delegations as constituting an adequate amalgamation and reconciliation of the numerous amendments dealing with regional arrangements. With the adoption of these alterations in the Dumbarton Oaks Proposals, the role of the regional arrangement is the maintenance of peace and security within the framework of the world organization was clarified.

*Regional Arrangements and Pacific Settlement*

With respect to procedures for pacific settlement, the phrase "resort to regional agencies and arrangements" was introduced in Paragraph 3 of Chapter VIII, Section A (Article 33 of the Charter) in order expressly to recognize that an appeal in the first instance to collective procedures of pacific settlement which are available to the members of a regional community is an appropriate method of peaceful solution, along with the standard means mentioned in the original text.

The modification introduced in Chapter VIII, Section C, Paragraph 1 (Article 52 of the Charter) constituted the addition of a sentence providing that the member states entering into regional arrangements or constituting regional agencies "shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council". It is also provided that the Security Council shall encourage the development of pacific settlement of local disputes through regional arrangements or by regional agencies. To insure the paramount authority of the Council and its right to concern itself if necessary with disputes of this character, an additional sentence was added to this article in which it is stipulated that the foregoing provision "in no way impairs the application of Articles 34 and 35". The first of these empowers the Security Council to investigate any dispute, or any situation which may lead to international friction, and the second provides that any state may bring to the attention of the General Assembly or the Security Council any dispute or any situation likely to lead to international friction.

These modifications make it clear that regional means of pacific settlement such as those provided for in the inter-American system, including the procedure of collective consultation, shall be given the fullest possible opportunity to attempt a solution of local disputes and that the Security Council is to encourage and facilitate such an attempt. It is definitely recognized nevertheless that there shall be no impairment of the authority of the Security Council to determine, at its own instance or at the request of a member or non-member state, whether the dispute endangers international peace, or to proceed to take other measures should local remedies fail to settle the dispute.

#### *Regional Arrangements and Mutual Assistance Pacts*

The problem of integrating the special mutual assistance treaties within the framework of the Charter was one of particular significance. In order to deal with proposed amendments relating to such treaties, which were designed to prevent a recurrence of the policy of aggression by the present enemy states, the four Sponsoring Powers and France introduced, and the Conference approved, an amendment of, Chapter VIII, Section C, Paragraph 2 of the Dumbarton Oaks Proposals, which became Article 53 of the Charter. In this provision an exception is made to the necessity for prior authorization of the Security Council for regional enforcement action in the case of measures against these enemy states pursuant to Article 107 of the Charter, or in regional arrangements directed against a renewal of aggressive policy by the same states, until the international Organization, on request of the governments concerned, is charged with preventing further aggression by such states, Article 107, which is dealt with in discussing "Transitional Security Arrangements" in Chapter XVII of this Report, sets forth the special and temporary responsibilities of the victorious powers for policing the enemy states.

The amendment has the same objective as Article 107, since it seeks to insure that there shall be no relaxation in the measures of control against the possibility of a renewal of aggression by the enemy states in this war, pending the time when the Security Council of the United Nations is able effectively to assume that responsibility. Neighbors of Germany, especially, stressed that the future peace and security of the world must rest on the permanent destruction of German and Japanese militarism, and emphasized that there must be no lapse of control over the aggressors lest the tragic experience of the inter-war period be repeated in the future.

As a result of the provisions of Article 107, the Security Council will not be charged with the responsibility for the prevention of aggression by enemy states until the governments having responsibility for such action as a result of the present war decide to have this responsibility transferred to the Organization and the Organization decides to accept it. The United States Delegation agreed to the exemption of measures taken under these mutual assistance treaties from the general rule that no enforcement action should be taken under regional arrangements or by regional agencies without the authority of the Security Council, because this was in accord with United States policy toward the enemy states.

The phrase "governments concerned", as used in Article 53, includes both the parties to regional arrangements directed against renewal

of aggressive policy on the part of the enemy states, and the governments, including the United States, which are responsible for such action as may be taken under Article 107 in relation to the same states.

#### *Regional Arrangements and Defense*

The amendment which exempted the application of enforcement measures taken under the special mutual assistance treaties from the control of the Security Council did not meet the issue presented by other proposed amendments designed to give greater autonomy to regional arrangements in enforcement action. This matter was one of direct concern to the United States and to the other American Republics. The problem was met by the adoption of an additional amendment of special significance to the inter-American system.

This amendment, which became Article 51 of the Charter, stipulates that the member governments have "the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security". Such measures, however, are to be reported immediately to the Security Council, and do not "in any way affect the authority and responsibility of the Security Council . . . to take at any time such action as it deems necessary in order to maintain or restore international peace and security".

In thus recognizing the paramount authority of the world organization in enforcement action as well as the inherent right of self-defense against armed attack pending the time when the Security Council undertakes such action, this Article, with the other relevant provisions of the Charter, makes possible a useful and effective integration of regional systems of cooperation with the world system of international security.

This applies with particular significance to the long-established inter-American system. Under the Monroe Doctrine the United States has long recognized that an effort by non-American powers to extend their colonial or political systems into the American Republics would be a threat to our own peace and security. The Declaration of Lima in 1938 recognized, and the Act of Habana in 1940 emphasized, that all the American Republics share our concern in the maintenance of this principle. That hemispheric policy of self-defense against non-American powers was strengthened and extended by the Act of Chapultepec to a policy of collective defense by all the American Republics against aggression by any state, either from within or outside of the Western Hemisphere. Under the Act of Chapultepec the American Republics declared that an attack upon one of them is an attack upon all. Under Part I of the Act this declaration of mutual assistance would be effective for the duration of the Second World War only.

The American Republics at San Francisco were particularly solicitous that the Charter of the world organization should not prevent this concept of collective self-defense from being integrated by permanent treaty into the American hemispheric system as contemplated by Part II of the Act of Chapultepec. Article 51 of the Charter, above referred to, makes it clear that this can be done consistently with the Charter. Also the Secretary of State announced that it

was, in fact, the intention of the United States Government to fulfill the hopes expressed in Part II of the Act. By public statement issued at San Francisco, he stated the intention of this Government to call a conference before the close of the year, to conclude, consistent with the provisions of the Charter, the permanent hemispheric treaty contemplated by Part II of the Act of Chapultepec.

In conclusion, it may be said that from the point of view of the national interest of the United States, the provisions on regional arrangements adopted at San Francisco insure the preservation of the inter-American system based on the Good Neighbor Policy as an integral and valuable element of an effective collective security system on a world-wide basis. It is believed that this has been accomplished without establishing a precedent which might engender rivalry between regional groups at the expense of world security.

## INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

### ECONOMICAL AND SOCIAL COOPERATION

#### (Chapters IX and X)

##### INTRODUCTION

The battle of peace has to be fought on two fronts. The first is the security front where victory spells freedom from fear. The second is the economic and social front where victory means freedom from want. Only victory on both fronts can assure the world of an enduring peace.

In the next twenty-five years the development of the economic and social foundations of peace will be of paramount importance. If the United Nations cooperate effectively toward an expanding world economy, better living conditions for all men and women, and closer understanding among peoples, they will have gone far toward eliminating in advance the causes of another world war a generation hence. If they fail, there will be instead widespread depressions and economic warfare which would fatally undermine the world organization. No provisions that can be written into the Charter will enable the Security Council to make the world secure from war if men and women have no security in their homes and in their jobs.

Effective economic and social cooperation is, furthermore, an urgent necessity for all nations which brooks no delay. The war is over in Europe, but the terrible destruction and the suffering, the wholesale uprooting of peoples and its social consequences, the disruption of production and trade resulting from the war—all these have still to be dealt with. In the Far East, the United Nations face the same task as rapidly as they drive the Japanese out of the occupied lands, and to final defeat.

The stake of the United States in the prompt and successful performance of this task is at least as great as that of any other nation. We cannot provide jobs for the millions now in our armed forces and maintain prosperity for ourselves unless the economy of the rest of the world is restored to health. Continuing poverty and despair abroad can only lead to mass unemployment in our own country.

from the long-range point of view we cannot hope to maintain our comparative wealth unless there is effective international cooperation in the development of trade and higher standards of living throughout the world.

It is equally evident that the promotion of respect for human rights and freedoms, and closer cooperation in fighting ignorance and disease and in the exchange among nations of scientific knowledge and of information about each other are as necessary to peace as an expanding world economy.

Modern communications have brought the peoples of the world into closer contact with each other, and have made mutual understanding not merely desirable but indispensable to the maintenance of good neighborliness. Unless the peoples of the world learn to comprehend that, in spite of diversities in attitudes and outlook, they are bound together by common interests and common aspirations, the peace of the world will rest on uncertain foundations.

Similarly the struggle against disease and pestilence is a matter of international concern. In the age of aviation disease travels faster than ever, and becomes a threat to the highly developed countries with their vast centers of communication even more than to remote and undeveloped regions of the world. Nor is it enough to fight dread epidemics. Preventive medicine, mental hygiene, improved standards of nutrition and better health in general are essential to the well-being of nations. They mean higher productivity, enlarged markets, and a general well-being which makes for peace.

Finally, no sure foundation of lasting peace and security can be laid which does not rest on the voluntary association of free peoples. Only so far as the rights and dignity of all men are respected and protected, only so far as men have free access to information, assurance of free speech and free assembly, freedom from discrimination on grounds of race, sex, language, or religion and other fundamental rights and freedoms, will men insist upon the right to live at peace, to compose such differences as they may have by peaceful methods, and to be guided by reason and goodwill rather than driven by prejudice and resentment. The United States, as a nation which takes pride in its free institutions, is particularly interested in the promotion, through international means, of human rights throughout the world.

To foster cooperation in all these fields is a vast undertaking. It was approached boldly and in a spirit of realism both at Dumbarton Oaks and at San Francisco.

It was evident to the architects of the Dumbarton Oaks Proposals that to neglect the economic and social aspects of international relations in the way in which they were frequently neglected during the period between the two wars, was to court disaster. Thus their Proposals provided for the setting up, under the authority of the General Assembly, of an Economic and Social Council designed to become an effective instrument in the promotion of international economic and social cooperation.

Unlike the Security Council, the Economic and Social Council was not to have any coercive powers. The Proposals recognized that in social and economic matters an international organization could aid in the solution of economic and social problems but could not inter-

fere with the functions and powers of sovereign states. It could not command performance by individual member nations; it should not reach into the domestic affairs of Members. Its tools and procedures are those of study, discussion, report, and recommendation. These are the voluntary means of a free and voluntary association of nations.

The Economic and Social Council, according to the Dumbarton Oaks Proposals, differs from the Security Council in another important respect. Arrangements for international cooperation in security matters are largely centered in the Security Council. By contrast, international economic and social issues cannot be dealt with by any one agency. Effective cooperation in fields so diverse and so fundamental to nations and individuals as the movement of trade, monetary stability, public health, freedom of the press, or aviation, requires the creation of specified agencies, some of which are already functioning while others are being planned.

To coordinate the policies and activities of these specialized agencies and to avoid duplication of effort is to be one of the major tasks of the Organization and, specifically, of the Economic and Social Council as defined at Dumbarton Oaks.

The San Francisco Conference added new provisions to the original text, and earlier provisions were expanded. All these changes, while upholding the principles laid down at Dumbarton Oaks, were designed to strengthen the position of the Economic and Social Council within the general international organization and to enable it to achieve its vital tasks. Objectives were more clearly defined and functions more clearly stated. And, significantly, it was unanimously decided that the Economic and Social Council should become one of the principal organs in the New Organization, one of the cornerstones of the peace of tomorrow.

The Committee of the Conference dealing with economic and social arrangements and its Drafting Subcommittee held altogether forty meetings. All nations represented in the Conference, both large and small, took an active part in the work of these committees. They were firm in their determination to get at the very roots of international conflict and to prepare the way for active and constructive international cooperation in the creation of a peaceful world. Chapters IX and X of the Charter reflect their achievement. They combine the wisdom of experience with the wisdom of hope. The first of these two chapters contains the general provisions of the Charter regarding international economic and social cooperation, while Chapter X deals with the Economic and Social Council.

#### PURPOSE AND UNDERTAKINGS

The Dumbarton Oaks language had confined its statement of objectives in the field of international economic and social cooperation to the following:

“With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, the Organization should facilitate solutions of international economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms”.

Chapter I, Paragraph 3 contained an even briefer statement in listing among the purposes of the Organization the achievement of "international cooperation in the solution of international economic, social and other humanitarian problems".

Out of weeks of purposeful and often spirited discussion in committee, by delegations, and by consultants, there emerged at San Francisco a new statement of the economic and social objectives of the Organization, both broader and more incisive than the original text. It is well to reproduce it in full in this report, for it represents one of the high achievements of the Conference:

"With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

"a. higher standards of living, full employment, and conditions of economic and social progress and development;

"b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

"c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." (Article 55).

In line with this broader statement of objectives, the statement of purposes in Chapter I (Article 1) was also strengthened as described in the commentary on that chapter.

In the course of the deliberations leading up to the adoption of these texts several issues were brought out which deserve special mention.

A number of delegations felt that to speak of solutions of "economic, social and other humanitarian problems" was not sufficiently descriptive of the range of activities contemplated for the Economic and Social Council. In particular, there was strong support for specific enumeration of cultural, health and educational matters.

From the outset, the United States Delegation found itself in agreement with the addition of "cultural" and "health" to the enumeration, but believed that "educational" was adequately comprehended within "cultural". In addition, it felt that whereas the members individually and in cooperation could work toward *solutions* of international economic and social problems, the same language was not equally applicable to the cultural and educational fields. In those fields it was not the solutions of international problems that was sought, but the advancement of international *cooperation* as a means of promoting mutual understanding and good will among the peoples of the world. Stated in that way, it would also remove any basis for misapprehension that the Organization was in any way designed to interfere in the domestic educational systems of any of the member nations. The compromise text as stated above was approved unanimously.

The inclusion of the passage referring to the promotion of "higher standards of living, full employment, and conditions of economic and social progress" gave rise to prolonged discussion.



The United States Delegation preferred the expression "high and stable levels of employment" rather than "full employment" because it believed that the latter term, while in wide use, was less precise and less meaningful than "high and stable levels". It did not, however, insist upon this point when it became apparent that there was strong preference for the term "full employment" among most of the other delegations.

One of the most striking differences between the original Dumbarton Oaks Proposals and the final text as adopted lies in the greater emphasis on human rights. At the outset of the Conference the Sponsoring Powers proposed that the objective of promotion of respect for human rights and fundamental freedoms as set forth in the Dumbarton Oaks text should be expanded into promotion of respect for human rights and for fundamental freedoms *for all without distinction as to race, sex, language, or religion*. The Conference further strengthened this language to read "universal respect for, and observance of, human rights \* \* \*"

In no part of the deliberations of the Conference was greater interest displayed by the group of American consultants, representing forty-two leading American organizations and groups concerned with American foreign relations, than in the opportunity accorded to extend the enjoyment of human rights and basic freedoms to all peoples. They warmly endorsed the additions to the statement of objectives. Beyond this they urged that the Charter itself should provide for adequate machinery to further these objectives. A direct outgrowth of discussions between the United States Delegation and the consultants was the proposal of the United States Delegation, in which it was joined by the other Sponsoring Powers, that the Charter (Article 68) be amended to provide for a commission on human rights of which more will be said later.

#### *The Nations Pledge Themselves*

The statement of purposes is followed by Article 56, which reads as follows:

"All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55."

No corresponding provision occurs in the Dumbarton Oaks text. Early in the Conference the Delegation of Australia introduced a lengthy amendment which would have pledged all members of the Organization "to take action both national and international for the purpose of securing for all peoples, including their own, improved labor standards, economic advancement, social security and employment for all who seek it," and to report annually upon steps taken in the fulfillment of the pledge.

These are objectives which have the full support of the Government and the people of the United States. The United States Government has repeatedly demonstrated its desire for international cooperation toward the achievement of steadily rising levels of economic activity, free from disruptive fluctuations, throughout the world. Thus, the United States Delegation deemed it perfectly appropriate for the member states to pledge themselves to cooperate with the organization for the achievement of these purposes.

On the other hand, the view was advanced that the further element in the Australian proposal calling for national action separate from the international organization went beyond the proper scope of the charter of an international organization and possibly even infringed on the domestic jurisdiction of member states in committing them to a particular philosophy of the relationship between the government and the individual.

The pledge as finally adopted was worded to eliminate such possible interpretation. It pledges the various countries to cooperate with the organization by joint and separate action in the achievement of the economic and social objectives of the organization without infringing upon their right to order their national affairs according to their own best ability, in their own way, and in accordance with their own political and economic institutions and processes.

To remove all possible doubt on this score the following statement was unanimously approved and included in the record of the Conference (Report of the Rapporteur of Committee 3 of Commission II):

"The members of Committee 3 of Commission II are in full agreement that nothing contained in Chapter IX can be construed as giving authority to the Organization to intervene in the domestic affairs of member states".

It was no simple matter to hammer out these issues and to reach complete agreement among the fifty participating nations. The final results, however, justify the effort. The Charter opens the way for international cooperation in the economic, social, and related fields on a scale unknown in the past. And it safeguards at the same time the right of nations to live their own lives free from unwarranted interference.

#### FUNCTIONS AND POWERS

In keeping with the broader scope and the increased status of the Economic and Social Council the original powers and functions of the Council as authorized at Dumbarton Oaks were substantially enlarged and amended.

Among the added functions which have been entrusted to the Economic and Social Council are:

1. To make and initiate studies and reports with respect to international economic, social, cultural, educational, health and other related matters;
2. To address recommendations not only to the General Assembly, but to the member nations of the Organization, and to specialized agencies;
3. To prepare draft conventions, on matters within the field of its work, for submission to the General Assembly;
4. To call, in accordance with rules prescribed by the Organization, international conferences on matters falling within the scope of the functions of the Council;
5. To obtain reports from specialized agencies and from Members of the Organization on steps taken to give effect to the Council's own recommendations and to those of the General Assembly relevant to the purposes of the Economic and Social Council, and to communicate its observations on such reports to the General Assembly;

6. To perform services at the request of Members of the Organization and of specialized agencies, subject to the approval of the General Assembly;

7. To furnish information directly to the Security Council (rather than, as in the Dumbarton Oaks text, merely to enable the Secretary-General to provide information to the Security Council).

None of these added functions is in any way inconsistent with the statement of functions embodied in the Dumbarton Oaks text and indeed it might be argued that most of them could have been implicitly read into the more general language of that text. Nevertheless, the total effect of the changes has been to make clear that in the minds of the delegations at San Francisco, the Economic and Social Council was such an important agency of international cooperation that the functions and powers of the Council should be clearly stated and not left to inference.

#### COMPOSITION AND VOTING

Article 61 states that the Economic and Social Council shall consist of 18 Members of the Organization to be elected by the General Assembly for periods of three years with six members retiring each year. They are to be eligible for reelection at any time. Each member shall have one representative who shall have one vote. Decisions of the Economic and Social Council shall be taken by simple majority of those present and voting.

The essence of this article is that both in its composition and the mode of its operation the Council is to be thoroughly democratic in character. No difference is being made between large and small countries, all votes are to be equal and all issues are to be decided by a simple majority vote.

It is theoretically possible that at some time none of the large powers might be represented on the Council. Such a situation will not be without appeal to those who thing in terms of abstract equality. From a practical point of view, however, it would tend to bear adversely upon the effectiveness of the Economic and Social Council. For this reason a number of amendments were submitted to the Conference, designed to give permanent representation to the great powers or to make membership dependent on economic importance.

In the same spirit of realism which was characteristic of the work of the Conference, it was generally recognized that for the Council to be a success it was essential that the "important" countries should be members. At the same time it was agreed that it would be undesirable to attempt to evaluate economic importance. It was pointed out that cultural and social importance should also be considered if "importance" were to be a determining factor. Thus it was decided that this matter should best be left to the judgment of the General Assembly. To make it clear that continuing membership of some countries is anticipated, the Charter specifically states that retiring members shall be eligible for reelection.

#### COMMISSIONS OF THE ECONOMIC AND SOCIAL COUNCIL

At Dumbarton Oaks it had been suggested that the Economic and Social Council should set up "an economic commission, a social com-

mission, and such other commissions as may be required". These commissions were to consist of experts.

By contrast, Article 68 reads as follows:

"The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions".

This final text changes the Dumbarton Oaks Proposals in two respects. First, it eliminates any reference to "experts". It was generally felt that it would be undesirable to limit the Council's field of choice. It should be free to select for membership in the commissions the best available talent, free from any restrictive specifications.

More important is the adding of a special provision requiring the Economic and Social Council to set up a commission on human rights. As already pointed out, this addition was made upon the proposal of the United States Delegation, strongly and effectively supported by its group of advisers and consultants.

The unanimous acceptance of this proposal may well prove one of the most important and significant achievements of the San Francisco Conference. It was not for the delegations to the Conference to elaborate a detailed plan of work for the commission on human rights, but the discussions preceding the submission of the amendment and its adoption by the Conference were highly suggestive of the scope of its possible activities.

Thus, the commission on human rights will have the opportunity to work out an international bill of rights which can be submitted to member nations with a view to incorporation in their fundamental law, just as there is a Bill of Rights in the American Constitution. It can furthermore be expected to take up, in the early stages of its existence, such problems as freedom of information, of press, the radio and the screen and to prepare draft conventions on these and other subjects. These are freedoms which cannot be attained by declarations and resolutions alone. Hard work extending over many years, careful studies, and long-range planning will be necessary to attain these freedoms throughout the world and to make them secure. The commission on human rights might also undertake to promote equal rights for women, be it in the fields of politics or economics or with respect to their legal status.

These are only a few examples indicating the scope of the commission on human rights to be established by the Economic and Social Council. It is a promise from this generation to generations yet unborn that this war, fought in the cause of freedom, will not have been fought in vain.

#### RELATIONS OF THE ECONOMIC AND SOCIAL COUNCIL

The list of specialized international agencies having responsibilities in particular segments of the field covered by the Council is growing rapidly. Among these specialized bodies is the International Labor Organization which has had 25 years of successful experience as an international forum on matters relating to labor standards, social security and general welfare of the world's industrial workers.

Earlier United Nations conferences have proposed a Food and Agriculture Organization, an International Monetary Fund, an International Bank for Reconstruction and Development, and a Provisional International Civil Aviation Organization, and future conferences may result in the creation of international bodies in the fields of health, education and cultural cooperation, and international trade.

*Agreements with Specialized Agencies (Inter-Governmental)*

The Charter (Articles 57, 63) provides that these specialized organizations shall be brought into relationship with the United Nations through special agreements to be negotiated between them and the Economic and Social Council, subject to the approval of the General Assembly.

In order to permit the Economic and Social Council and the specialized organizations a maximum of freedom in negotiating these agreements, the Charter has little to say about their nature and content. They may well differ from case to case. It will be the function of the Organization to coordinate rather than to control. Among the means of coordination are consultation and recommendations (Articles 58 and 63, Paragraph 2). On a basis of reciprocity, representatives of the specialized organizations may participate, without vote, in the deliberations of the Economic and Social Council and its commissions (Article 70). Furthermore, the Charter gives the General Assembly the power to "examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned". (Article 17, Paragraph 3). The design is clear: the specialized agencies are to be accorded the greatest measure of freedom and initiative compatible with purposeful and coordinated action on the part of the General Assembly, the Economic and Social Council and the agencies and organizations brought into relationship with them.

In the discussion of these issues the Dumbarton Oaks text was clarified to indicate that these relationships were intended to apply to inter-governmental bodies having wide international responsibilities, although the Charter does not preclude the Economic and Social Council from making arrangements with other types of public organizations in its discretion.

*The Place of Non-Governmental Organizations*

The close and fruitful cooperation between the United States Delegation and its consultants, representing private American organizations, pointed to the desirability of some orderly channel through which national and international organizations of a non-governmental character, having interests in international problems falling within the competence of the Economic and Social Council, could bring their views to the attention of the Organization. In an unprecedented example of cooperation and unanimity, a recommendation was addressed to the United States Delegation by consultants representing major organizations in the fields of agriculture, business, education and labor in the United States, suggesting that there be added to the Charter a paragraph providing for consultation and cooperation between non-governmental organizations, national and international, and the Economic and Social Council.

Article 71 is the answer of the Conference to this proposal:

"The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned".

This paragraph stands on its own and needs no interpretation. It opens the way to close and orderly cooperation between the Economic and Social Council and the non-governmental organizations most vitally concerned in its work.

#### DECLARATIONS FOR THE RECORD

It has been shown earlier that the Conference went some way in stating in greater detail the economic and social objectives of the Organization. Several objectives such as the promotion of activities relating to health and the furthering of cultural and educational cooperation were included in the statement of purposes (Article 55). Some delegations wanted to go further and include additional items in the enumeration of objectives. In order to focus attention upon the major issues, the majority of delegations, including that of the United States, did not favor such a course.

To solve this dilemma and to make certain that these additional objectives should not be neglected by the Economic and Social Council, a number of delegations read declarations into the record of the Conference. These declarations called attention to the urgent need of international cooperation to organize or reconstitute specialized international organizations in specific fields or to take other action toward meeting specific problems of the postwar period.

As an echo from the war-torn territories of the world came a declaration by the Greek Delegation urging that the *reconstruction* of countries devastated by the war should be one of the principal aims of the Organization. The United States Delegation expressed its keen awareness of the importance and urgency of international cooperation in meeting the problems of reconstruction. It is a task of such transcending urgency that it will have to be undertaken even before the Organization comes into existence.

Another field in which the Conference anticipated that the Economic and Social Council would be concerned is the *control of the traffic in and suppression of the abuses of opium and other dangerous drugs*. In this connection the United States Delegate made the following statement:

"... Experience has shown that drug control raises issues which can best be met not by an international health, economic or social agency, but by the type of specialized agencies now functioning so successfully in this field. Everything possible should be done to safeguard the continued operation of these agencies and services.

"The United States Delegation wishes to go on record as hoping that the Organization will be entrusted with supervision over the execution of existing or future international agreements with regard to the control of the legitimate traffic in opium and other dangerous drugs, and the suppression of illicit traffic in and abuse

of such drugs; that there shall be established an advisory body to advise directly the Economic and Social Council on these matters; and that the existing agencies be regarded as autonomous agencies to be related directly to the Economic and Social Council”.

The Delegation of Panama proposed the establishment of an *International Office of Migration* to help assure freedom of movement, which the Delegation considered essential to the development of world resources and in the interest of an expanding economy.

With regard to a declaration of the French Delegation recommending that there be convened within the next few months a general conference to draw up the Statute of an *International Organization on Cultural Cooperation*, the United States Delegate called attention to the fact that, though not a member of the Conference of Allied Ministers of Education in London, the United States had for more than a year been participating in its deliberations; that plans had there been laid for an international conference on an organization for educational and cultural cooperation to continue and expand the work begun after the last war; and that the Conference of Allied Ministers had recently voted to ask the Government of the United Kingdom to call such an international conference soon after the San Francisco Conference adjourned.

The Brazilian Delegation issued a declaration recommending the establishment of a *Commission of Women* to study the status and opportunity of women and, particularly, any discriminations and limitations placed upon them on account of their sex. Although the United States Delegation did not favor the establishment of such a commission composed exclusively of women, it did express its full agreement with any move designed to eliminate such discriminations and limitations as may still exist. In this connection the Delegation requested that the following statement be incorporated in the records of the Committee before which the matter was discussed:

“The position of the United States on the subject of equal opportunity for women is so well established and has been so often demonstrated in action that it does not need to be elaborated here. We expect women to play a constructive role in the development of the international community which the United Nations are today striving to organize. We are confident, also, that they will share in the benefits which will flow to the people of all lands from the cooperative efforts of their governments to solve economic and social, educational and cultural, and related human problems. Where women as a group suffer from discriminations, we believe that the commission on human rights contemplated in the draft Charter of the United Nations will be effective in helping to bring about the eventual disappearance of such disabilities. Moreover, the Delegation of the United States hopes that the excellent work of the Committee of Jurists appointed by the League of Nations to study the legal status of women throughout the world may be continued in an appropriate form, either as an advisory body to the Economic and Social Council or as a part of the commission on human rights which this Council is intended to establish.”

Finally, the Delegations of Brazil and China submitted a joint declaration recommending that a general conference be convened

within the next few months for the purpose of establishing an *International Health Organization* which would be brought into relationship with the Economic and Social Council. This proposal met with the universal approval of all the delegations at the Conference.

#### LOOKING TO THE FUTURE

Chapters IX and X of the Charter re-affirm our faith in human progress. The Covenant of the League of Nations made no provision for any machinery for continued cooperation among its members on international economic and social matters, although Article 23 of the Covenant did contain general provisions looking toward the development of international activities. Their importance and the force of circumstances lead in time to the establishment of *ad hoc* committees and commissions and the elaboration of the work of the League of Nations Secretariat in these fields, while the activities of the International Labor Organization, in its somewhat restricted sphere, also made very material contributions. In the Charter of the United Nations, however, these issues have been recognized as parts of a single pattern of greatest importance for the maintenance of friendly relations among nations. Cooperation in these fields has been recognized as indispensable to the achievement of stability and well-being.

To achieve and strengthen such cooperation a new instrument has been forged. It promises to be an effective instrument. If properly used it may well become one of the most powerful means for the creation of an enduring peace among the nations.

#### DEPENDENT TERRITORIES AND ARRANGEMENTS FOR TRUSTEESHIP

##### (Chapters XI-XIII)

Three basic principles of far-reaching significance to the future of dependent territories and their peoples were embodied in the United Nations Charter at San Francisco: first, that nations responsible for the administration of dependent territories should recognize that they are accountable to the world community for the well-being and development of the peoples under their authority; second, that the political, economic, social, and educational advancement of dependent peoples is a primary concern; and, third, that dependent territories must be administered in such manner as to contribute to the maintenance of peace and security.

#### THE PROBLEM

The problem of the dependent territories from the point of view of international concern stems from the fact that approximately a quarter of the people of the world live in territories which are not fully self-governing. The peoples of the dependent territories, not having a sufficiently advanced political status, are, at the present stage of their development, ineligible to the United Nations membership. Their interests, therefore, must be represented in the world organization by those independent states which are responsible for their administration.



The objectives of the deliberations on this problem were two-fold: first, to establish a system of international trusteeship which would accommodate any of the existing mandated territories or territories detached from enemy states in this war which might, by subsequent agreements, be brought within the system, or such other territories as might be voluntarily placed under it by states responsible for their administration; and, second, to agree upon a Declaration of general standards and principles of colonial administration, including recognition of the political aspirations of the peoples and their right to self-government and free political institutions, which would apply to all dependent territories. It was considered desirable that any territories placed under the system of international trusteeship should be administered in such manner that the political, social, and economic welfare of their inhabitants would be safeguarded and promoted and that opportunity would be given to those peoples capable of self-government or independence to achieve the status to which they aspire.

The chapters of the Charter relating to dependent territories and trusteeship create the machinery to accomplish these purposes and at the same time to make it possible fully to protect the vital security interests of the United States with respect to any territories in the Pacific and elsewhere which, by later agreement, may be included in the trusteeship system. These chapters also reflect a logical development of the traditional American attitudes and policies toward dependent peoples.

It must be emphasized that although satisfactory trusteeship machinery has been created, that in itself does not automatically place any specific territories under the trusteeship system. The Charter provides that each trusteeship agreement must be individually negotiated and agreed to by the states directly concerned with respect to a particular territory before such territory can come within the system. The particular trusteeship agreement must also be approved by the United Nations. Provision is also made, in the interest of security, for the special designation of strategic areas and for the employment of the facilities and resources of trust territories for security needs.

#### BACKGROUND OF UNITED STATES POLICY

In 1918, two principal views on this subject were advanced by President Wilson, namely, that colonies should be governed in the interest of the native peoples, and that the principle of equal economic opportunity for all nations should be generally recognized. The first view—native welfare—had emerged partly as a result of the Congo scandals toward the end of the nineteenth century. The second—equal economic opportunity—had been applied to the Congo Basin by the Berlin Convention of 1885 and the Brussels Convention of 1890, and it was proposed further to extend this principle.

American policy with respect to non-self-governing peoples had also been reflected in the grant of independence to Cuba; in the Jones Act of 1916 foreshadowing the independence of the Philippines; and in the Jones Act of 1917 granting full American citizenship and a substantial measure of home rule to Puerto Rico.

At the end of the war of 1914-1918, the United States Government took the position that none of the dependent territories which were detached from Germany and Turkey should be annexed by any of the Allied and Associated Powers.

In order to avoid annexation and to give effect to the two fundamental principles of native welfare and equal economic opportunity, the mandates system was devised. This placed upon the League of Nations responsibility for supervision over the administration of the dependent territories taken from Germany and Turkey. In this way, the welfare of the dependent peoples involved in the mandates system, and the actions of the mandatory powers specifically entrusted with responsibilities of administration over them, became matters of continuing international concern.

The United States, although not a member of the League or a party to the Treaty of Versailles, safeguarded its interests in the mandated territories, resulting from its membership in the Allied and Associated Powers, by a series of treaties with the mandatory powers which protected its national rights and its international position.

Early in 1942 when the United States Government began to develop its policies with respect to a new international organization, the need for the establishment of some international mechanism to replace the mandates system of the League of Nations was clearly recognized.

The projected new international machinery to deal with these territories came to be described as a trusteeship system, a description which differentiated it from the League of Nations mandates system. It was designed to be not only a substitute for, but also a definite improvement over, the old mandates system.

The trusteeship question was also the subject of study by the other governments which later participated in the Dumbarton Oaks Conversations. It had been tentatively placed on the agenda of these Conversations, but discussion of this subject was temporarily postponed pending completion of studies of the many complex factors involved. It was understood by the governments represented at Dumbarton Oaks that the question would be taken up later and placed on the agenda of the prospective United Nations Conference.

Subsequently, an Interdepartmental Committee on Dependent Area Aspects of International Organization was set up to examine further into the question and to draft proposals as to the kind of trusteeship system which this Government could support. This Interdepartmental Committee developed a program designed to reflect our historic attitude toward dependent peoples and to safeguard American security and economic interests in the future.

Secretary Hull, in 1943, had submitted to the President, who endorsed them, certain proposals on dependent territories. They set forth that there should be opportunity to achieve independence for those peoples who aspire to independence, and that it is the duty and purpose of those United Nations which have responsibilities for the future of colonial areas to cooperate fully with the peoples of such areas in order that they may become qualified for independent national status. The Hull proposals called on these governments to fix, at the earliest practicable moment, the dates upon which colonial peoples under their authority would be accorded the status of full independence within a system of general security. They also urged

that in order effectively to carry out these purposes and functions, the United Nations should establish an international trusteeship administration.

#### AGREEMENT REACHED AT YALTA

President Roosevelt was deeply interested in this question and took with him to Yalta certain recommendations on dependent territory and trusteeship matters as to proposals which might be advanced at the Crimea Conference. The subject was considered at Yalta by President Roosevelt, Prime Minister Churchill, and Marshal Stalin, and the following policy was agreed upon :

(a) That the five governments with permanent seats in the Security Council should consult each other prior to the United Nations Conference on providing machinery in the World Charter for dealing with territorial trusteeships which would apply only to (a) existing mandates of the League of Nations; (b) territory to be detached from the enemy as a result of this war; and (c) any other territory that may voluntarily be placed under trusteeship.

(b) That no discussions of specific territories were to take place during the preliminary consultations on trusteeships or at the United Nations Conference itself. Only machinery and principles of trusteeship should be formulated at the Conference for inclusion in the Charter, and it was to be a matter for subsequent agreement as to which territories within the categories specified above would actually be placed under trusteeship.

Upon the basis of this new decision of general policy, the Inter-departmental Committee, after President Roosevelt's return from Yalta, reviewed its previous work and developed new proposals, within the limits of the Yalta agreement, for a Chapter on Trusteeship to be included in the proposed Charter of the new organization.

#### APPROVAL OF UNITED STATES POLICY BY PRESIDENTS ROOSEVELT AND TRUMAN

These revised proposals were approved by Secretary of State Stettinius and were transmitted formally by the Secretary of State to the Secretaries of War and Navy. They were submitted to President Roosevelt by the Secretary of State on April 10, together with recommendations that they constitute the basis of the position of this Government on the subject in the discussions at San Francisco. The President replied to the Secretary of State on April 10, saying that he approved in principle the draft proposal on international trusteeship.

President Roosevelt died on April 12. On April 18 at a meeting held in the State Department at which were present the Secretary of State, the Secretaries of War and Navy, the United States Delegation to the San Francisco Conference, and the Advisers to the United States Delegation, including advisers from the Departments of War, Navy, and interior, a memorandum was prepared for President Truman and submitted to him by the three secretaries. The memorandum was approved in the following terms :

It is not proposed at San Francisco to determine the placing of any particular territory under a trusteeship system. All that

will be discussed there will be the possible machinery of such a system.

The United States Government considers that it would be entirely practicable to devise a trusteeship system which would apply only to such territories in the following categories as may, by trusteeship arrangements, be placed thereunder, namely: (a) territories now held under mandate; (b) territories which may be detached from enemy states as a result of this war; and (c) territories voluntarily placed under the system by states responsible for their administration. It shall be a matter for subsequent agreement as to which of the specific territories within the foregoing categories shall be brought under the trusteeship system and upon what terms.

This system would provide, by agreements, for (1) the maintenance of United States military and strategic rights, (2) such control as will be necessary to assure general peace and security in the Pacific Ocean area as well as elsewhere in the world, and (3) the advancement of the social, economic, and political welfare of the inhabitants of the dependent territories.

#### GUIDING PRINCIPLES FOR THE UNITED STATES DELEGATION

The policy toward dependent territories and trusteeship had now been carefully coordinated within our own Government. The United States Delegation had a set of guiding principles, the chief points of which were:

(1) Recognition that the principles of the Atlantic Charter are applicable to all peoples of the world, including dependent peoples;

(2) Recognition of the principle that the administration and development of dependent peoples is a proper concern of the world community and of the international organization;

(3) That, subject to prior agreement of the states directly concerned,

(a) territories now administered under the mandates system may be placed under the new trusteeship system if and when such agreement is reached;

(b) territories which are detached from enemy states in this war may be placed and administered under the trusteeship system when such agreement is reached; and

(c) the trusteeship system should be available to dependent territories other than those in (a) and (b) above when the states controlling them voluntarily agree;

(4) That the trusteeship system evolved as a part of the Charter should be so designed as fully to protect the security interests of an administering power;

(5) That self-government or independence should be the ultimate goal for all peoples who are capable of exercising the responsibilities involved, and that administering states should be responsible for the political advancement of the peoples under their authority;

(6) That all dependent territories should be administered in accordance with the principles that the interest of the inhabitants and their welfare and development are a primary concern;

(7) That the welfare and development of dependent peoples and the maintenance of international peace and security are closely inter-related;

(8) That the trust territories should be administered under the principle of equal treatment in social, economic, and commercial matters for all members of the international organization and their nationals;

(9) That the proposed Trusteeship Chapter of the Charter in and of itself should not alter the existing rights of any states or any peoples, but that alterations of the terms of existing mandates or other territories could be made only by subsequent agreement of the states directly concerned subject to the approval of the Organization.

On May 27, 1945 in a radio broadcast to the people of the United States and the world, Secretary of State Stettinius summarized the United States position as follows:

“ . . . We have stood with equal firmness for a trusteeship system that will foster progress toward higher standards of living and the realization of human rights and freedoms for dependent peoples, including the right to independence or another form of self-government, such as federation—whichever the people of the area may choose—when they are prepared and able to assume the responsibilities of national freedom as well as to enjoy its rights.

“The United States has demonstrated this long standing policy in the Philippines. It looks forward to the time when many other now dependent peoples may achieve the same goal.

“I regard the provisions which are being made in the Charter for the advancement of dependent peoples, and for the promotion of human rights and freedoms, as of the greatest importance.”

#### AGREEMENT BY UNITED NATIONS REACHED AT SAN FRANCISCO

As soon as the Conference convened in San Francisco, steps were taken to initiate the Five Power consultations on trusteeship which had been provided for in the Yalta agreement. The Five Powers consisted of the four Sponsoring Powers and France. The preliminary consultations among these powers were held at San Francisco simultaneously with the Committee sessions of the Conference. In the course of these consultations the Five Powers also took into consideration proposals advanced by other delegations. These consultations resulted in the formulation of a Working Paper on Trusteeship which formed, in the absence of any Dumbarton Oaks provision on the subject, the basic document for the deliberations of the Conference Technical Committee on Trusteeship.

After weeks of negotiation and discussion in the Technical Committee, the final draft was completed and approved by the Conference. The finished chapters represent the most comprehensive set of guiding principles for states administering dependent territories ever agreed upon by an international body, together with the mechanism of a practical and workable system of international trusteeship. The essential provisions of these chapters are outlined below.

## PRINCIPLES APPLYING TO ALL NON-SELF-GOVERNING TERRITORIES (ARTICLES 73 AND 74)

1. States responsible for administering dependent territories recognize that the interests of the dependent peoples are a primary concern and accept the obligation to promote their well-being by:

(a) ensuring, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

(b) developing self-government, taking due account of their political aspirations, and assisting in the development of free political institutions, according to the circumstances of each territory and its peoples and their varying stages of advancement;

(c) furthering international peace and security;

(d) promoting measures of development, encouraging research, and cooperating with each other and with international bodies in order to achieve the social, economic, and scientific purposes set forth; and

(e) transmitting regularly to the Secretary-General for information purposes, statistical and other information concerning economic, social, and educational conditions, subject to security and constitutional considerations.

2. The members also agree to base their policy with respect to dependent territories on the principle of good neighborliness, taking due account of the interests and well-being of the other members of the world community in social, economic, and commercial matters.

## THE INTERNATIONAL TRUSTEESHIP SYSTEM

(Articles 75-91)

1. The Organization shall establish a trusteeship system for such territories as may be placed under the system by future individual agreements.

2. The basic objectives of the system shall be:

(a) to further international peace and security:

(b) to promote the advancement of dependent peoples and their development toward self-government or independence in accordance with their particular circumstances, the wishes of the peoples, and the terms of the subsequent trusteeship agreements;

(c) to encourage respect for human rights and freedoms without discrimination and to recognize the interdependence of all the peoples of the world; and

(d) to ensure equal treatment for the United Nations and their nationals in social, economic and commercial matters and for their nationals in the administration of justice.

3. The system shall apply to such territories under mandate, or detached from enemy states in this war, or voluntarily placed under it by states responsible for their administration, as may be brought under the system by means of trusteeship agreements. However, the

system shall not apply to territories which have become Members of the United Nations.

4. The terms of trusteeship for any territory shall be agreed upon by the states directly concerned.

5. Nothing in the Trusteeship Chapter itself shall alter any existing rights of states or peoples or any international instruments. Any such alterations must be the subject of future trusteeship agreements. This provision shall not be interpreted as constituting grounds for delay in the consummation of such agreements.

6. The trusteeship agreement for each territory shall include the terms of administration and designate one or more states or the Organization itself as the administering authority.

7. A strategic area or areas, including all or part of any trust territory, may be designated in a trusteeship agreement.

8. All functions of the United Nations relating to such strategic areas shall be exercised by the Security Council, but the objectives of the system shall be applicable to the people of such areas. The Security Council shall utilize the assistance of the Trusteeship Council in political, economic, social, and educational matters, subject to the provisions of the trusteeship agreements and without prejudice to security considerations.

9. Each administering authority shall be required to ensure that the territory it administers plays its part in maintaining world peace and security; the authority may use volunteer forces and assistance from the territory for this purpose as well as for local defense and the maintenance of law and order.

10. The General Assembly shall exercise all the functions of the Organization for areas not designated as strategic.

11. A Trusteeship Council shall be established to assist the General Assembly. This Trusteeship Council shall consist of Members of the United Nations administering trust territories, such of the permanent members of the Security Council as are not administering trust territories, and a sufficient number of other Members to ensure an equal division in the membership of the body between those states administering and those states not administering trust territories. Each member of the Trusteeship Council shall designate one specially qualified representative.

12. The General Assembly, and under its authority, the Trusteeship Council, may consider reports by the administering authorities, accept and examine petitions in consultation with the administering authorities, provide for visits to the territories under its competence, and take other actions in conformity with the trusteeship agreements.

13. The administering authorities for all non-strategic territories shall make annual reports to the General Assembly on the basis of questionnaires prepared by the Trusteeship Council.

14. Each member of the Trusteeship Council shall have one vote and its decisions shall be made by a majority of those present and voting.

15. The Trusteeship Council shall adopt its own rules of procedure and the method of choosing its President.

16. The Trusteeship Council shall, when appropriate, utilize the assistance of the Economic and Social Council and the specialized agencies.

## THE TRUSTEESHIP SYSTEM COMPARED WITH THE MANDATES SYSTEM

The trusteeship system provided for in this Charter marks a positive advance from the mandates system in several important respects. The new system preserves intact the principle of international responsibility for certain types of dependent territories while making an entirely realistic allowance for security requirements. It faces frankly the fact, as the mandates system failed to do, that such territories in the future must be administered in a manner that will further international peace and security.

The new system is also more elastic than the old. It avoids the rigid and artificial classification of territories into A, B, and C categories, typical of the mandates system, and permits each individual territory under the system to be dealt with according to the needs and circumstances peculiar to it. It thus recognizes the very great diversity with respect to population, resources, geographical location and stage of advancement of the peoples, characteristic of the territories which are eligible for the system.

The Trusteeship Council established under the new system should prove to be a more important and effective organ than the Permanent Mandates Commission in that its membership will be composed of states, represented by official, specially qualified persons, and it will be listed as one of the principal organs of the United Nations.

In the proposed trusteeship system more emphasis is placed on the positive promotion of the welfare of the inhabitants of the trust territories than in the mandates system, whose function was primarily negative and policing. Even in this latter respect, however, the new system, unlike the old, makes specific and formal provision for the power to accept petitions and the authority to make periodic visits to trust territories coming under the competence of the General Assembly.

## SUMMARY

In brief, this chapter represents an agreement among the United Nations to set up an international trusteeship system which would make it possible for nations to continue to subscribe to the principle adopted at the end of the last war that neither the dependent territories detached from enemy states, nor the inhabitants thereof, should be objects of barter among victorious nations, or subject to exploitation by them, but should be administered in the interest of the native populations and in a manner which will provide equal economic opportunity for all nations.

All these objectives can be achieved while, at the same time, the security interests of the administering power, and of all the other United Nations, in any territories now under mandate which may be placed under the trusteeship system, or any that may be detached from the enemy and which may be placed under the system, will be fully safeguarded. There is a broad freedom of action, however, for the future policy of the United States vis-à-vis any such territories.

For the first time there has been incorporated in a multilateral agreement a broad statement of guiding principles respecting the administration of all dependent territories, together with special arrangements relating to security needs. These principles recognize the well-being and advancement of dependent people the world over as a proper concern of the community of nations.



## THE INTERNATIONAL COURT OF JUSTICE

## (Chapter XIV)

## INTRODUCTION

Throughout its history the United States has been a leading advocate of the judicial settlement of international disputes. Great landmarks on the road to the establishment of a really permanent international court of justice were set by the United States. We submitted important differences with other countries to tribunals composed of arbitrators or judges selected for specific cases, or groups of cases, before an international court stood ready to receive the complaints of nations. At the Hague Peace Conferences of 1899 and 1907 the United States played a prominent part in the efforts to establish such a court but no generally acceptable plan could be devised at that time.

The organized structure for the maintenance of peace which statesmen attempted to establish at the end of the war of 1914-1918 included a Permanent Court of International Justice which was brought into being by the League of Nations. A prominent American participated in finding a formula for that court. Although not a member of the League of Nations, the United States signed the Protocol of Signature of 1920 to which was attached a Statute under which the new Court functioned, and in 1923 President Harding asked the Senate for its advice and consent to ratification. The Senate in 1926 stated certain reservations and conditions under which the United States might ratify. Over the course of nine years negotiations were carried on with the states which were parties to the Statute of the Court and with the League of Nations. The Statute was revised in an attempt to meet the views of the Senate but in a final Senate vote of January 29, 1935, the necessary two-thirds majority required for approval was not secured. The fact that the United States was not a member of the League of Nations to which the Permanent Court of International Justice was related was no doubt a principal reason for the objections to our participation.

As the United States becomes a party to a Charter which places justice and international law among its foundation stones, it would naturally accept and use an international court to apply international law and to administer justice. International law has long been criticized for its vagueness and its weakness; the Charter assigns to the General Assembly the task of promoting cooperation in its development and provides for a Court "whose function is to decide in accordance with international law". The International Court of Justice, which the Charter establishes, has an important part to play in developing international law just as the courts of England and America have helped to form the common law.

## THE DUMBARTON OAKS PROPOSALS

The Dumbarton Oaks Proposals included in Chapter VII provision for the establishment of a court as "the principal judicial organ of the Organization". It was proposed that the Statute of such a Court should be annexed to the Charter and made a part of it and that all Members of the Organization should automatically be members of the

Court. The conditions on which states not Members of the Organization might become parties to the Statute of the Court were to be determined in each case by the General Assembly on the recommendation of the Security Council. The Proposals left open the question whether this Statute should actually be the existing Statute of the Permanent Court of International Justice with such changes as might be desirable, or whether there should be a new Statute. But even if the second alternative were adopted, the Proposals said that the Statute of the existing Court should be used as a basis.

#### THE COMMITTEE OF JURISTS

The modification of the Statute of the existing Court, or the framing of a new Statute on the basis of the old one, was a technical task calling for the concentrated labors of a group of jurists. Accordingly, shortly after the Crimea Conference when the date for the San Francisco Conference was set, the Sponsoring Powers invited Members of the United Nations to designate representatives to meet in Washington on April 9 to prepare a draft of a Statute to be submitted to the Conference. Forty-four of the United Nations acted upon this invitation and the Committee of Jurists held sessions in Washington from the 9th through the 20th of April.

The Committee of Jurists did not undertake to decide whether the Permanent Court of International Justice should be continued or whether a new court should be established; the final answer to that question was left for San Francisco. But the Jurists did, in accordance with the provisions of the Dumbarton Oaks Proposals, take as the basis of their work the Statute of the existing Court. As a working rule it left well enough alone, making changes in the text under which the Court had operated for twenty-three years only where there was strong reason for doing so. Some changes were necessary to bring the statute into line with the framework of the new United Nations organization; some were technical improvements; and some were clearly indicated by the experience of the existing Court. Here the Committee had the advantage of the presence of three jurists who are or who have been judges of the Permanent Court of International Justice and of another who had been the Court's Deputy Registrar.

#### THE CHARTER

After a Committee of the San Francisco Conference had studied and worked over the report of the Committee of Jurists, which included a Draft Statute, it was found that so far as concerns the articles to be included in the Charter on this subject, little change in the Dumbarton Oaks Proposals was necessary although the one open question as to whether there should be a new court or whether the old court should be continued had to be finally answered and certain additions had to be made. In the seventy articles of the new Statute numerous points were dealt with and to these attention will be directed later.

#### OLD COURT OR NEW

What was Chapter VII of the Dumbarton Oaks Proposals becomes Chapter XIV of the Charter. The first article in the Chapter (Article

92) registers the important decision made upon the question "old court or new". In many ways this was the most difficult problem which confronted the Committee dealing with the Court. Opinions differed widely but all recognized that there were forceful arguments on both sides of the question. There was unanimous agreement that the Permanent Court of International Justice had rendered effective service and had made an excellent record. Fifty-one states had been parties to the Court's Statute and the exercise of its jurisdiction had produced general satisfaction throughout the world. But sixteen of the states parties to the old Statute, including enemy states, were not represented at San Francisco, while a number of Members of the United Nations who were represented at the Conference were not parties to that Statute.

So far as enemy states are concerned, no difficulties were anticipated since changes in the old Statute could have been dealt with in the peace treaties, but a different solution would have been called for with respect to the neutral states. It was argued that a statute to which they were parties and the court operating under it could not be changed and taken over without their consent and yet it was obviously not feasible to include them in the deliberations of the San Francisco Conference of the United Nations. Moreover the provision in the Dumbarton Oaks Proposals (Article 93 of the Charter), which provides that states not Members of the United Nations can become parties to the Statute of the Court only on conditions laid down by the General Assembly on the recommendation of the Security Council, excludes the possibility that such states might automatically remain parties to the Statute by mere notification of acceptance of the new Statute.

The Conference Committee, having in mind the different considerations applicable to the various states which have not taken part in the war, was not disposed to depart from that provision of the Dumbarton Oaks Proposals. This conclusion was at least in some measure due to the fact that the new Court was to be an integral part of the United Nations organization, its Statute being annexed to and a part of the Charter itself, and all Members of the Organization being *ipso facto* parties to the Statute (Articles 92 and 93 of the Charter). To assure the establishment of the Court simultaneously with the establishment of the organization of which it is to be a part, it was thought that it would not be wise to risk protracted negotiations with the non-member states. On the whole, therefore, it was decided that a new Court should be established.

This decision does not "break the chain of continuity with the past," as the report of the Conference Committee puts it. Article 92 of the Charter recites the fact that the new Statute is based upon the Statute of the Permanent Court of International Justice. The numbering of the articles of the Statute has remained unchanged so that ready reference may be made to the accumulated literature and precedents which surround the old Statute. Just as the Permanent Court of International Justice built upon the terms of the Hague Conventions of 1899 and 1907, so the new International Court of Justice builds upon its immediate predecessor. While the Court is a "new court," it is in a very real sense only a "revised court," the successor of the old. Further to preserve the link with the past and to safeguard progress al-

ready made, Article 37 of the new Statute contains a provision which declares that where existing treaties provide for the use of the Permanent Court of International Justice, the Members of the United Nations agree that the reference shall automatically be considered applicable to the new International Court of Justice. A specific provision is also included in Article 36 of the new Statute maintaining in force with respect to the new Court, declarations made under the old Statute whereby many states accepted the compulsory jurisdiction of the old Court. This question of the compulsory jurisdiction of the Court will be examined more fully hereinafter.

The Conference Committee considered that it was clearly not possible to contemplate the existence of two World Courts, both sitting at the Hague. But for the reasons indicated, it was not thought that the Conference need deal with the method of terminating the old Court. Since a large majority of the states which are parties to the old Statute were represented at San Francisco and have agreed to establish the new Court, it is to be assumed that they will take appropriate steps to provide for the transition.

#### OTHER ARTICLES OF THE CHARTER

Article 95 of the Charter contains a provision which was not in the Dumbarton Oaks Proposals but which does stem from the first Article of the Statute of the Permanent Court of International Justice. It provides that the parties to any dispute are always free to refer cases to any other tribunal upon which they may agree. This arrangement may be said to be envisaged by the wording of the Dumbarton Oaks Proposal which said that the Court should be the "principal" judicial organ, thus intimating that other judicial bodies might be utilized.

Chapter VIII, Section A, Paragraph 6, of the Dumbarton Oaks Proposals provided that the Security Council might refer questions to the Court for advice. This proposal was inspired by the useful service of the Permanent Court of International Justice in rendering advisory opinions on the request of the Council of the League of Nations. The Assembly of the League also had the power to request such opinions, and at San Francisco like power was given to the General Assembly. The appropriate provision is now included in Chapter XIV (Article 96). Suggestions were made that other international organizations and states as well be also given the right to ask for advisory opinions but this view was not accepted. As an intermediate step, the same Article (96) provides that the right to ask advisory opinions may be exercised by other organs of the United Nations and specialized agencies brought into relationship with the United Nations, as may be authorized by the General Assembly. In these cases, however, the questions are limited to those of a legal character arising within the scope of the activities of those organs and agencies.

One other article has been inserted in Chapter XIV of the Charter which was not foreshadowed in Chapter VII of the Dumbarton Oaks Proposals. It deals with the carrying out or enforcement of the Court's judgments. The first paragraph of Article 94 is a simple statement of the obligation of each Member of the United Nations to comply with the decision in any case to which it is a party. The second paragraph of this Article links this part of the Charter's system of

peaceful settlement of disputes with other parts by providing that if a state fails to perform its obligations under a judgment of the Court, the other party may have recourse to the Security Council which may, if it deems it necessary, take appropriate steps to give effect to the judgment.

#### THE STATUTE

The draft Statute prepared by the Committee of Jurists in Washington was transmitted to the San Francisco Conference by the Sponsoring Powers and was at once accepted by the appropriate Committee of the Conference as the basis of its work. Two major questions regarding the Statute had been left unanswered in Washington and had been referred to the Conference in the form of alternative texts between which the Committee of the Conference was asked to choose.

#### *Nomination and Election of Judges*

The first of these questions dealt with the method of nominating the judges of the Court. The system evolved in 1920 for the Permanent Court of International Justice was designed to assure the election of competent jurists who would serve as independent judges, free from political influence. This system utilized the machinery created by the 1907 Hague Convention for the Pacific Settlement of International Disputes. Under that treaty, each State names a panel of no more than four distinguished jurists who would be available to serve as arbitrators. These panels, or national groups as they are called, make the nominations for judges of the Permanent Court of International Justice. In the Committee of Jurists in Washington a proposal was advanced that the nominations should hereafter be made directly by governments. After full discussion in San Francisco, the Committee decided to retain the old system which, while admittedly complicated, had worked well in practice (Articles 4-6 of the Statute).

Connected with this problem was that of the election of judges. The old Statute had provided that the list of nominees should be voted on separately but concurrently by the Assembly and Council of the League, no judge being declared elected unless he secured an absolute majority of the votes in each body. This system was designed to secure a balance of the interests of large and small states and it too had justified itself in practice. The Dumbarton Oaks Proposals in Chapter V, Section B, Paragraph 4, had referred to the power of the General Assembly to participate in the election of judges but had included no comparable reference in Chapter VI, which describes the powers of the Security Council. The latter omission was not based upon any decision at Dumbarton Oaks to exclude the Security Council from this function and the Committee of the Conference decided in favor of maintaining the old system of bicameral voting as had been recommended by the Committee of Jurists. It also decided to retain the provision of the old Statute calling for election by absolute majorities in each body, so that in this matter no special majority and no right of veto is involved. (Articles 8-12 of the Statute).

#### *Compulsory Jurisdiction*

The other major question left open at Washington was whether the jurisdiction of the Court should be optional or compulsory. The Statute of the Permanent Court of International Justice contains the

so-called "optional clause" under which any state desiring to accept for the future the jurisdiction of the Court in designated types of legal disputes, might make a declaration to that effect. If no such declaration were made, the state was required to submit to the jurisdiction of the Court only when it entered into a specific agreement accepting that jurisdiction. The Committee of Jurists had been unable to reach agreement on this point and presented two alternative texts; one would have preserved the existing plan and the other would have provided that by the very fact of becoming a party to the Statute, states would be bound to accept the jurisdiction of the Court in the designated types of cases. These classes of cases are described as follows in Article 36 of the Statute:

- "a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;
- d. the nature or extent of the reparation to be made for the breach of an international obligation".

In the debates, attention was called to the fact that at one time or another since 1920 forty-five states had made declarations under the optional clause although some of these declarations were subject to reservations and for limited periods of time. It was thought that the progress of arrangements for the pacific settlement of international disputes had advanced to a point at which it was now possible and appropriate to provide in the Statute, as a part of the Charter, for compulsory jurisdiction.

A majority of the delegates in the Committee took this view. On the other hand it was pointed out that the inclusion of such a provision at this time might make it difficult if not impossible for some states to accept the Statute, a result which no delegate wished to precipitate. In order to reach agreement, therefore, the Committee decided to retain the present system with its optional clause.

Two steps were taken with a view to moving along the lines desired by the majority. The first step has already been noted in another connection; Article 36 now contains a provision that outstanding declarations accepting the compulsory jurisdiction of the Permanent Court of International Justice shall be considered by the parties to the new Statute to be acceptances of the compulsory jurisdiction of the International Court of Justice. The new Court therefore will begin its life with a considerable number of acceptances of such jurisdiction. In addition, Commission IV of the Conference recommended that the other Members of the United Nations should proceed to make similar declarations as soon as possible.

#### ORGANIZATION OF THE COURT

The Court is to be composed of fifteen judges as is the Permanent Court of International Justice. Article 3 of the Statute now makes explicit what was previously understood, namely, that no two of the judges may be nationals of the same state. The term of office is still to be nine years but Article 13 has been revised in order to ensure that the case will not arise in which an entire new bench would be elected at the end of each nine year period. This is accomplished by

providing that of those judges chosen in the first election, the terms of five shall expire at the end of three years and of another five at the end of six years.

The seat of the Court is to remain at The Hague but Article 22 of the Statute has been amended to make clear that the Court may sit elsewhere whenever it considers it desirable. The same freedom of movement is provided for the chambers of the Court (Articles 26-9). Slight changes have been made in this respect to give the Court a little more latitude in forming such special divisions of the Court. It may from time to time form one or more chambers composed of three or more judges for dealing with particular categories of cases such, for example, as labor cases and cases relating to transit and communications. It may also at any time form a chamber for dealing with a particular case, the number of judges being here determined by the Court with the approval of the parties. In addition, the Statute retains the provision for the annual formation of a chamber of summary procedure composed of five judges, which can handle cases more expeditiously. These provisions may be utilized to meet the needs of parties whose geographical location is distant from The Hague and who may wish to have the Court or one of its chambers sit in a more convenient place. No change has been made in the system under the existing Statute which permits the appointment of *ad hoc* national judges where one party has a judge of its nationality on the bench and the other does not.

#### PARTIES BEFORE THE COURT

Neither the Committee of Jurists nor the Committee of the Conference favored admitting as parties before the court individuals or various international organizations, and Article 34 of the Statute was not modified in this respect. Additions were made to this article, however, to enable the Court to secure and utilize information from public international organizations which may be able to assist in particular cases. Moreover, if the construction of the "constituent instrument" or statute of such an organization is in question before the Court, the organization will be notified and furnished with copies of the proceedings.

#### AMENDMENTS TO THE STATUTE

The Statute of the Permanent Court of International Justice contained no provision for its amendment. This lack has been supplied by the inclusion of new Articles 69 and 70. Article 69 states the rule that amendments to the Statute shall be adopted in the same way as amendments to the Charter of which it forms a part. This rule is limited, however, by the additional provision that the General Assembly on the recommendation of the Security Council may adopt provisions relative to the participation in the amending process of states which have been permitted to become parties to the Statute but which are not Members of the United Nations. Article 70 accords to the Court itself the power to propose amendments for consideration.

#### CONCLUSION

Sundry other amendments have been made to the Statute of the Permanent Court of International Justice but those of chief importance

have been described. It may not be inappropriate to repeat that the revision has proceeded throughout on the basis of satisfaction with the old court and high hopes for the new. If the provisions on compulsory jurisdiction did not go as far as some wished, this progress may still be recorded in declarations made at the option of the individual states. Through such optional declarations they may record their satisfaction with the institution and their confidence in its ability to play its part in the general role of the United Nations.

### THE SECRETARIAT

#### (Chapter XV)

Every organization needs an operating staff. The recruiting and the directing of the operating staff of an international organization present special problems. The personnel must be chosen from a great number of different nations. A person of high technical qualifications may be hampered by an inability to speak one or more of the official languages of the Organization. The staff must acquire a sense of loyalty to the Organization and of devotion to its service while not becoming expatriates. The experience of the League of Nations indicates that the best international civil servant is not the person who throws off all feeling of attachment to his own country but rather one who, while maintaining his national ties, can perform his international duties for the benefit of all the member countries including his own.

The direction of such a staff is clearly a task of the first magnitude. It calls for a high degree of administrative skill, of tact, courage, and of devotion to duty. In an organization like the United Nations it requires also a knowledge of international affairs and an imaginative ability to keep track of the vast complex of international problems in the political, economic and social fields.

The problems surrounding the creation of an international secretariat as part of the United Nations are, therefore, of the greatest possible importance for the success of the Organization. They raise difficult issues of political judgment and administrative efficiency. The San Francisco Conference faced these issues squarely and, it is believed, successfully.

#### THE SECRETARY-GENERAL

The smooth functioning of the United Nations, it has been suggested, will depend to no small extent on the character of the Secretary-General and the competence and loyalty of the staff he selects. These considerations, which can not be written into the Charter, can be realized only through the action of Members of the Organization in their wise selection of a Secretary-General and in the development by him of a loyal and competent staff.

The discussions at Dumbarton Oaks on the provisions concerning the Secretariat were largely confined to the powers and the method of election of the Secretary-General. Although certain more detailed items were given brief consideration, it was felt that the Dumbarton Oaks Proposals on this subject might be amplified, if found necessary, at the Conference of the United Nations. It was considered important,



however, that the method of election of the Secretary-General and the powers conferred on him should be clearly stated.

The Dumbarton Oaks Proposals conferred upon the Secretary-General the important political power of bringing to the attention of the Security Council any matter which in his opinion might threaten international peace and security. This was a power which had not been enjoyed by the Secretary-General of the League of Nations. The granting of this power considerably modified the concept of a Secretary-General as being primarily the chief administrative officer of the Organization.

At San Francisco some delegations sought to confer still greater powers upon the Secretary-General. On the one hand, it was proposed that he be granted the right to bring to the attention of either the Security Council or the General Assembly any matter which might threaten international peace and security. On the other hand, it was proposed to grant the Secretary-General the right to bring to the attention of the Security Council any violation of the principles of the Charter. The first of these proposals was disapproved because the Secretary-General would have been placed in the embarrassing position of having to choose between the Security Council and the General Assembly. The second proposal was not favored chiefly because it placed upon the Secretary-General a semi-judicial function which the conference thought inadvisable to confer upon him.

The method of election of the Secretary-General is to a considerable degree linked with the political power referred to above. The Dumbarton Oaks Proposals provided for his election by the General Assembly upon the recommendation of the Security Council. Some delegations at San Francisco sought to eliminate the participation of the Security Council in his election and vest it entirely in the General Assembly. However, this effort proved unsuccessful because it was generally recognized that, although he is to serve all of the organs of the Organization in his capacity as Secretary-General, this was a matter in which the political and security functions of the Security Council required its participation in his election. While willing to empower the Security Council to nominate the Secretary-General, a number of delegations did not wish the vote of the Security Council on this question to require the concurrence of all of the permanent members, and considered that the concern of the Security Council would be adequately taken care of by a vote of any seven members. It was decided, however, that the Yalta formula should apply to the election of the Secretary-General and that the concurring votes of all of the permanent members of the Security Council should be required. The final text of Article 97 of the Charter provides that the Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council; it is in deciding upon this recommendation that the indicated voting procedure of the Security Council is applicable.

The Dumbarton Oaks Proposals left open the question of the term of office of the Secretary-General. An amendment offered by the Sponsoring Powers provided for a three-year term for eligibility to re-election. This was considered by some to be too short a term to permit the Secretary-General to abandon his previous occupation, and it was urged that a longer term of five or more years be provided.

In behalf of the three-year term, it was pointed out that the Secretary-General was eligible for re-election and that the shorter term would make it easier to remove an incompetent or unsatisfactory incumbent. At the same time, a provision for re-eligibility would enable the Organization to retain a Secretary-General who enjoyed the confidence of the Members of the Organization. As a result of this difference of views, it was agreed that no provision be made in the Charter concerning the term of office. It was understood by the Committee that in the absence of any mention of the term of the Secretary-General this matter would be subject to agreement between the Security Council and the General Assembly. It was also understood that the concurring votes of the permanent members of the Security Council would be required in any decision on this question.

#### DEPUTY SECRETARIES-GENERAL

An amendment offered by the Sponsoring Powers providing for the election of four Deputy Secretaries-General for a term of three-years by the General Assembly, upon the recommendation of the Security Council, provoked considerable discussion. It was feared by some that the proposal of the Sponsoring Powers for four Deputy Secretaries-General would mean that each of the permanent members of the Security Council would assure itself of the election of one of its nationals to the post of Secretary-General or of Deputy Secretary-General. As a result of this view, the Sponsoring Powers modified their proposal to increase the number to five Deputy Secretaries-General and to make them eligible for re-election. The opponents of this provision very effectively argued that if the Deputy Secretaries-General were to be elected in the same manner as the Secretary-General, it would be impossible for the latter to control them, for they would not, in effect, be responsible to the Secretary-General but to the bodies which elected them. They pointed out that instead of having a Secretary-General as a single responsible officer charged with the responsibility of administration, there would in effect be a board or commission of six officers and that responsibility would be dispersed among them. It was also urged that the inclusion of such a specific provision on Deputy Secretaries-General would tend to make the Charter more rigid, and that this was a matter which should be left for the Organization itself to determine. These arguments prevailed over the Sponsoring Powers' amendment and it was agreed that no provision should be made in the Charter concerning Deputy Secretaries-General.

#### THE INTERNATIONAL POSITION OF THE SECRETARIAT

The Sponsoring Powers and several other delegations submitted amendments to add to the Dumbarton Oaks Proposals a provision on the subject of the responsibility and loyalty of the Secretary-General and his staff to the Organization. Similar provisions had been included in the Constitution of the Food and Agriculture Organization and the Articles of Agreement of the Fund and Bank proposed at Bretton Woods. The intent of the proposals made at San Francisco was to make it perfectly clear that the nationals of member states

serving on the staff of the Secretariat could not, in any sense of the word, be considered as agents of their governments. It was also deemed important to provide that member states accept an obligation to refrain from seeking to influence the Secretary-General or any member of the staff of the Secretariat. These provisions were considered essential to assure that the Secretary-General and the staff would constitute a truly international civil service. They are embodied in Article 100 of the Charter which merits quotation in full:

"1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

"2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities".

A further amendment proposed by Canada and New Zealand, empowering the Secretary-General to appoint the staff under regulations established by the General Assembly and giving expression to the standards which should be observed in the appointment of such a staff, was considered favorably by the Conference. Accordingly, Article 101 of the Charter declares that the staff shall be appointed by the Secretary-General under regulations established by the General Assembly. It is stated that the "paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity". Persons are not required to be selected on the basis of representing all of the Members of the United Nations, but due regard is to be paid "to the importance of recruiting the staff on as wide a geographical basis as possible".

The provisions for the appropriate privileges and immunities of the Secretariat are discussed in the next chapter.

The proposed Secretariat of the United Nations will be, in effect, an international civil service. It will be recruited on the basis of competence, promoted on the basis of merit, and selected with due reference to linguistic and geographical considerations. Unlike a national civil service, however, it will not have the policy-making authorities (the General Assembly and all of the Councils) constantly available for reference and guidance. The staff must therefore be able to give effect to the decisions of policy-making bodies by exercising a high degree of good judgment and responsibility. In this concept the Secretariat becomes rightly one of the principal organs of the United Nations.

## MISCELLANEOUS PROVISIONS

### (Chapter XVI)

#### REGISTRATION OF TREATIES

One of the contributions which the United States made to democratic control of international relations at the end of the war of 1914-1918 was the objection to the conclusion of secret treaties. President

Wilson made this the first of his Fourteen Points. A provision was inserted in Article 18 of the Covenant of the League of Nations requiring all members to register their treaties. In the course of twenty years over 4500 treaties were registered with and published by the League Secretariat.

In 1934 the United States voluntarily agreed to register its treaties in the same way because the Treaty Series published by the Secretariat was found to be a most convenient source in which to find the texts of international agreements, and because the United States was interested in promoting the publication of treaties. It is useful to the Department of State, as well as to other foreign offices, to be able to keep track of the treaty relations of other countries. In 1928 a provision for registration of inter-American treaties was agreed upon at the Habana Conference but no regular system of Pan American registration and publication comparable to that carried on at Geneva has yet developed. The International Civil Aviation Conference at Chicago in 1944 adopted provisions for the registration of agreements on aviation.

Although the subject is one of the details not covered at Dumbarton Oaks, it was natural to include in the Charter (Article 102), a provision for the registration and publication of treaties. Certain definite problems had to be faced. The first was whether the obligation should apply to treaties which had been concluded before the Charter took effect or whether it should apply only to agreements made subsequent to the time when the Charter comes into force. The latter alternative was chosen, in large part because earlier treaties have already been published in the League of Nations Treaty Series and duplication would be wasteful. It will, of course, be open to any state to register with the Secretary-General of the United Nations any earlier treaties which have not already been registered and published elsewhere.

The second issue involved was the scope of the obligations; should the obligation to register cover every international agreement or only certain ones? Experience had indicated that the registration of every international agreement is unnecessary because many of them are of minor importance and of temporary effect. Such, for example, are numerous agreements between governments for the purchase and sale of commodities and the regulation of financial transactions. A more serious problem was the question whether military agreements concluded with the Security Council for the purpose of carrying out its duties under Chapter VII of the Charter should be registered. There was a realization of the fact that detailed arrangements about the disposition of forces at a time when security measures were actually being taken could not be made public. Accordingly, although the obligation to register is stated in general terms, it was contemplated that regulations would be worked out in practice by the General Assembly concerning the registration or non-registration of particular types of agreements.

The third issue had to do with the penalty which should attach to a failure to register. The Covenant of the League of Nations had declared an unregistered treaty would not be binding. The exact effect of this provision was never made quite clear in practice and the Conference thought that a more definite provision would be ad-

vantageous. It accordingly adopted a provision which declares that no state may invoke an unregistered treaty before any of the organs of the Organization. This would mean that if a question arose in which a state wanted to take advantage of the treaty either in a case before the International Court of Justice or in some question which was being considered by the Security Council or by the General Assembly, the state would not be able to rely on the treaty unless it had complied with the obligation to register.

A final question involved the position of states not Members of the United Nations. So far as concerns treaties between a Member and a non-member, the Member has the obligation to register. It is to be assumed that the practice followed in connection with the League of Nations would be continued and that non-member states would have the privilege of registering, just as the United States registered its treaties with the League. The Charter could not impose this as an obligation on non-members but the Charter can and does indicate that if a non-member wishes to appear before any organ of the Organization, such as the International Court, and there to invoke a treaty, it must accept as a condition the rule about the registration of treaties.

So far as the United States is concerned, compliance with the obligations of this article involves no change in our established practice. It merely continues that practice. The provisions of the Charter have no relation to such treaties as are now in force. Future treaties, if not registered would be binding as between the parties but could not be invoked before an organ of the United Nations. The representatives of the United States in the General Assembly will participate in the development of such detailed regulations as experience may indicate to be desirable.

#### INCONSISTENT OBLIGATIONS

The United States and the other United Nations regard the Charter as something more than "just another treaty." The discussion of the earlier articles of the Charter has shown its special nature. The obligations of the Charter ought, therefore, to enjoy a preferred position if they should conflict with other international obligations. At the same time, as the discussions of Chapter VIII on Regional Arrangements has made clear, it has been important to establish the proper relationship between the Charter and other agreements, such as the Act of Chapultepec, which are not inconsistent.

The subject of inconsistent obligations was not dealt with at Dumbarton Oaks. Since Article 20 of the Covenant of the League of Nations had covered the subject in considerable detail it seemed that its omission from the Charter might cause misunderstanding. A simple statement of the fact that the obligations of the Charter prevail over other international obligations in case of conflict has therefore been included in Article 103.

There is an obvious legal principle that a later agreement supercedes an earlier inconsistent agreement between the same parties. It is, therefore, unnecessary for the Charter to declare that it abrogates inconsistent treaties among Members. Article 20 of the Covenant of the League of Nations did indeed contain such a clause, but the inclusion of such a declaration might involve the task of examining all existing treaties for the purpose of finding out which one con-

tained inconsistent obligations. This examination in turn would make it necessary to give some body the power to review treaties and to make a decision in case of doubt. There might be clear cases where the parties or the International Court of Justice could decide, but in other cases complex political questions and speculations about future events might be involved. It might well be true that an inconsistency would not be apparent until a case arose for the application of security measures by the Security Council against a state which had violated its obligations under the Charter. If such a case should arise, Article 103 provides the simple rule that the Charter prevails. Accordingly, no legal technicalities of this character will hinder a Member from loyally complying with its obligations under Articles 2, 48 and 49 of the Charter.

The situation is less simple when a Member of the United Nations has outstanding treaties with a state which is not a Member. The Charter cannot, to be sure, impose obligations upon a non-member, but the operation of the Charter must not be defeated by the invocation of treaties between Members and non-members. It would have been possible to put in the Charter a paragraph like that in Article 20 of the Covenant of the League of Nations which required Members of the League to negotiate their release from inconsistent treaties with non-members. Again the wise course seemed to be to rely on the statement of a simple principle in the Charter and upon the loyal cooperation of the Members. If a non-member state should resort to aggression and become the object of security measures, a Member should not be able to plead inability to discriminate against a non-member because some commercial treaty, for example, called for freedom of trade between the two states. Under Article 50, the member state could properly consult the Security Council. According to Paragraph 6 of Article 2, the United Nations might then take appropriate action.

The inclusion of Article 103 in the Charter thus does not mean that the United States is bound to review all of its treaties and to seek to cancel some of them. If events indicate that any obligations in treaties to which the United States is a party are inconsistent with the Charter, the situation will be cared for when it arises in the manner which has been indicated. In so far as our other international obligations are concerned the Charter contains a provision which will enable the United States and other Members to accept the Charter as the fundamental rule of conduct in the fields to which it applies.

#### LEGAL CAPACITY

It is apparent that an organization like the United Nations which will have offices and employees, will purchase supplies, and presumably rent or purchase office space, must have the legal capacity to enter into contracts, to take title to real and personal property and to appear in court (although its position as a defendant is protected by Article 105). The purpose of Article 104 is to make clear that the Organization has that legal capacity. No such provision was included in the Covenant but the capacity was recognized in practice as in the relations between the League of Nations and the Swiss Government. A provision similar to that stated in this article was in-

cluded in the agreements relative to the following United Nations organizations: Food and Agriculture Organization; UNRRA; International Monetary Fund; International Bank for Reconstruction and Development; Provisional International Civil Aviation Organization. The need for such a provision was discussed and rediscussed at the conferences dealing with those organizations and it has been the conclusion that for some states at least it is helpful to have such a provision included in the Charter to remove any doubt. It is the national law of each country which determines whether a particular body or organization which is not set up as a corporation under the law of that country will have legal capacity. National laws vary greatly on this matter; in some instances Article 104 may be unnecessary, in some cases it may need to be supplemented by legislation, and in others it may operate of its own force to confer the necessary status. The simple text adopted, using the same criterion as that applied in the case of privileges and immunities under Article 105, should be ample to take care of the actual needs of the Organization.

This Article does not deal with what is called the "international personality" of the Organization. The Committee which discussed this matter was anxious to avoid any implication that the United Nations will be in any sense a "super-state". So far as the power to enter into agreements with states is concerned, the answer is given by Article 43 which provides that the Security Council is to be a party to the agreements concerning the availability of armed forces. International practice, while limited, supports the idea of such a body being a party to agreements. No other issue of "international personality" requires mention in the Charter. Practice will bring about the evolution of appropriate rules so far as necessary.

#### PRIVILEGES AND IMMUNITIES

The United States, in common with all other states of the world, has traditionally granted to the diplomatic representatives of other states certain privileges and immunities. These privileges and immunities have been found over the course of several hundred years to be necessary in order to enable diplomatic representatives to carry out their missions as representatives of states. The laws of the United States have provided for such appropriate treatment for foreign diplomatic officials ever since 1790. It has also been usual to give a special status to an official representing his government at an international conference and in those cases the official has customarily received appropriate consideration from the government of the state in which the conference is held. In recent years, with the trend in international relations to entrust various international tasks to intergovernmental organizations, the need has been felt for according certain privileges and immunities to the officials and representatives of such organizations when engaged on their official duties.

The exact nature of the privileges and immunities to which international organizations and their officials are entitled is not yet sufficiently clear due to the fact that the practice is relatively new and has necessarily varied from one organization to another dependent upon their respective functions. Therefore, Article 105 stipulates that the

Organization itself, the representatives of the Members and the officials of the Organization shall have the "necessary" privileges and immunities.

A comparable stipulation is contained in Article 7 of the Covenant of the League of Nations and in 1926 an agreement was entered into between the League and the Swiss Government, since the seat of the League was in Switzerland. The Statute of the Permanent Court of International Justice accords diplomatic privileges and immunities to the judges when engaged on the business of the Court, and in conformity with that provision an agreement was reached with the Netherlands Government. Likewise, the officials of the International Labor Organization were accorded similar status both in Switzerland and later in Canada when the Office moved to Montreal.

Several United Nations conferences which have already been held and which have either established or proposed the establishment of international organizations, have made provision in one way or another for the privileges and immunities of the organizations and their officials. This has been true in regard to the conferences which dealt with the Food and Agriculture Organization, UNRRA, the International Monetary Fund, the International Bank for Reconstruction and Development, and the Provisional International Civil Aviation Organization.

Although this matter of detail was also left to one side in the Dumbarton Oaks discussions, it was naturally included in the Charter in order to insure the smooth functioning of the Organization free from interference by any state. This Article supplements Chapter XV which contains the basic principles concerning the international Secretariat. The United Nations, being an organization of all of the member states, is clearly not subject to the jurisdiction or control of any one of them and the same will be true for the officials of the Organization. The problem will be particularly important in connection with the relationship between the United Nations and the country in which it has its seat. The problem will also exist, however, in any country in which the officials of the United Nations are called upon from time to time to perform official duties. The United States shares the interest of all Members in seeing that no state hampers the work of the Organization through the imposition of unnecessary local burdens.

It would have been possible to make the simple statement that all of these officials and representatives would have diplomatic privileges and immunities but it is not necessarily true that these international officials will need precisely the same privileges and immunities as are needed by the diplomatic representatives of individual states. It accordingly seemed better to lay down as a test the necessity of the independent exercise of the functions of the individuals in connection with the Organization.

The provisions of Article 105 relate only to the Organization itself, and to its officials, and not to other public international organizations which may be brought into relationship with it. This is true because the statutes or agreements under which these other organizations are set up presumably will provide for the status of their respective officials.



The operation of this provision may not be automatic. It will depend upon the laws and governmental system of each state whether additional legislation will be required in order to enable each Member to carry out the obligations which this Article places upon it. Some states may take care of the matter by administrative regulation or under existing laws; others may feel the need for enacting additional legislation. Article 105 authorizes the General Assembly to make recommendations to Members regarding the implementation of the Article in the several countries, or, should it seem wiser, to propose conventions to the Members for this purpose. This Article of the Charter suggests the general rule and the general obligations, leaving it to experience to suggest the elaboration of the details.

So far as the United States is concerned, legislation will be needed to enable the officials of the United States to afford all of the appropriate privileges and immunities due the Organization and its officials under this provision. Such legislation would deal with such exemption from various tax burdens and other requirements as is commonly granted to representatives of foreign governments. The enactment of legislation and its application to such persons would not be for the purpose of conferring a favor upon any individuals. It would rather be for the purpose of assuring to the Organization the possibility that its work could be carried on without interference or interruption. The according of such privileges and immunities is merely one aspect of cooperating with the Organization itself.

## TRANSITIONAL SECURITY ARRANGEMENTS

### (Chapter XVII)

#### INTRODUCTION

Nowhere more clearly than in the Chapter on transitional security arrangements is there manifested the intelligent realism of the architects of the United Nations. From the outset these men faced squarely the fact that the Charter could not create an organization which would spring into being possessed from the start of full power to maintain international peace and security. They knew that if it was to succeed it must not be burdened at the outset with responsibilities which it could not immediately fulfill. They knew that it must be given time to become firmly established. Above all, they knew that it would not be only an impossibility but a tragic mistake to throw upon the Organization the task of enforcing the peace against the enemy states.

Armed force is the ultimate sanction in the enforcement of peace. The United Nations will have no armed force at its disposal until at least some of the agreements envisaged in Article 43 become effective. This difficulty is taken care of by Article 106, the first of the two which comprise this short Chapter. During the indefinite time which must elapse before the Security Council decides that enough of the agreements are effective for it to begin the exercise of its responsibilities for military enforcement action, the five great powers which are to be the permanent members of the Security Council undertake to exercise on behalf of the Organization, jointly and with

other members of the United Nations, such security functions as may be necessary.

Article 107 is concerned with the enemy states in the present war. By this provision the authority and the responsibility for the enforcement of the terms imposed upon those states and for the measures to prevent them from again menacing the peace are to be left to the victorious states. The responsibilities which the Security Council may have in respect to these enemies, and the time and manner of the transfer to it of those responsibilities, are matters to be decided at a later date.

The actual duration of the periods envisaged in these two articles cannot now be foreseen. It will depend on the speed with which the special agreements on the supply of armed forces are concluded, on the state of world affairs, on the rapidity with which the new organization demonstrates its capacities, and, in respect to Article 107, on the effectiveness of measures taken against the defeated powers. Delegates at the San Francisco Conference expressed the hope, which the American people will surely share, that the day is not many years off when Chapter XVII will become a dead letter. The onerous burdens which the great powers will have to bear as members of the responsible five will surely lead them to hasten that day by transferring their special responsibilities to the Organization as speedily as practicable.

#### FILLING THE GAP

It is highly appropriate that the Moscow Declaration should figure prominently in Article 106, which not only mentions it by name but paraphrases it as well. Not only did that great instrument give the world promise of a new international organization and mark the beginning of great-power cooperation to make that promise a fact; it also specifically provided that the great powers would cooperate with each other and with other United Nations for the maintenance of international peace and security pending the reestablishment of law and order and the inauguration of a system of general security.

Modified to fit the circumstances, paragraph 5 of the Moscow Declaration was presented to the United Nations Conference as Paragraph 1 of Chapter XII of the Dumbarton Oaks Proposals. The delegations at San Francisco from nations not represented at Dumbarton Oaks offered only two amendments affecting this paragraph. One, a French proposal to add the name of France to those of the other four powers, was adopted at once by acclamation. The other, a Mexican suggestion that the whole of this chapter be divorced from the Charter and made the subject of a separate protocol, was rejected by the Technical Committee.

The amendments being disposed of and consideration of the paragraph itself begun, it developed that, while all delegations approved the substance, few agreed with the five powers that the language was clear. Considerable discussion took place, revolving around three closely related issues, all of which applied in different degree to Paragraph 2 of Chapter XII (Article 107) as well: the duration of the interim period; the location of authority to terminate it; and the functions which the Security Council would be able to exercise until the agreements were in force. Votes on two occasions having demon-

strated that the other delegations were determined on more precision, the five powers, furnishing another example of their willingness to compromise and of their cooperation, jointly presented a revised text which was adopted unchanged as Article 106.

The revisions were all in the first part of the text (corresponding to Paragraph 1 of Article XII of the Dumbarton Oaks Proposals), which now makes it clear that not all the special arrangements for the provision of armed forces have to be ratified—a process which might take years—before the Security Council can take military enforcement action. Only such agreements as the Security Council itself deems sufficient for the purpose need be in effect.

Article 106 does not, as some delegates wished it to, define precisely the functions of the Security Council during the interim period, nor the limits of the joint action which the five powers may take. Had it done so it would have established a fixed and frozen division of responsibility, and thus defeated its own purpose, which is to provide for the orderly growth of the Security Council's functions, to permit it to take successively larger bites of responsibility. This flexibility is accomplished in two ways. First, only the power to take military enforcement action is withheld from the Security Council and that only temporarily. Secondly, the five powers which will be permanent members of the Security Council are granted authority to fill the temporary vacuum to the extent necessary by taking action on behalf of the Organization. It should be emphasized, however, that this five-power action must be joint and that consultation with other members of the United Nations is provided for. In other words, while this action may, in a formal sense, be outside the framework of the Organization, it is to be completely within the spirit of the Charter.

#### THE CHARTER AND THE ENEMY STATES

The four powers which signed the Moscow Declaration never intended that the world organization to be created should be charged with control over the defeated enemy, at least for a considerable time. For the reasons already stated, both the effectiveness of enforcement measures and the success of the Organization would probably have been jeopardized if this had been tried. Therefore, when the Dumbarton Oaks Proposals were written it was but natural that they should include provision to be leave the control of the defeated states to the responsible governments.

That this view was shared by all the Governments represented at San Francisco is shown by the fact that Paragraph 2 of Chapter XII of the Dumbarton Oaks Proposals (Article 107 of the Charter) was not the subject of any amendments. Like Paragraph 1, however, it was criticized on the ground that it lacked precision and clarity, but in this case the five powers did not feel it advisable to offer or accept any significant change, although they were agreeable to a slight modification in phraseology. The Technical Committee sustained the five powers by an overwhelming majority, after some oral clarification of the intent which was incorporated in the Rapporteur's report.

There is one fact about Article 107 which should be noted. While no limitation can be imposed by the Organization on action taken for the control of the present enemy, the Organization itself is not

barred by any language in the Charter from acting in this field, so that the responsible governments may, whenever and in whatever degree they wish, transfer responsibilities of this character to it.

One further point considered by the Technical Committee dealing with this Chapter was an amendment offered by the Government of Greece, the effect of which would have been to prevent enemy states from having recourse to the Security Council or the General Assembly. The Committee rejected this amendment, believing that its intent was adequately covered in other places in the Charter and that the right of recourse should not be emphasized. However, there was general approval of its intent, and, on the proposal of the United States Delegate, the Committee voted unanimously to insert in its report an understanding that the enemy states in this war shall not have the right of recourse to the Security Council or the General Assembly until the Security Council grants them this right.

#### CONCLUSION

The provisions of Chapter XVII do not mean any weakening of the United Nations—any taking away of what is granted elsewhere in the Charter. On the contrary, they will contribute in the long run to its waxing strength and success.

For the United States, Article 106 will mean a greater responsibility for world security than is accorded by the main body of the Charter. To be one of five necessarily involves more responsibility than to be one of many, even though the special attributes of the five powers will cause them to remain a distinctive element in the world structure. Article 107 imposes no such responsibility. The responsibility exists, but it derives from the war and the surrender terms, not from the Charter. Indeed, in a very real sense not even Article 106, nor any other provision of the Charter, imposes any extra responsibility on this country, except in the contractual obligation to collaborate for the maintenance of international peace and security. The same responsibility would devolve upon the United States whether a world organization had been created or not. It results not from the Charter but from the position of the United States in world affairs, that is, from its power, its authority and its moral prestige.

#### AMENDMENTS

##### (Chapter XVIII)

The goal at Dumbarton Oaks was to agree on the broad outlines of an Organization which would permit peace-loving states to act effectively for the maintenance of peace and security. It was understood, however, that the eventual success of this undertaking would depend on much more than the preparation of a legal instrument. A general sense of mutual confidence would have to be created; and it was recognized that this would not happen overnight. To foster and encourage the development of a real sense of security, the Organization must be given as binding and permanent a form as possible. This did not mean, of course, that changing circumstances might not make alterations in the Charter desirable, indeed necessary. But to meet this need it was thought sufficient to provide that the General

Assembly might adopt Charter amendments at any time by a two-thirds vote, subject to ratification by all the members having permanent representation on the Security Council and by a majority of the Organization's other members.

Those who seek to develop procedures for the peaceful settlement of international disputes always confront the hard task of striking a balance between the necessity of assuring stability and security on the one hand and of providing room for growth and adaptation on the other. This difficulty was present at San Francisco. If the possibility of Charter amendment was to be one method of satisfying those who feared lest the status quo be permanently frozen, how make sure that the rights and duties of Members would not, in the process of amendment, be brought into a different balance from that which Members had originally accepted? This was of serious concern to the powers which were preparing to undertake primary responsibility for the maintenance of peace and security, even, if need be, by force of arms. It was also of concern to all states whose constitutions require that amendments to any treaty must secure parliamentary ratification. In a third category of interested states were those which feared that amendments might change the original relationship set up among the great powers, or between them and the smaller powers, and that such a change might adversely affect their own interests.

Before the United States Delegation went to San Francisco the question arose as to whether an opportunity for piecemeal amendment of the Charter would be enough. Might not a possibility for the re-examination of the whole Charter in the light of experience be advisable? It was urged from several quarters (notably by Prime Minister Mackenzie King of Canada on March 20, 1945) that the difficulty of shaping a world organization under the abnormal conditions of wartime would warrant taking a look at the structure as a whole at some future date. The United States Delegation was averse to any proposal which might make the Organization seem transitional or provisional; but it did recognize the desirability of providing for the possibility of a more general review than could conveniently be carried out by the method of separate amendments introduced in regular Assembly meetings from time to time.

The United States Delegation continued to study the problem after its arrival in San Francisco, and on April 25 agreed upon the text of a paragraph which might be inserted in Chapter XI. This new article provided that a general conference might be called to review the Charter whenever three-quarters of the Assembly so requested and when the Security Council, acting by a procedural vote, concurred; and, further, that any Charter amendments which such a general conference might recommend by a two-thirds vote would become effective after ratification in accordance with the same procedure to be followed in the case of amendments issuing from ordinary Assembly meetings.

This proposal was presented by the United States Delegation at a meeting of the Sponsoring Powers held on May 3. After a thorough discussion, in which Messrs. Stettinius, Eden, Molotov and Soong all participated, the American text was accepted without change, and in due course was jointly recommended to the Conference as one of the suggested Sponsoring Powers amendments.

## VIEWS OF THE OTHER NATIONS ON THE GENERAL CONFERENCE

Very early in the discussions of the technical committee considering the amending process several delegations showed that they wished to go even further than had been proposed by the United States Delegation. They desired to make the calling of the general conference easier and they wished to have some date for it indicated. They put forward, in particular, three suggestions: 1) the three-fourths vote required in the Assembly to call such a conference might be changed to two-thirds; 2) a bracket of dates might be set, and the general conference might be made mandatory at any time within the period indicated; 3) a specific date for the conference might be fixed.

The first proposal was supported almost unanimously by the smaller nations. The second proposal was incorporated in motions put forward by the Brazilian and Canadian delegates to the effect that the general conference must be held within the period from five to ten years following the establishment of the Organization. Other delegates advanced the more extreme demand that the date be fixed now, preferably for the fifth or seventh year.

The United States Delegation was prepared to accept the first suggestion if the other four great powers were agreeable. It involved a slight alteration in the Dumbarton Oaks plan beyond what they had agreed to accept at the start of the San Francisco Conference; but the further liberalization of the vote by which a general conference might be called seemed unobjectionable, indeed proper and advisable. It did, however, oppose both the other proposals, and for weighty reasons. It was reluctant to introduce an added factor of uncertainty into the postwar period, as would be the case of it were known that the whole Charter was bound to come up for general revision at a fixed date, whether or not the majority of Members at that time so desired; and it feared that any date chosen in advance might fall in some period of political or economic crisis when an undertaking of such scope and importance would be inadvisable. The Soviet Delegation concurred in this view strongly, as did the three other great powers.

The five delegations thus found themselves in agreement against mentioning any specific date or bracket of dates in the Charter. But as the discussion in the technical Committee and its Subcommittee proceeded they were not in agreement as to how to deal with the amendment which the Canadian delegate was pressing there strongly, with the backing of several other delegations. Eventually, however, after consulting together, the Sponsoring Powers and France proposed that the vote necessary to call a general conference be changed from three-quarters to two-thirds of the members of the Assembly (with concurrence of any seven members of the Security Council); and that the following sentence, which originated in the United States Delegation, be added to the appropriate paragraph of the Sponsoring Powers proposal:

"If such a general conference has not been held before the tenth annual meeting of the Assembly following the entry into force of the Charter, the proposal to call such a general conference shall be placed on the agenda of that meeting of the Assembly."

Of these two concessions to the views of the small powers, the first was at once accepted unanimously. The second, which was

warmly welcomed by many delegations as evidence of a helpful spirit of conciliation, was left for consideration after decisions had been reached on the knotty problem of the veto. Before this could be tackled, however, the Committee had to settle how amendments were to be adopted and ratified. Closely connected with all these matters in the minds of many delegates, furthermore, was the question of possible withdrawal from the Organization.

#### AMENDMENTS AND THE VETO

Throughout the Conference the necessity for the five great powers to act by unanimity in the Security Council had been debated at length. The subject was settled, as far as ordinary proceedings of the Organization were concerned, in the Committee dealing with the powers and procedure of the Security Council. But the delegates of nations which were dissatisfied with the decision in that Committee hoped that even though the central fight against the veto had been lost, they might succeed in getting the veto removed in the case of amendments issuing from a general revisionary conference.

It was of even greater interest to certain delegations, on the other hand, to make sure that before amendments entered into force they would have to receive ratification by a larger number of members than had been fixed in the original text. These delegations expressed their willingness to accept the veto of the great powers over amendments provided this majority were increased. Accordingly, the following text was offered by the Belgian delegate as regards amendments which might issue from a general revisionary conference, and was supported by the Sponsoring Powers:

“Any alterations of the Charter recommended by a two-thirds vote of the Conference shall take effect when ratified in accordance with their respective constitutional processes by two-thirds of the members of the Organization, including all the permanent members of the Security Council.”

Although this proposal met objection from those who wished to make the whole amendment procedure easier, as well as from those who were strongly opposed to the right of veto by the permanent members of the Security Council, it was found to be agreeable to the necessary two-thirds majority of the members of the Committee, and was adopted with only stylistic changes. The procedure indicated was also adopted as regards amendments issuing from ordinary meetings of the General Assembly. (Articles 108 and 109.)

At this point the United States Delegation offered the following amendment, in lieu of its earlier proposal, to meet the strong desire of many delegations regarding the calling of a revisionary conference:

“If such a general conference has not been held before the tenth annual meeting of the Assembly following the entry into force of the Charter, the proposal to call such a general conference shall be placed on the agenda of that meeting of the Assembly, and the conference shall be held if so decided by a simple majority of the Assembly and by any seven members of the Security Council.”

It will be noted that this proposal did not make a revisionary conference mandatory at any fixed date. It did, however, ensure that,

if the conference had not been held earlier, the determination as to whether it should be held would be made by an extremely democratic procedure in the tenth year of the Organization's life; and, further, that the Assembly would at that time, if it saw fit, fix the exact date. The proposal met with wide acclaim. The Soviet Delegation, however, had stated in advance to the United States Delegation that it did not wish to go so far in the direction of providing for a special revisionary conference, and agreement had been reached in advance that each of the five great powers should proceed in the matter as it thought best. The proposal of the United States Delegation was adopted and became, with minor stylistic changes, the third paragraph of Article 109.

#### AMENDMENTS AND WITHDRAWAL

The United States Delegation's attitude on the subject of possible withdrawal from the Organization has been described in the part of this report dealing with membership. Its general attitude had to be reviewed, however, in connection with the possibility that Members might find certain amendments unacceptable. The question, here as in the other case, was whether or not the Charter should contain an express provision on the subject. Some delegations preferred that it should. The view of the United States Delegation was that the general statement of the implicit right of withdrawal in case of the general frustration of the Charter could properly be amplified to take care of cases in which Members were asked to accept amendments to which they had serious objection or when amendments which they considered vital failed of ratification. This view prevailed, and the text of the Charter itself makes no reference to withdrawal.

The final discussions of these complicated matters took place in an atmosphere of mutual conciliation. Many delegates rose to state their opinion that the spirit of harmony which prevailed in the Committee, and afterwards extended to the sessions of the Commission where the actions of the Committee were duly ratified, was due in large part to the efforts of the United States Delegation to find a generally satisfactory solution of the problem of how and when to call a revisionary conference. The procedure adopted met the desires of the large number of delegations which wanted some assurance that there would be an opportunity to review the work done at San Francisco in the light of experience, and that this opportunity should not be delayed indefinitely in case a majority of the member nations felt that the moment was ripe.

#### RATIFICATION AND SIGNATURE

##### (Chapter XIX)

The final chapter of the Charter contains technical provisions concerning the ratification of the Charter and the time at which it comes into force. In its two articles there are a few points which warrant mention in this Report. No provisions on these points were drawn up at Dumbarton Oaks, since the Proposals framed there were not in final treaty form.



Paragraph 1 of Article 110 contains a provision analogous to that included in Article 108 dealing with amendments, namely, that ratification shall be effected in accordance with the constitutional processes of the signatory states. This is a self-explanatory but important specification.

Paragraph 2 of Article 110, in accordance with the usual diplomatic procedure, names the Government of the United States as the depositary of the ratifications. The United States is obligated to notify all the signatory States of each deposit as well as the Secretary-General when he has been elected. It was suggested during the debates that the ratifications might be deposited with the Preparatory Commission until the Secretary-General was elected and thereafter with him, but the Conference adopted the other procedure.

Paragraph 3 of Article 110 determines when the Charter shall come into force. The provision follows closely an amendment to the Dumbarton Oaks proposals which was introduced jointly by the Sponsoring Powers at San Francisco. In the case of multipartite treaties involving mutual rights and obligations, it is of great importance to determine which of the signatories and how many of them must give their approval before the treaty becomes binding. Otherwise, a small number of the signatories might find themselves bound by obligations which were drafted in the expectation that there would be many partners in the enterprise and which would be impossible of fulfillment in the absence of certain of the states which were also signatories to the treaty.

In the case of the Charter this difficulty would obviously arise unless a provision were inserted to guard against it. The whole discussion of the Charter in this Report reveals that the functioning of the United Nations as an organization depends upon the participation and co-operation of the Five Powers which will have permanent seats in the Security Council and upon the cooperation with them of other states. Accordingly, Article 110 provides that the ratifications of the United States, the United Kingdom, the Soviet Union, China, and France, and of a majority of the other signatory states, must be deposited before the Charter takes effect. The Government of the United States is required to draw up a protocol or record of the fact that the required number of ratifications have been deposited and to communicate copies of the protocol to all the signatory states.

Article 111 contains the novel provision that the five texts of the Charter are equally authentic—Chinese, French, Russian, English, and Spanish. It has been quite usual to provide that texts in two different languages should be equally authentic, and many inter-America treaties have been drawn up in the four languages of the Western Hemisphere—English, French, Portuguese, and Spanish. The Charter is the first such document in five different tongues. The fact that two of the languages, Russian and Chinese are not commonly understood in many of the other countries represented at San Francisco, presented a difficult mechanical problem of translation, but this was overcome by an elaborate organization in the Secretariat and by the establishment of “language panels” on which representatives of various governments were included. The United States was represented by a competent linguist on each one of these panels. Prob-

lems of reconciling the five texts may arise as they have arisen in the past when even two languages were equally authentic; they can be solved by comparison of the texts, by reference to the documentation of the Conference proceedings, and by other familiar procedures. There is significance in the fact that the Charter, which is the Charter of all the United Nations, is authoritatively written in languages which are spoken in every corner of the world.

#### THE PREPARATORY COMMISSION OF THE UNITED NATIONS

The Preparatory Commission is designed to bridge the gap between the signing of the Charter at San Francisco and the convening of the first sessions of the principal organs of the United Nations.

When the League of Nations was established, interim arrangements were unnecessary because the first Secretary-General was named in the Annex to the Covenant, and Geneva had been selected as its permanent seat. The Secretary-General was authorized to start immediately the work of organizing the Secretariat and preparing for the first session of the Assembly. Since the San Francisco Conference did not select the first Secretary-General of the United Nations or determine the location of the seat of the Organization, it was necessary to provide some other kind of arrangement for initiating the necessary preparations incident to the establishment of the Organization.

The two principal tasks of the Commission are first, to study and make recommendations on certain questions which could not well be handled at San Francisco, and, second, to expedite the work of the new organization by thorough preparation for its initial meetings. Both tasks are of great importance but the second particularly so because of the extreme urgency of the many problems awaiting action by the General Assembly, the Security Council, the Economic and Social Council and other organs.

In order to make it possible to set up the Commission immediately, the instrument creating it was put in the form of an informal interim arrangement, with the provision that it come into effect on the day on which it was signed. It was signed at the same time as the Charter.

In view of the importance of the work to be done, it was decided to make the Commission fully representative of the Governments signatory to the Charter. It consists of one representative of each signatory Government. An Executive Committee is provided to exercise the functions and powers of the Commission when it is not in session. This Committee is composed of the same states as those which made up the Executive Committee of the Conference, namely Australia, Brazil, Canada, Chile, China, Czechoslovakia, France, Iran, Mexico, Netherlands, Union of Soviet Socialist Republics, United Kingdom, United States, and Yugoslavia.

The functions of the Commission fall into two groups, as mentioned above. The first includes: (1) formulation of recommendations concerning the possible transfer of certain functions, activities and assets of the League of Nations which it may be considered desirable for the United Nations to take over on terms to be arranged; (2) examination of problems involved in the establishment of the relationship between specialized intergovernmental organizations and agencies and the United Nations; and (3) preparation of studies and

recommendations concerning the location of the permanent headquarters of the United Nations.

The second group of functions includes: (1) convening the first session of the General Assembly; (2) preparing the provisional agenda for the first session of the principal organs of the United Nations, and preparing documents and recommendations, relating to all matters on these agenda; (3) issuance of invitations for the nomination of candidates for the International Court of Justice in accordance with the provisions of the Statute of the Court; (4) preparation of recommendations concerning arrangements for the Secretariat of the United Nations.

It was decided to locate the Commission in London. The Secretariat of the Commission headed by an Executive Secretary will be established there. The staff of the Secretariat is to be composed so far as possible of officials appointed for the purpose, on invitation of the Executive Secretary, by the participating Governments.

The Commission was to hold its first session in San Francisco immediately after the closing session of the Conference in order to perfect its organization and make plans for the carrying on of its work by the Executive Committee which will meet in the near future in London. The Executive Committee will call the Preparatory Commission into session again as soon as possible after the Charter of the United Nations has come into effect. Further sessions would be held if desirable, but it is hoped that the first sessions of the principal organs can be convened shortly after the ratification of the Charter.

The Commission will cease to exist upon the election of the Secretary-General of the United Nations, and its property and records will be transferred to the United Nations.

## APPENDIX A

*There follows, on the left hand pages of this Appendix, the complete text of the Charter of the United Nations adopted at San Francisco. On the right hand facing pages of the Appendix, there appears the text of the proposals adopted at Dumbarton Oaks. The material has been set up in parallel form to facilitate comparison.*

## CHARTER OF THE UNITED NATIONS

## WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and  
to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and  
to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and  
to promote social progress and better standards of life in larger freedom,

## AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbors, and  
to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

## HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

## CHAPTER I. PURPOSES AND PRINCIPLES

## ARTICLE 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

## ARTICLE 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

## APPENDIX A

*There follows, on the right hand pages of this Appendix, the text of the Proposals adopted at Dumbarton Oaks. On the left hand facing pages of the Appendix, there appears the complete text of The Charter of the United Nations adopted at San Francisco. The material has been set up in parallel form to facilitate comparison.*

## DUMBARTON OAKS PROPOSALS

There should be established an international organization under the title of The United Nations, the Charter of which should contain provisions necessary to give effect to the proposals which follow.

## CHAPTER I. PURPOSES

The purposes of the Organization should be:

1. To maintain international peace and security; and to that end to take effective collective measures for the prevention and removal of threats to the peace and the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means adjustment or settlement of international disputes which may lead to a breach of the peace;
2. To develop friendly relations among nations and to take other appropriate measures to strengthen universal peace;
3. To achieve international cooperation in the solution of international economic, social and other humanitarian problems; and
4. To afford a center for harmonizing the actions of nations in the achievement of these common ends.

## CHAPTER II. PRINCIPLES

In pursuit of the purposes mentioned in Chapter I the Organization and its members should act in accordance with the following principles:

1. The Organization is based on the principle of the sovereign equality of all peace-loving states.
2. All members of the Organization undertake, in order to ensure to all of them the rights and benefits resulting from membership in the Organization, to fulfill the obligations assumed by them in accordance with the Charter.

*Charter of the United Nations—Continued*

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

## CHAPTER II. MEMBERSHIP

## ARTICLE 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

## ARTICLE 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

## ARTICLE 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

## ARTICLE 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

## CHAPTER III. ORGANS

## ARTICLE 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

*Dumbarton Oaks Proposals—Continued*

3. All members of the Organization shall settle their disputes by peaceful means in such a manner that international peace and security are not endangered.

4. All members of the Organization shall refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the Organization.

5. All members of the Organization shall give every assistance to the Organization in any action undertaken by it in accordance with the provisions of the Charter.

6. All members of the Organization shall refrain from giving assistance to any state against which preventive or enforcement action is being undertaken by the Organization.

The Organization should ensure that states not members of the Organization act in accordance with these principles so far as may be necessary for the maintenance of international peace and security.

7. The provisions of paragraph 1 to 6 of Section A should not apply to situations or disputes arising out of matters which by international law are solely within the domestic jurisdiction of the state concerned.

*(From Ch. VIII, Sec. A, Par. 7)*

## CHAPTER III. MEMBERSHIP

1. Membership of the Organization should be open to all peace-loving states.

2. The General Assembly should be empowered to admit new members to the Organization upon recommendation of the Security Council.

*(From Ch. V, Sec. B, Par. 2)*

3. The General Assembly should, upon recommendation of the Security Council, be empowered to suspend from the exercise of any rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of the rights and privileges thus suspended may be restored by decision of the Security Council.

*(From Ch. V, Sec. B, Par. 3)*

The General Assembly should be empowered, upon recommendation of the Security Council, to expel from the Organization any member of the Organization which persistently violates the principles contained in the Charter.

*(From Ch. V, Sec. B, Par. 3)*

## CHAPTER IV. PRINCIPAL ORGANS

1. The Organization should have as its principal organs:

- a. A General Assembly;
- b. A Security Council;
- c. An international court of justice; and
- d. A Secretariat.

2. The Organization should have such subsidiary agencies as may be found necessary.

*Charter of the United Nations—Continued*

## ARTICLE 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

## CHAPTER IV. THE GENERAL ASSEMBLY

*Composition*

## ARTICLE 9

1. The General Assembly shall consist of all the Members of the United Nations.
2. Each Member shall have not more than five representatives in the General Assembly.

*Functions and Powers*

## ARTICLE 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

## ARTICLE 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

## ARTICLE 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

## ARTICLE 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

- a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;
- b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.



*Dumbarton Oaks Proposals—Continued*

## CHAPTER V. THE GENERAL ASSEMBLY

*Section A. Composition*

All members of the Organization should be members of the General Assembly and should have a number of representatives to be specified in the Charter.

*Section B. Functions and Powers*

1. The General Assembly should have the right to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments; to discuss any questions relating to the maintenance of international peace and security brought before it by any member or members of the Organization or by the Security Council; and to make recommendations with regard to any such principles or questions. Any such questions on which action is necessary should be referred to the Security Council by the General Assembly either before or after discussion . . .

(See above, Ch. V, Sec. B, Par. 1)

(See above, Ch. V, Sec. B, Par. 1)

. . . The General Assembly should not on its own initiative make recommendations on any matter relating to the maintenance of international peace and security which is being dealt with by the Security Council.

(From Ch. V, Sec. B, Par. 1)

6. The General Assembly should initiate studies and make recommendations for the purpose of promoting international cooperation in political, economic and social fields and of adjusting situations likely to impair the general welfare.

(From Ch. V, Sec. B, Par. 6)

*Charter of the United Nations—Continued*

## ARTICLE 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

## ARTICLE 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

## ARTICLE 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

## ARTICLE 17

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

*(See below, Articles 23, 61, 97. Also, Article 10 of the Statute of the International Court of Justice)*

*Voting*

## ARTICLE 18

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

## ARTICLE 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

*Procedure*

## ARTICLE 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

*Dumbarton Oaks Proposals—Continued*

(See above, Ch. V, Sec. B, Par. 6)

8. The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organization. (From Ch. V, Sec. B, Par. 8)

5. The General Assembly should apportion the expenses among the members of the Organization and should be empowered to approve the budgets of the Organization. (From Ch. V, Sec. B, Par. 5)

(See below, Ch. IX, Sec. C, Par. 1d)

4. The General Assembly should elect the non-permanent members of the Security Council and the members of the Economic and Social Council provided for in Chapter IX. It should be empowered to elect, upon recommendation of the Security Council, the Secretary-General of the Organization. It should perform such functions in relation to the election of the judges of the international court of justice as may be conferred upon it by the statute of the Court.

*Section C. Voting*

1. Each member of the Organization should have one vote in the General Assembly.

(From Ch. V, Sec. C, Par. 1)

2. Important decisions of the General Assembly, including recommendations with respect to the maintenance of international peace and security; election of members of the Security Council; election of members of the Economic and Social Council; admission of members, suspension of the exercise of the rights and privileges of members, and expulsion of members; and budgetary questions, should be made by a two-thirds majority of those present and voting.

(From Ch. V, Sec. C, Par. 2)

. . . On other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, the decisions of the General Assembly should be made by a simple majority vote.

(From Ch. V, Sec. C, Par. 2)

*Section D. Procedure*

1. The General Assembly should meet in regular annual sessions and in such special sessions as occasion may require.

(From Ch. V, Sec. D, Par. 1)

*Charter of the United Nations—Continued*

## ARTICLE 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

## ARTICLE 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

## CHAPTER V. THE SECURITY COUNCIL

*Composition*

## ARTICLE 23

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

*Functions and Powers*

## ARTICLE 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

## ARTICLE 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

## ARTICLE 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

*Voting*

## ARTICLE 27

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

*Dumbarton Oaks Proposals—Continued*

2. The General Assembly should adopt its own rules of procedure and elect its President for each session.

(Ch. V, Sec. D, Par. 2)

3. The General Assembly should be empowered to set up such bodies and agencies as it may deem necessary for the performance of its functions.

(From Ch. V, Sec. D, Par. 3)

## CHAPTER VI. THE SECURITY COUNCIL

*Section A. Composition*

The Security Council should consist of one representative of each of eleven members of the Organization. Representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Republic of China, and, in due course, France, should have permanent seats. The General Assembly should elect six states to fill the non-permanent seats. These six states should be elected for a term of two years, three retiring each year. They should not be immediately eligible for reelection. In the first election of the non-permanent members three should be chosen by the General Assembly for one-year terms and three for two-year terms.

*Section B. Principal Functions and Powers*

1. In order to ensure prompt and effective action by the Organization, members of the Organization should by the Charter confer on the Security Council primary responsibility for the maintenance of international peace and security and should agree that in carrying out these duties under this responsibility it should act on their behalf.

2. In discharging these duties the Security Council should act in accordance with the purposes and principles of the Organization.

3. The specific powers conferred on the Security Council in order to carry out these duties are laid down in Chapter VIII.

4. All members of the Organization should obligate themselves to accept the decisions of the Security Council and to carry them out in accordance with the provisions of the Charter.

(From Ch. VI, Sec. B, Par. 4)

5. In order to promote the establishment and maintenance of international peace and security with the least diversion of the world's human and economic resources for armaments, the Security Council, with the assistance of the Military Staff Committee referred to in Chapter VIII, Section B, paragraph 9, should have the responsibility for formulating plans for the establishment of a system of regulation of armaments for submission to the members of the Organization.

(From Ch. VI, Sec. B, Par. 5)

*Section C. Voting*

(NOTE.—The question of voting procedure in the Security Council is still under consideration.)

(From Ch. VI, Sec. C)

*Charter of the United Nations—Continued**Procedure*

## ARTICLE 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

## ARTICLE 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

## ARTICLE 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

## ARTICLE 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

## ARTICLE 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

## CHAPTER VI. PACIFIC SETTLEMENT OF DISPUTES

## ARTICLE 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

## ARTICLE 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

## ARTICLE 35

1. Any Member of the United Nations may bring any dispute or any situation of the nature referred to in Article 34 to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

*Dumbarton Oaks Proposals—Continued**Section D. Procedure*

1. The Security Council should be so organized as to be able to function continuously and each state member of the Security Council should be permanently represented at the headquarters of the Organization. It may hold meetings at such other places as in its judgment may best facilitate its work. There should be periodic meetings at which each state member of the Security Council could if it so desired be represented by a member of the government or some other special representative.  
(From Ch. VI, Sec. D, Par. 1)

2. The Security Council should be empowered to set up such bodies or agencies as it may deem necessary for the performance of its functions including regional subcommittees of the Military Staff Committee.  
(From Ch. VI, Sec. D, Par. 2)

3. The Security Council should adopt its own rules of procedure, including the method of selecting its President.  
(From Ch. VI, Sec. D, Par. 3)

4. Any member of the Organization should participate in the discussion of any question brought before the Security Council whenever the Security Council considers that the interests of that member of the Organization are specially affected.  
(From Ch. VI, Sec. D, Par. 4)

5. Any member of the Organization not having a seat on the Security Council and any state not a member of the Organization, if it is a party to a dispute under consideration by the Security Council, should be invited to participate in the discussion relating to the dispute.  
(From Ch. VI, Sec. D, Par. 5)

**CHAPTER VIII. ARRANGEMENTS FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY INCLUDING PREVENTION AND SUPPRESSION OF AGGRESSION***Section A. Pacific Settlement of Disputes*

3. The parties to any dispute the continuance of which is likely to endanger the maintenance of international peace and security should obligate themselves, first of all, to seek a solution by negotiation, mediation, conciliation, arbitration or judicial settlement, or other peaceful means of their own choice. The Security Council should call upon the parties to settle their dispute by such means.  
(From Ch. VIII, Sec. A, Par. 3)

1. The Security Council should be empowered to investigate any dispute, or any situation which may lead to international friction or give rise to a dispute, in order to determine whether its continuance is likely to endanger the maintenance of international peace and security.  
(From Ch. VIII, Sec. A, Par. 1)

2. Any state, whether member of the Organization or not, may bring any such dispute or situation to the attention of the General Assembly or of the Security Council.  
(From Ch. VIII, Sec. A, Par. 2)

*Charter of the United Nations—Continued*

## ARTICLE 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

## ARTICLE 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

## ARTICLE 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

## CHAPTER VII. ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

## ARTICLE 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

## ARTICLE 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

## ARTICLE 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

## ARTICLE 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.



*Dumbarton Oaks Proposals—Continued*

5. The Security Council should be empowered, at any stage of a dispute of the nature referred to in paragraph 3 above, to recommend appropriate procedures or methods of adjustment.  
(From Ch. VIII, Sec. A, Par. 5)

6. Justiciable disputes should normally be referred to the international court of justice. The Security Council should be empowered to refer to the court, for advice, legal questions connected with other disputes.  
(From Ch. VIII, Sec. A, Par. 6)

4. If, nevertheless, parties to a dispute of the nature referred to in paragraph 3 above fail to settle it by the means indicated in that paragraph, they should obligate themselves to refer it to the Security Council. The Security Council should in each case decide whether or not the continuance of the particular dispute is in fact likely to endanger the maintenance of international peace and security, and, accordingly, whether the Security Council should deal with the dispute, and, if so, whether it should take action under paragraph 5.  
(From Ch. VIII, Sec. A, Par. 4)

*Section B. Determination of Threats to the Peace or Acts of Aggression and Action With Respect Thereto.*

2. In general the Security Council should determine the existence of any threat to the peace, breach of the peace or act of aggression and should make recommendations or decide upon the measures to be taken to maintain or restore peace and security.  
(From Ch. VIII, Sec. B, Par. 2)

1. Should the Security Council deem that a failure to settle a dispute in accordance with procedures indicated in paragraph 3 of Section A, or in accordance with its recommendations made under paragraph 5 of Section A, constitutes a threat to the maintenance of international peace and security, it should take any measures necessary for the maintenance of international peace and security in accordance with the purposes and principles of the Organization.  
(From Ch. VIII, Sec. B, Par. 1)

3. The Security Council should be empowered to determine what diplomatic, economic, or other measures not involving the use of armed force should be employed to give effect to its decisions, and to call upon members of the Organization to apply such measures. Such measures may include complete or partial interruption of rail, sea, air, postal, telegraphic, radio and other means of communication and the severance of diplomatic and economic relations.  
(From Ch. VIII, Sec. B, Par. 3)

4. Should the Security Council consider such measures to be inadequate, it should be empowered to take such action by air, naval or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade and other operations by air, sea or land forces of members of the Organization.  
(From Ch. VIII, Sec. B, Par. 4)

*Charter of the United Nations—Continued*

## ARTICLE 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

## ARTICLE 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

## ARTICLE 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

## ARTICLE 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

## ARTICLE 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

## ARTICLE 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

*Dumbarton Oaks Proposals—Continued*

5. In order that all members of the Organization should contribute to the maintenance of international peace and security, they should undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements concluded among themselves, armed forces, facilities and assistance necessary for the purpose of maintaining international peace and security. Such agreement or agreements should govern the numbers and types of forces and the nature of the facilities and assistance to be provided. The special agreement or agreements should be negotiated as soon as possible and should in each case be subject to approval by the Security Council and to ratification by the signatory states in accordance with their constitutional processes.

*(From Ch. VIII, Sec. B, Par. 5)*

6. In order to enable urgent military measures to be taken by the Organization there should be held immediately available by the members of the Organization national air force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action should be determined by the Security Council with the assistance of the Military Staff Committee within the limits laid down in the special agreement or agreements referred to in paragraph 5 above.

*(From Ch. VIII, Sec. B, Par. 6)*

8. Plans for the application of armed force should be made by the Security Council with the assistance of the Military Staff Committee referred to in paragraph 9 below.

*(From Ch. VIII, Sec. B, Par. 8)*

9. There should be established a Military Staff Committee the functions of which should be to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, to the employment and command of forces placed at its disposal, to the regulation of armaments, and to possible disarmament. It should be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. The Committee should be composed of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any member of the Organization not permanently represented on the Committee should be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires that such a state should participate in its work. Questions of command of forces should be worked out subsequently.

*(From Ch. VIII, Sec. B, Par 9)*

*(See above, Ch. VI, Sec. D, Par. 2)*

7. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security should be taken by all the members of the Organization in cooperation or by some of them as the Security Council may determine. This undertaking should be carried out by the members of the Organization by their own action and through action of the appropriate specialized organizations and agencies of which they are members.

*(From Ch. VIII, Sec. B, Par. 7)*

*Charter of the United Nations—Continued*

## ARTICLE 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

## ARTICLE 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

## ARTICLE 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

## CHAPTER VIII. REGIONAL ARRANGEMENTS

## ARTICLE 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

## ARTICLE 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

## ARTICLE 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

*Dumbarton Oaks Proposals—Continued*

10. The members of the Organization should join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

*(From Ch. VIII, Sec. B, Par. 10)*

11. Any state, whether a member of the Organization or not, which finds itself confronted with special economic problems arising from the carrying out of measures which have been decided upon by the Security Council should have the right to consult the Security Council in regard to a solution of those problems.

*(From Ch. VIII, Sec. B, Par. 11)*

*Section C. Regional Arrangements*

1. Nothing in the Charter should preclude the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided such arrangements or agencies and their activities are consistent with the purposes and principles of the Organization. The Security Council should encourage settlement of local disputes through such regional arrangements or by such regional agencies, either on the initiative of the states concerned or by reference from the Security Council.

*(From Ch. VIII, Sec. C, Par. 1)*

2. The Security Council should, where appropriate, utilize such arrangements or agencies for enforcement action under its authority but no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council.

*(From Ch. VIII, Sec. C, Par. 2)*

3. The Security Council should at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

*(From Ch. VIII, Sec. C, Par. 3)*

*Charter of the United Nations—Continued*

## CHAPTER IX. INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

## ARTICLE 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

## ARTICLE 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

## ARTICLE 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

## ARTICLE 58

The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

## ARTICLE 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

## ARTICLE 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

## CHAPTER X. THE ECONOMIC AND SOCIAL COUNCIL

*Composition*

## ARTICLE 61

1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

*Dumbarton Oaks Proposals—Continued*

## CHAPTER IX. ARRANGEMENTS FOR INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

*Section A. Purpose and Relationships*

1. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, the Organization should facilitate solutions of international economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms. Responsibility for the discharge of this function should be vested in the General Assembly and, under the authority of the General Assembly, in an Economic and Social Council.

(From Ch. IX, Sec. A, Par. 1)

2. The various specialized economic, social and other organizations and agencies would have responsibilities in their respective fields as defined in their statutes. Each such organization or agency should be brought into relationship with the Organization on terms to be determined by agreement between the Economic and Social Council and the appropriate authorities of the specialized organization or agency, subject to approval by the General Assembly.

(From Ch. IX, Sec. A, Par. 2)

7. The General Assembly should make recommendations for the coordination of the policies of international economic, social, and other specialized agencies brought into relation with the Organization in accordance with agreements between such agencies and the Organization.

(Ch. V, Sec. B, Par. 7)

(See above, Ch. V, Sec. B, Par. 7)

*Section B. Composition and Voting*

The Economic and Social Council should consist of representatives of eighteen members of the Organization. The states to be represented for this purpose should be elected by the General Assembly for terms of three years.

(From Ch. IX, Sec. B)

*Charter of the United Nations—Continued**Functions and Powers*

## ARTICLE 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

(See above, Ch. IV, Art. 17, Par. 3)

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

## ARTICLE 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

## ARTICLE 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence may by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

## ARTICLE 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

## ARTICLE 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

*Voting*

## ARTICLE 67

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.



*Dumbarton Oaks Proposals—Continued**Section C. Functions and Powers of the Economic and Social Council*

1. The Economic and Social Council should be empowered:
- a. to carry out, within the scope of its functions, recommendations of the General Assembly;
  - b. to make recommendations, on its own initiative, with respect to international economic, social and other humanitarian matters;
  - c. to receive and consider reports from the economic, social and other organizations or agencies brought into relationship with the Organization, and to coordinate their activities through consultations with, and recommendations to, such organizations or agencies;
- (From Ch. IX, Sec. C, Par. 1, a, b, c)*

- d. to examine the administrative budgets of such specialized organizations or agencies with a view to making recommendations to the organizations or agencies concerned;

*(From Ch. IX, Sec. C, Par. 1, d)*

*(See above, Ch. IX, Sec. A, Par. 2)*

*(See above, Ch. IX, Sec. A, Par. 1, c)*

*(See above, Ch. IX, Sec. C, Par. 1, c)*

- e. to enable the Secretary-General to provide information to the Security Council;

- f. to assist the Security Council upon its request;
- (From Ch. IX, Sec. C, Par. 1, e, f)*

*(See above, Ch. IX, Sec. C, Par. 1, a)*

- g. to perform such other functions within the general scope of its competence as may be assigned to it by the General Assembly.

*(From Ch. IX, Sec. C, Par. 1, g)*

. . . Each such state should have one representative, who should have one vote. Decisions of the Economic and Social Council should be taken by simple majority vote of those present and voting.

*(From Ch. IX, Sec. B)*

*Charter of the United Nations—Continued**Procedure*

## ARTICLE 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

## ARTICLE 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

## ARTICLE 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

## ARTICLE 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

## ARTICLE 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

## CHAPTER XI. DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

## ARTICLE 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

*Dumbarton Oaks Proposals—Continued**Section D. Organization and Procedure*

1. The Economic and Social Council should set up an economic commission, a social commission, and such other commissions as may be required. These commissions should consist of experts. There should be a permanent staff which should constitute a part of the Secretariat of the Organization.

*(From Ch. IX, Sec. D, Par. 1)*

2. The Economic and Social Council should make suitable arrangements for representatives of the specialized organizations or agencies to participate without vote in its deliberations and in those of the commissions established by it.

*(From Ch. IX, Sec. D, Par. 2)*

3. The Economic and Social Council should adopt its own rules of procedure and the method of selecting its President.

*(From Ch. IX, Sec. D, Par. 3)*

*(No Comparable Text)*

*Charter of the United Nations—Continued*

## ARTICLE 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

## CHAPTER XII. INTERNATIONAL TRUSTEESHIP SYSTEM

## ARTICLE 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

## ARTICLE 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

## ARTICLE 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:
  - a. territories now held under mandate;
  - b. territories which may be detached from enemy states as a result of the Second World War; and
  - c. territories voluntarily placed under the system by states responsible for their administration.
2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

## ARTICLE 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

## ARTICLE 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

*Dumbarton Oaks Proposals—Continued*

*(No Comparable Text)*

*Charter of the United Nations—Continued*

## ARTICLE 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

## ARTICLE 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

## ARTICLE 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

## ARTICLE 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

## ARTICLE 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligation towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

## ARTICLE 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

## CHAPTER XIII. THE TRUSTEESHIP COUNCIL

*Composition*

## ARTICLE 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- a. those Members administering trust territories;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and

*Dumbarton Oaks Proposals—Continued*

*(No Comparable Text)*

*Charter of the United Nations—Continued*

c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

*Functions and Powers*

## ARTICLE 87

1. The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- a. consider reports submitted by the administering authority;
- b. accept petitions and examine them in consultation with the administering authority;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

## ARTICLE 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

*Voting*

## ARTICLE 89

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

*Procedure*

## ARTICLE 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

## ARTICLE 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

## CHAPTER XIV. THE INTERNATIONAL COURT OF JUSTICE

## ARTICLE 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.



*Dumbarton Oaks Proposals—Continued*

*(No Comparable Text)*

## CHAPTER VII. AN INTERNATIONAL COURT OF JUSTICE

1. There should be an international court of justice which should constitute the principal judicial organ of the Organization.

2. The Court should be constituted and should function in accordance with a statute which should be annexed to and be a part of the Charter of the Organization.

3. The statute of the court of international justice should be either (a) the Statute of the Permanent Court of International Justice, continued in force with such modifications as may be desirable or (b) a new statute in the preparation of which the Statute of the Permanent Court of International Justice should be used as a basis.

*Charter of the United Nations—Continued*

## ARTICLE 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

## ARTICLE 95

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

## ARTICLE 96

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

## ARTICLE 98

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

## CHAPTER XV. THE SECRETARIAT

## ARTICLE 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

## ARTICLE 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

## ARTICLE 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

## ARTICLE 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

*Dumbarton Oaks Proposals—Continued*

4. All members of the Organization should *ipso facto* be parties to the statute of the international court of justice.

5. Conditions under which states not members of the Organization may become parties to the statute of the international court of justice should be determined in each case by the General Assembly upon recommendation of the Security Council.

(See above, Ch. VIII, Sec. A, Par. 6)

## CHAPTER X. THE SECRETARIAT

1. There should be a Secretariat comprising a Secretary-General and such staff as may be required. The Secretary-General should be the chief administrative officer of the Organization. He shall be elected by the General Assembly, on recommendation of the Security Council, for such term and under such conditions as are specified in the Charter.

2. The Secretary-General should act in that capacity in all meetings of the General Assembly, of the Security Council, and of the Economic and Social Council and should make an annual report to the General Assembly on the work of the Organization.

3. The Secretary-General should have the right to bring to the attention of the Security Council any matter which in his opinion may threaten international peace and security.

(No Comparable Text)

*Charter of the United Nations—Continued*

## ARTICLE 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

## CHAPTER XVI. MISCELLANEOUS PROVISIONS

## ARTICLE 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

## ARTICLE 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

## ARTICLE 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

## ARTICLE 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

## CHAPTER XVII. TRANSITIONAL SECURITY ARRANGEMENTS

## ARTICLE 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-National Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

## ARTICLE 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any State which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

*Dumbarton Oaks Proposals—Continued*

*(No Comparable Text)*

## CHAPTER XII. TRANSITIONAL ARRANGEMENTS

1. Pending the coming into force of the special agreement or agreements referred to in Chapter VIII, Section B, paragraph 5, and in accordance with the provisions of paragraph 5 of the Four-Nation Declaration, signed at Moscow, October 30, 1943, the states parties to that Declaration should consult with one another and as occasion arises with other members of the Organization with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

2. No provision of the Charter should preclude action taken or authorized in relation to enemy states as a result of the present war by the Governments having responsibility for such action.

*Charter of the United Nations—Continued*

## CHAPTER XVIII. AMENDMENTS

## ARTICLE 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council.

## ARTICLE 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

## CHAPTER XIX. RATIFICATION AND SIGNATURE

## ARTICLE 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

## ARTICLE 111

The present Charter, of which the Chinese, French, Russian, English and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the City of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

*Dumbarton Oaks Proposals—Continued*

## CHAPTER XI. AMENDMENTS

Amendments should come into force for all members of the Organization, when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by the members of the Organization having permanent membership on the Security Council and by a majority of the other members of the Organization.

*(No Comparable Text)*

## NOTE

In addition to the question of voting procedure in the Security Council referred to in Chapter VI, several other questions are still under consideration.

WASHINGTON, D. C.

October 7, 1944

## KEY TO COMPARISON OF DUMBARTON OAKS PROPOSALS AND THE CHARTER OF THE UNITED NATIONS

DUMBARTON OAKS PROPOSALS	CHARTER
Preliminary paragraph	PREAMBLE
Chapter I	Chapter I
Para. 1	Art. 1, Para. 1
Para. 2	Art. 1, Para. 2
Para. 3	Art. 1, Para. 3
Para. 4	Art. 1, Para. 4
Chapter II	Chapter I
Para. 1	Art. 2, Para. 1
Para. 2	Art. 2, Para. 2
Para. 3	Art. 2, Para. 3
Para. 4	Art. 2, Para. 4
Para. 5	Art. 2, Para. 5
Para. 6	Art. 2, Para. 5
Unnumbered Para.	Art. 2, Para. 6
Chapter III	Chapter II
Para. 1	Art. 4, Para. 1
No comparable text	Art. 3
Chapter IV	Chapter III
Para. 1	Art. 7, Para. 1
Para. 2	Art. 7, Para. 2
No comparable text	Art. 8
Chapter V	
Section A	CH. IV, Art. 9
Section B	
Para. 1	CH. IV, Arts. 10 and 11; Art. 12, Para. 1
Para. 2	CH. II, Art. 4, Para. 2
Para. 3	CH. II, Arts 5 and 6
Para. 4	CH. V, Art. 23, Para. 1; CH. X, Art. 61; Para. 1; CH. XV, Art. 97; and Art. 8 of the Statute of the International Court of Justice
Para. 5	CH. IV, Art. 17, Paras. 1 and 2
Para. 6	CH. IV, Art. 13, Para. 1 and Art. 14
Para. 7	CH. IX, Arts. 58 and 60
Para. 8	CH. IV, Art. 15.
Section C	
Para. 1	CH. IV, Art. 18, Para. 1
Para. 2	CH. IV, Art. 18, Paras. 2 and 3
Section D	
Para. 1	CH. IV, Art. 20
Para. 2	CH. IV, Art. 21
Para. 3	CH. IV, Art. 22
No comparable text	CH. IV, Art. 12, Para. 2; Art. 13, Para. 2; Arts. 16 and 19
Chapter VI	Chapter V
Section A	Art. 23
Section B	
Para. 1	Art. 24, Para. 1
Para. 2	Art. 24, Para. 2
Para. 3	Art. 24, Para. 2
Para. 4	Art. 25
Para. 5	Art. 26
No comparable text	Art. 24, Para. 3
Section C	
(Yalta voting formula)	Art. 27



Section D	
Para. 1	Art. 28
Para. 2	Art. 29
Para. 3	Art. 30
Para. 4	Art. 31
Para. 5	Art. 32
Chapter VII	Chapter XIV
Para. 1	Art. 92
Para. 2	Art. 92
Para. 3	Art. 92
Para. 4	Art. 93, Para. 1
Para. 5	Art. 93, Para. 2
No comparable text	Arts. 94, 95 and 96
Chapter VIII	
Section A	
Para. 1	CH. VI, Art. 34
Para. 2	CH. VI, Art. 35
Para. 3	CH. VI, Art. 33
Para. 4	CH. VI, Art. 37
Para. 5	CH. VI, Art. 36, Para. 1
Para. 6	CH. VI, Art. 36, Para. 3; and CH. XIV, Art. 96, Para. 1
Para. 7	CH. 1, Art. 2, Para. 7
No comparable text	CH. VI, Art. 36, Para. 2; and Art. 38
Section B	Chapter VII
Para. 1	Art. 40
Para. 2	Art. 39
Para. 3	Art. 41
Para. 4	Art. 42
Para. 5	Art. 43
Para. 6	Art. 45
Para. 7	Art. 48
Para. 8	Art. 46
Para. 9	Art. 47
Para. 10	Art. 49
Para. 11	Art. 50
No comparable text	Arts. 44 and 51
Section C	Chapter VIII
Para. 1	Art. 52, Paras. 1 and 3
Para. 2	Art. 53, Para. 1
Para. 3	Art. 54
No comparable text	Art. 52, Paras. 2 and 4; and Art. 53, Para. 2
Chapter IX	Chapter IX
Section A	Arts 55 and 60
Para. 1	Art. 57
Para. 2	Arts. 56 and 59
No comparable text	
Section B	
Section C	Chapter X
Para. 1	Art. 61, Paras. 1 and 2; and Art. 67
a.	CH. IX, Art. 66, Para. 1
b.	CH. X, Art. 62, Paras. 1 and 2
c.	CH. X, Art. 64, Para. 1
d.	CH. IV, Art. 17, Para. 3
e.	CH. X, Art. 65
f.	CH. X, Art. 65
g.	CH. X, Art. 66, Para. 3
Section D	Chapter X
Para. 1	Art. 68
Para. 2	Art. 70
Para. 3	Art. 72

No comparable text	Art. 61, Paras. 3 and 4; Art. 62, Paras. 3 and 4; Art. 63; Art. 64, Para. 2; Art. 66, Para. 2; Art. 69; and Art. 71
Chapter X	Chapter XV
Para. 1	Art. 97
Para. 2	Art. 98
Para. 3	Art. 99
No comparable text	Arts. 100 and 101
Chapter XI	Chapter XVIII, Art. 108
No comparable text	Art. 109
Chapter XII	Chapter XVII
Para. 1	Art. 106
Para. 2	Art. 107
No comparable text	Chapter XI
No comparable text	Chapter XII
No comparable text	Chapter XIII
No comparable text	Chapter XVI
No comparable text	Chapter XIX

## APPENDIX B

### STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

#### ARTICLE 1

The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

#### CHAPTER I—ORGANIZATION OF THE COURT

#### ARTICLE 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are juriconsults of recognized competence in international law.

#### ARTICLE 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

#### ARTICLE 4

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

#### ARTICLE 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the

present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

## ARTICLE 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

## ARTICLE 7

1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

## ARTICLE 8

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

## ARTICLE 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

## ARTICLE 10

1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

## ARTICLE 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

## ARTICLE 12

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing, by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfills the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

## ARTICLE 13

1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

## ARTICLE 14

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

## ARTICLE 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

## ARTICLE 16

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

## ARTICLE 17

1. No member of the Court may act as agent, counsel, or advocate in any case.

2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

## ARTICLE 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

## ARTICLE 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

## ARTICLE 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

## ARTICLE 21

1. The Court shall elect its President and Vice-President for three years; they may be re-elected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

## ARTICLE 22

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.
2. The President and the Registrar shall reside at the seat of the Court.

## ARTICLE 23

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.
2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.
3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

## ARTICLE 24

1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.
2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.
3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

## ARTICLE 25

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.
2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.
3. A quorum of nine judges shall suffice to constitute the Court.

## ARTICLE 26

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labor cases and cases relating to transit and communications.
2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.
3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

## ARTICLE 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

## ARTICLE 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

## ARTICLE 29

With a view to the speedy despatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

## ARTICLE 30

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

## ARTICLE 31

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3, and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

## ARTICLE 32

1. Each member of the Court shall receive an annual salary.

2. The President shall receive a special annual allowance.

3. The Vice-President shall receive a special allowance for every day on which he acts as President.

4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.

5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their traveling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

## ARTICLE 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

## CHAPTER II—COMPETENCE OF THE COURT

## ARTICLE 34

1. Only states may be parties in cases before the Court.

2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

## ARTICLE 35

1. The Court shall be open to the states parties to the present Statute.
2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.
3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

## ARTICLE 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.
2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:
  - a. the interpretation of a treaty;
  - b. any question of international law;
  - c. the existence of any fact which, if established, would constitute a breach of an international obligation;
  - d. the nature or extent of the reparation to be made for the breach of an international obligation.
3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.
4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.
5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.
6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

## ARTICLE 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

## ARTICLE 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:
  - a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
  - b. international custom, as evidence of a general practice accepted as law;
  - c. the general principles of law recognized by civilized nations;
  - d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.
2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

## CHAPTER III—PROCEDURE

## ARTICLE 39

1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

## ARTICLE 40

1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

## ARTICLE 41

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

## ARTICLE 42

1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

## ARTICLE 43

1. The procedure shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

## ARTICLE 44

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

## ARTICLE 45

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

## ARTICLE 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

## ARTICLE 47

1. Minutes shall be made at each hearing and signed by the Registrar and the President.

2. These minutes alone shall be authentic.



## ARTICLE 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

## ARTICLE 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

## ARTICLE 50

The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

## ARTICLE 51

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

## ARTICLE 52

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

## ARTICLE 53

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

## ARTICLE 54

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.

2. The Court shall withdraw to consider the judgment.

3. The deliberations of the Court shall take place in private and remain secret.

## ARTICLE 55

1. All questions shall be decided by a majority of the judges present.

2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

## ARTICLE 56

1. The judgment shall state the reasons on which it is based.

2. It shall contain the names of the judges who have taken part in the decision.

## ARTICLE 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

## ARTICLE 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

## ARTICLE 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

## ARTICLE 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

## ARTICLE 61

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision must be made at latest within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of ten years from the date of the judgment.

## ARTICLE 62

1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

2. It shall be for the Court to decide upon this request.

## ARTICLE 63

1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.

2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

## ARTICLE 64

Unless otherwise decided by the Court, each party shall bear its own costs.

## CHAPTER IV—ADVISORY OPINIONS

## ARTICLE 65

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.

2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

## ARTICLE 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.

2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.

4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

## ARTICLE 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

## ARTICLE 68

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

## CHAPTER V—AMENDMENT

## ARTICLE 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

## ARTICLE 70

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

## APPENDIX C

## INTERIM ARRANGEMENTS CONCLUDED BY THE GOVERNMENTS REPRESENTED AT THE UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

THE GOVERNMENTS represented at the United Nations Conference on International Organization in the city of San Francisco.

Having determined that an international organization to be known as the United Nations shall be established,

Having this day signed the Charter of the United Nations, and

Having decided that, pending the coming into force of the Charter and the establishment of the United Nations as provided in the Charter, a Preparatory Commission of the United Nations should be established for the performance of certain functions and duties,

AGREE as follows:

1. There is hereby established a Preparatory Commission of the United Nations for the purpose of making provisional arrangements for the first sessions of the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council, for the establishment of the Secretariat, and for the convening of the International Court of Justice.

2. The Commission shall consist of one representative from each government signatory to the Charter. The Commission shall establish its own rules of procedure. The functions and powers of the Commission, when the Commission is not in session, shall be exercised by an Executive Committee composed of the representatives of those governments now represented on the Executive Committee of the Conference. The Executive Committee shall appoint such committees as may be necessary to facilitate its work, and shall make use of persons knowledge and experience.

3. The Commission shall be assisted by an Executive Secretary, who shall exercise such powers and perform such duties as the Commission may determine, and by such staff as may be required. This staff shall be composed so far as possible of officials appointed for this purpose by the participating governments on the invitation of the Executive Secretary.

4. The Commission shall:

(a) Convoke the General Assembly in its first session;

(b) Prepare the provisional agenda for the first sessions of the principal organs of the Organization, and prepare documents and recommendations relating to all matters on these agenda;

(c) Formulate recommendations concerning the possible transfer of certain functions, activities, and assets of the League of Nations which it may be considered desirable for the new Organization to take over on terms to be arranged;

(d) Examine the problems involved in the establishment of the relationship between specialized intergovernmental organizations and agencies and the Organization;

(e) Issue invitations for the nominations of candidates for the International Court of Justice in accordance with the provisions of the Statute of the Court;

(f) Prepare recommendations concerning arrangements for the Secretariat of the Organization; and

(g) Make studies and prepare recommendations concerning the location of the permanent headquarters of the Organization.

5. The expenses incurred by the Commission and the expenses incidental to the convening of the first meeting of the General Assembly shall be met by the Government of the United Kingdom of Great Britain and Northern Ireland or, if the Commission so requests, shared by other governments. All such advances from governments shall be deductible from their first contributions to the Organization.

6. The seat of the Commission shall be located in London. The Commission shall hold its first meeting in San Francisco immediately after the conclusion of the United Nations Conference on International Organization. The Executive Committee shall call the Commission into session again as soon as possible after the Charter of the Organization comes into effect and whenever subsequently it considers such a session desirable.

7. The Commission shall cease to exist upon the election of the Secretary-General of the Organization, at which time its property and records shall be transferred to the Organization.

8. The Government of the United States of America shall be the temporary depository and shall have custody of the original document embodying these interim arrangements in the five languages in which it is signed. Duly certified copies thereof shall be transmitted to the governments of the signatory states. The Government of the United States of America shall transfer the original to the Executive Secretary on his appointment.

9. This document shall be effective as from this date, and shall remain open for signature by the states entitled to be the original Members of the United Nations until the Commission is dissolved in accordance with paragraph 7.

IN FAITH WHEREOF, the undersigned representatives having been duly authorized for that purpose, sign this document in the English, French, Chinese, Russian, and Spanish languages, all texts being of equal authenticity.

DONE at the city of San Francisco, this twenty-sixth day of June, one thousand nine hundred and forty-five.

## APPENDIX D

## THE UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

## LIST OF DELEGATIONS

Argentina	Iran
Australia	Iraq
Belgium	Lebanon
Bolivia	Liberia
Brazil	Luxembourg
Byelorussian Soviet Socialist Republic	Mexico
Canada	Netherlands
Chile	New Zealand
China	Nicaragua
Colombia	Norway
Costa Rica	Panama
Cuba	Paraguay
Czechoslovakia	Peru
Denmark	Philippine Commonwealth
Dominican Republic	Saudi Arabia
Ecuador	Syria
Egypt	Turkey
El Salvador	Ukrainian Soviet Socialist Republic
Ethiopia	Union of South Africa
France	Union of Soviet Socialist Republics
Greece	United Kingdom †
Guatemala	United States of America
Haiti	Uruguay
Honduras	Venezuela
India	Yugoslavia

## UNITED STATES DELEGATION

## DELEGATES

Edward R. Stettininius, Jr., Secretary of State; Chairman  
 Cordell Hull, Senior Adviser  
 Tom Connally, United States Senate  
 Arthur H. Vandenberg, United States Senate  
 Sol Bloom, House of Representatives  
 Charles A. Eaton, House of Representatives  
 Commander Harold E. Stassen, U. S. N. R.  
 Dean Virginia C. Gildersleeve

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 Isaiah Bowman, Special Adviser to the Secretary of State  
 Hamilton Fish Armstrong, Special Adviser to the Secretary of State  
 John Foster Dulles  
 Charles W. Taussig, Chairman, United States Section, Anglo-American Caribbean Commission  
 Avra M. Warren, Director, Office of American Republic Affairs  
 John D. Hickerson, Deputy Director, Office of European Affairs  
 Harley A. Notter, Adviser, Office of Special Political Affairs  
 Leroy D. Stinebower, Deputy Director, Office of International Trade Policy

## Treasury Department

Harry White, Assistant Secretary of the Treasury

**War Department**

John J. McCloy, Assistant Secretary of War  
 Lieutenant General Stanley D. Embick, Joint Strategic Survey Committee  
 Major General Muir S. Fairchild, Joint Strategic Survey Committee  
 Major General R. L. Walsh, Special Assistant to the Commanding General,  
 Army Air Forces  
 Brigadier General Keaner Hertford, Chief of Pan American Group, Operations Division

**Department of Justice**

Charles Fahy, Solicitor General of the United States

**Navy Department**

Artemus Gates, Assistant Secretary of the Navy  
 Admiral Arthur J. Hepburn, Chairman, General Board  
 Vice Admiral Russell Willson, Joint Strategic Survey Committee  
 Rear Admiral Harold C. Train, Joint Post-War Committee  
 R. Keith Kane, Special Assistant to the Secretary of the Navy

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**Department of Commerce**

Frank A. Waring, Special Assistant to the Secretary of Commerce

**Department of Labor**

Daniel W. Tracy, Assistant Secretary of Labor

**Foreign Economic Administration**

Oscar Cox, Deputy Administrator

**Bureau of the Budget**

Donald C. Stone, Deputy Director

In addition, valuable assistance was rendered to the Delegation by the Honorable Pat McCarran, United States Senator from Nevada, and by the Honorable Louis C. Rabaut, Member of Congress from Michigan and the Honorable Karl Stefan, Member of Congress from Nebraska, who, at the instance of the Department of State, went to San Francisco to advise and consult with the Delegation with respect to certain fiscal problems in connection with the establishment and maintenance of the United Nations.

**ASSISTANT SECRETARIES OF STATE ASSIGNED TO THE CONFERENCE**

Julius C. Holmes

Archibald MacLeish

Nelson A. Rockefeller

**OFFICE OF WAR INFORMATION ATTACHÉ TO THE DELEGATION**

Arthur Sweetser, Deputy Director, Office of War Information

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G. Hayden Raynor, Special Assistant to the Secretary of State

Charles W. Yost, Executive Secretary, Secretary of State's Staff Committee and Coordinating Committee

John D. East, Special Consultant

Silliman Evans

Adlai Stevenson, Special Assistant to the Secretary of State

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Charles Noyes, Assistant to the Secretary of State

Lee Blanchard, Assistant to the Secretary of State

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 Vincent J. Monti, Watch Officer, Office of the Secretary of State  
 Alfred T. Wellborn, Watch Officer, Office of the Secretary of State

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Miss Josephine Schain, Associate

**National Foreign Trade Council**

Mr. Eugene P. Thomas, Consultant  
Mr. Henry F. Grady, Associate  
Mr. John Abbink, Associate

**National Grange**

Mr. Albert Goss, Consultant  
Mr. George Sehmeyer, Associate

**National Lawyers Guild**

Mr. Robert W. Kenny, Consultant  
Mr. Martin Popper, Associate

**National League of Women Voters**

Mrs. Anne Hartwell Johnstone, Consultant  
Mrs. George H. Engels, Associate  
Mrs. Harold Nachtrieb, Associate

**National Peace Conference**

Miss Jane Evans, Consultant  
Dr. John Paul Jones, Associate  
Mr. Richard Wood, Associate

**Railway Labor Executives Association**

Mr. Charles J. MacGowan, Consultant

**Rotary International**

Mr. Walter D. Head, Consultant  
Mr. Cyrus P. Barnum, Associate  
Mr. Allen D. Albert, Associate

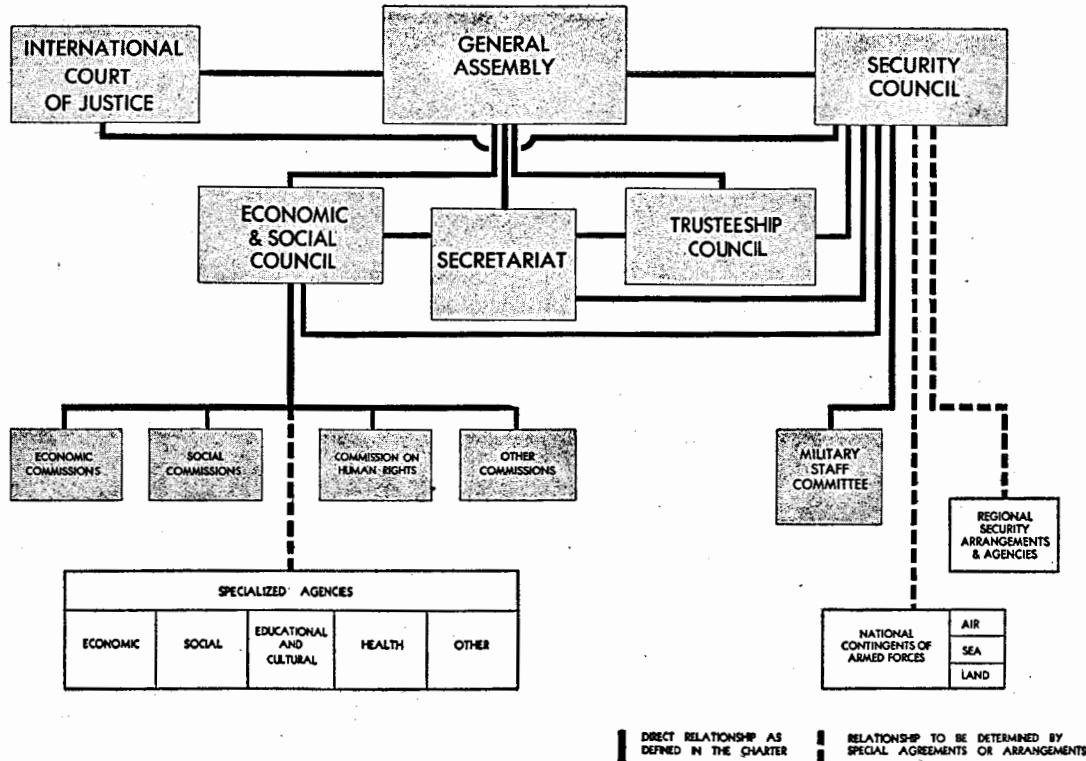
**Women's Action Committee for Victory and Lasting Peace**

Miss Lillian M. Phillips, Consultant  
Mrs. Arthur Brin, Associate  
Mrs. George Fielding Eliot, Associate

**Veterans of Foreign Wars of the United States**

Mr. Louis E. Starr, Consultant  
Mr. L. G. Taggart, Associate  
Judge Frederick M. Miller, Associate

# ORGANIZATION OF THE UNITED NATIONS



Mr. STETTINIUS. In addition to the report, a full file of the documents of the Conference is available to the Senate and the committee for these hearings. These documents have been placed in filing cabinets in the adjoining room to the rear of me. Arrangements have been made, I am happy to say, for State Department officials who handled these documents at San Francisco, and are therefore thoroughly familiar with them, to be on duty at all times during these hearings in order to assist any member of this committee, or any Senator, to use in any way during these hearings these official documents of the Conference.

I might add that this is the only complete set of these documents now available in Washington. They will eventually be published and become generally available to the public.

I wish to take a moment to outline all the categories of documents, so that the Senators may know what they are. The file includes the following:

1. All amendments to the Dumbarton Oaks proposals submitted by participating delegations—that is, the 50 countries.
2. Minutes of all meetings of the technical committees and subcommittees of the Conference, covering our 9 weeks of work.
3. Minutes of all meetings of the commissions.
4. Minutes of all the plenary sessions.
5. The reports of the subcommittees.
6. The reports of the technical committees.
7. The reports of the commissions themselves.

In other words, gentlemen, we have made available to the Senate Foreign Relations Committee and to the entire membership of the Senate the working papers of this Conference 10 days after the Conference adjourned. I am very proud of that fact, and I am sure that it will be most convenient, from the standpoint of analysis, to have the detailed working papers available for anyone who wishes to analyze them.

First, Mr. Chairman, I wish to make full acknowledgment of the part taken by members of Congress, and particularly by members of the United States Senate, in making this Charter possible and in its provisions.

Connally and Fulbright resolutions, passed in the fall of 1943 by the Senate and House of Representatives, respectively, expressed the will and purpose of Congress that the United States join with other sovereign nations in establishing as soon as possible an international organization to maintain peace and security.

These resolutions, giving full support to the Moscow Four Nation Declaration, gave renewed impetus to the preparatory work which had been undertaken in the Department of State under the direction of President Roosevelt and Secretary Hull. Members of the Senate Foreign Relations Committee and of the House Foreign Affairs Committee participated in all these preparations. Their advice was constantly sought and was invaluable. In July 1944 a United States draft proposal was completed as a result of this work. This draft, together with similar drafts submitted by the Soviet Union, Great Britain, and China, became the basis of the Dumbarton Oaks proposals, just as the Dumbarton Oaks proposals themselves became the basis of the Charter.

Half of the United States delegation at the San Francisco Conference was composed of members of Congress. Your chairman, Senator Connally, and his distinguished colleague, Senator Vandenberg, acted as vice chairmen of the delegation. They played outstanding roles in the writing of this Charter. They were leading figures at the United Nations Conference and their contributions to its success did honor to themselves, to the Senate, and to the country.

I wish, also, to pay high tribute to Representative Bloom, whom I am happy to see here today, and Representative Eaton, who I wish could be here, who represented the House with such distinction, and to the two able and influential public members of the delegation, Dean Gildersleeve and Commander Stassen. Mr. Hull, whom President Roosevelt rightly called "the father of the United Nations," was not present, but we were in daily communication with him, and his wise counsel was invaluable. Finally, President Truman, your colleague for so many years, guided our efforts with clear vision and a sure hand. His leadership contributed greatly to our success.

From first to last Congress and the executive branch of the Government have worked hand in hand and with no thought of partisanship in this great endeavor. The whole American people have also participated directly to an extent never approached before. The Dumbarton Oaks proposals were submitted to their scrutiny, criticism, and advice 7 months before the San Francisco Conference began, and the results of that public examination are reflected in many of the changes made at San Francisco. Forty-two nongovernmental organizations representing labor, agriculture, industry, the churches, veterans, and other groups were represented by consultants to the United States delegation at the Conference. They, too, exercised an important influence in the construction of the Charter.

This Charter is not the work of any single nation. It is the work of 50 nations. But the influence of the United States in the framing of its provisions has been of the utmost importance. I believe that this is due in a very large degree to the close working relationship developed between the Executive and the Congress, with direct participation by the public. This has made it possible for all America to speak more surely with a united and compelling voice in international affairs.

## II. PURPOSES AND PRINCIPLES

The United Nations Charter is both a binding agreement to preserve peace and to advance human progress and a constitutional document creating the international machinery by which nations can cooperate to realize these purposes in fact.

The purposes of the United Nations are: the maintenance of international peace and security; the development of friendly relations among nations based on respect for the equal rights and self-determination of peoples; cooperation in solving international problems of an economic, social, cultural, and humanitarian character and in promoting respect for human rights and fundamental freedoms for all.

Members of the organization are pledged to carry out in good faith the obligations of the Charter. They are pledged: to settle their disputes peacefully in such a way that international peace and security, and justice are not endangered; not to use force or the threat of force



against the territorial integrity or political independence of any state or in any other manner inconsistent with the purposes of the United Nations; to give the organization every assistance in any action it takes under the Charter; and to refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

The organization is based on the principle of the sovereign equality of all its members. It is not authorized to intervene in matters which are essentially within the domestic jurisdiction of any state. However, a claim of domestic jurisdiction cannot be used to prevent enforcement measures by the Security Council in dealing with a threat to the peace, breach of the peace, or act of aggression by any future aggressor.

The Charter provides six principal instruments for the realization of its purposes and principles. They are the Security Council, the General Assembly, the Economic and Social Council, the International Court of Justice, the Trusteeship Council, and the Secretariat.

The Security Council is both an enforcement agency and an agency to help nations settle their disputes peacefully in such a manner that enforcement measures may be unnecessary.

The General Assembly is a forum for discussion and recommendation on any matter within the scope of the Charter.

The Economic and Social Council is an instrument for the development of those international economic and social conditions essential to lasting peace.

The International Court of Justice is an institution through which the principles of international justice and law may be developed and increasingly applied to relations between countries.

The Trusteeship Council assists in the supervision of an international trusteeship for some dependent areas.

The Secretariat is the permanent civil service of the United Nations.

### III. THE SECURITY COUNCIL

The Charter places the major responsibility for the maintenance and enforcement of international peace and security with the Security Council. The Security Council will not meet merely from time to time. The Charter provides that it shall function continuously and that its members shall always be represented at the seat of the organization.

The Council has the duty of helping to bring about by peaceful means the adjustment or settlement of international disputes. These include such methods as conciliation, mediation, arbitration, judicial settlement, and resort to regional agencies as well as any other peaceful means the parties to a dispute may choose. If necessary the Council may itself recommend the terms of settlement, as well as methods of settlement or adjustment.

Should these means fail, it is the duty of the Security Council to take whatever measures are necessary, including diplomatic and economic sanctions and the use of force, to prevent or suppress a threat to the peace, breach of the peace, or act of aggression.

All members of the organization are pledged to accept and carry out decisions of the Security Council made in fulfillment of these duties.

They undertake to make available to the Council, on its call, armed forces, assistance, and facilities in accordance with special agreements which are to be negotiated as soon as possible between the Security Council and the member nations. It is specified that within the limits of these agreements national air force contingents should be immediately available for combined international enforcement action. The Charter provides that these military agreements shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

There will also be a military staff committee consisting of the chiefs of staff of the permanent members of the Security Council or their representatives to advise and assist the Council in its military requirements for the maintenance of international peace, the use of the forces at its disposal and in discharging its responsibilities in connection with the regulation of armaments. Thus the military collaboration of the great powers, which has been so important a factor in assuring victory, will be continued and developed for the purpose of insuring peace.

When the military agreements have been made, the Security Council will be ready at all times under these provisions with effective means at its disposal for prompt action against aggression, or a threat of aggression.

The relationship of regional security arrangements to the United Nations organization is also established by the Charter. Because bitter experience has shown that a breach of the peace anywhere in the world may sooner or later threaten the security of all nations, the supremacy of the Security Council in enforcement measures to prevent aggression is established by the Charter, except as concerns the enemy states of this war.

The Charter contemplates that the United Nations organization may in time assume the responsibility for standing guard over the enemy states, but this responsibility is left for the present directly in the hands of the nations which have made victory possible in the present war. They will decide when to transfer this responsibility to the organization. The United States is, of course, one of the nations which retains this responsibility.

While no regional enforcement action may be taken without the consent of the Security Council—except against enemy states—the Charter encourages the use of regional arrangements and agencies in the peaceful adjustment of local disputes. It also provides that should an armed attack occur against a member state, the inherent right of individual or collective self-defense may come into play until the Security Council has taken the necessary measures to maintain peace.

These provisions make possible the further development and strengthening of the inter-American system and its integration with the world system in such a way that the Act of Chapultepec can be put on a permanent basis in conformity with the Charter.

#### IV. VOTING PROVISIONS

The provisions for membership and voting in the Security Council agreed upon at San Francisco were so drawn up as to enable the Security Council to discharge, with the best chance of success, its responsibility for the maintenance of peace with justice.

Five nations are given permanent membership in the council—the United States, Great Britain, the Soviet Union, China, and France. These nations possess most of the industrial and military resources of the world. They will have to bear the principal responsibility for maintaining peace in the foreseeable future. The provisions of membership recognize this inescapable fact.

The five powers do not, however, form a majority of the members of the Council. Six members are elected by the General Assembly from among all the other United Nations. This is the first of several checks and balances provided for in the Charter in order to safeguard the rights of smaller nations.

The voting provisions for the Security Council also recognize the special powers and responsibilities of the great nations. A majority of seven members which includes all five of the permanent members is required in any decision by the Council for dealing with a dispute either by peaceful means or by enforcement action, except that a party to a dispute must abstain from voting in the peaceful settlement stage.

There has been a great deal of discussion of these voting provisions, and I should like to request permission at this time to place in the record my statement of March 5, 1945, made at the Mexico City Conference; the statement of March 24, 1945, made by the Under Secretary of State, Mr. Grew; and the interpretative statements by the delegations of the four sponsoring governments on June 7, all of which are on this subject. I think they will prove useful to the committee, and I recommend that the members of the committee give their most serious attention to them.

The CHAIRMAN. They will be inserted in the record.

(The documents referred to are as follows:)

DEPARTMENT OF STATE,  
March 5, 1945.  
No. 201

For the press.

At the Crimea Conference the Government of the United States of America was authorized, on behalf of the three governments there represented, to consult the Government of the Republic of China and the Provisional Government of the French Republic, in order to invite them to sponsor invitations jointly with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics to a conference of United Nations called to meet at San Francisco on April 25, 1945.

Those consultations have now been held. The Government of the Republic of China has agreed to join in sponsoring invitations to the San Francisco Conference. The Provisional Government of the French Republic has agreed to participate in the Conference but, after consultation with the sponsoring governments, the Provisional Government—which did not participate in the Dumbarton Oaks conversations—is not joining in sponsoring the invitations.

Today, at noon Washington time, representatives of the Government of the United States of America stationed at various capitals throughout the world are presenting to the Government of 39 different United Nations the following invitation:

The Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China, invites the Government of (name of Government invited was inserted here) to send representatives to a conference of the United Nations to be held on April 25, 1945, at San Francisco in the United States of America to prepare a charter for a general international organization for the maintenance of international peace and security.

The above-named governments suggest that the conference consider as affording a basis for such a charter the proposals for the establishment of a general international organization, which were made public last October as a result of the Dumbarton Oaks Conference, and which have now been supplemented by the following provisions for section C of chapter VI:

**"C. Voting**

"1. Each member of the Security Council should have one vote.

"2. Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven members.

"3. Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under chapter VIII, section A, and under the second sentence of paragraph 1 of chapter VIII, section C, a party to a dispute should abstain from voting."

Further information as to arrangements will be transmitted subsequently. In the event that the Government of (name of Government invited was inserted here) desires in advance of the Conference to present views or comments concerning the proposals, the Government of the United States of America will be pleased to transmit such views and comments to the other participating Governments.

The invitation has been presented to the Government of the following United Nations:

Commonwealth of Australia  
Kingdom of Belgium  
Republic of Bolivia  
United States of Brazil  
Canada  
Republic of Chile  
Republic of Colombia  
Republic of Cost Rica  
Republic of Cuba  
Czechoslovak Republic  
Dominican Republic  
Republic of Ecuador  
Kingdom of Egypt  
Empire of Ethiopia  
Kingdom of Greece  
Republic of Guatemala  
Republic of Haiti  
Republic of Honduras  
India  
Empire of Iran

Kingdom of Iraq  
The Republic of Liberia  
The Grand Duchy of Luxembourg  
United Mexican States  
The Kingdom of the Netherlands  
Dominion of New Zealand  
Republic of Nicaragua  
Kingdom of Norway  
Republic of Panama  
Republic of Paraguay  
Republic of Peru  
Commonwealth of the Philippines  
Republic of El Salvador  
Kingdom of Saudi Arabia  
The Republic of Turkey  
Union of South Africa  
Oriental Republic of Uruguay  
United States of Venezuela  
Kingdom of Yugoslavia

DEPARTMENT OF STATE,  
March 24, 1945.  
No. 264

For the press.

STATEMENT BY ACTING SECRETARY OF STATE JOSEPH C. GREW

The Department has received inquiries concerning the operation of the proposed voting procedure in the Security Council as agreed to at the Crimea Conference. These inquiries relate to the peaceful settlement of dispute in cases (a) when a permanent member of the Security Council is involved, and (b) when a permanent member is not involved.

The question is put in the following form: Could the projected international organization be precluded from discussing any dispute or situation which might threaten the peace and security by the act of any one of its members?

The answer is, "No." It is only when the question arises as to what, if any, decision or action the Security Council should take that the provisions covering the voting procedure would come into operation. This Government proposed the provisions for voting procedure in the Security Council which have been accepted by all governments sponsoring the San Francisco Conference as part of the Dumbarton Oaks proposals which will afford a basis for a pattern for the international organization. It is this Government's understanding that under these voting procedures there is nothing which could prevent any state from bringing to the attention of the Security Council any dispute or any situation which it

believes may lead to international friction or may give rise to a dispute. And furthermore, there is nothing in these provisions which could prevent any party to such dispute or situation from receiving a hearing before the Council and having the case discussed. Nor could any of the other members of the Council be prevented from making such observations on the matter as they wish to make.

The right of the General Assembly to consider and discuss any dispute or situation would remain, of course, at all times untrammelled.

#### THE VOTING PROCEDURE

Under the proposed voting procedure for the Security Council an affirmative vote of 7 out of the 11 members is necessary for decision on both substantive and procedural matters. Decisions as to procedural matters would be made by the votes of any 7 members.

##### *A. When a permanent member is involved*

In decisions on enforcement measures, the vote of seven must include the votes of all five permanent members whether or not they are parties to the dispute. On questions involving the peaceful settlement of disputes, no party to the dispute—whether or not a permanent member—may vote. In such decisions the vote of seven must include those permanent members which are not parties to the dispute.

This means that when a permanent member of the Security Council is involved in a dispute the representative of that state may not vote on matters involving the peaceful settlement of that dispute (under sec. A of ch. VIII). In other words, that permanent member would have no "veto" in these matters. In this case, however, the remaining permanent members must concur in the total vote of seven by which the Security Council reaches its decisions. Any permanent member not party to the dispute would thus have a "veto," should it care to exercise it.

Further, if two of the permanent members of the Council are parties to a dispute, neither of them can vote and the decision must be made by the three remaining permanent members and four of the nonpermanent members of the Council. If more than two permanent members are involved in a dispute the vote would require the concurrence of the remaining permanent members plus the number of nonpermanent members necessary to make a total of seven. Under such circumstances, if there are four members of the Council involved in the dispute—and, therefore, none of the four could vote—each of the remaining members of the Council, whether permanent or nonpermanent, would have the same "veto."

##### *B. When a permanent member is not involved.*

When a permanent member of the Security Council is not involved in a dispute, the affirmative vote of each of the five permanent members is required for the Council to take any decisions or action on that dispute.

JUNE 7, 1945.

#### STATEMENT BY THE DELEGATIONS OF THE FOUR SPONSORING GOVERNMENTS ON VOTING PROCEDURE IN THE SECURITY COUNCIL

Specific questions covering the voting procedure in the Security Council have been submitted by a subcommittee of the Conference Committee on Structure and procedures of the Security Council to the delegations of the four governments sponsoring the Conference—the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Republic of China. In dealing with these questions, the four delegations desire to make the following statement of their general attitude toward the whole question of unanimity of permanent members in the decisions of the Security Council.

#### I

1. The Yalta voting formula recognizes that the Security Council, in discharging its responsibilities for the maintenance of international peace and security, will have two broad groups of functions. Under chapter VIII, the Council will have to make decisions which involve its taking direct measures in connection with settlement of disputes, adjustment of situations likely to lead to disputes, determination of threats to peace, removal of threats to the peace, and sup-

pression of breaches of the peace. It will also have to make decisions which do not involve the taking of such measures. The Yalta formula provides that the second of these two groups of decisions will be governed by a procedural vote—that is, the vote of any seven members. The first group of decisions will be governed by a qualified vote—that is, the vote of seven members, including the concurring votes of the five permanent members, subject to the proviso that in decisions under section A and a part of section C of chapter VIII parties to a dispute shall abstain from voting.

2. For example, under the Yalta formula a procedural vote will govern the decisions made under the entire section D of chapter VI. This means that the Council will, by a vote of any seven of its members, adopt or alter its rules of procedure; determine the method of selecting its president; organize itself in such a way as to be able to function continuously; select the times and places of its regular and special meetings; establish such bodies or agencies as it may deem necessary for the performance of its functions; invite a member of the Organization not represented on the Council to participate in its discussions when that Member's interests are specially affected; and invite any state when it is a party to a dispute being considered by the Council to participate in the discussion relating to that dispute.

3. Further, no individual member of the Council can alone prevent consideration and discussion by the Council of a dispute or situation brought to its attention under paragraph 2, section A, chapter VIII. Nor can parties to such dispute be prevented by these means from being heard by the Council. Likewise, the requirement for unanimity of the permanent members cannot prevent any member of the Council from reminding the members of the Organization of their general obligations assumed under the Charter as regards peaceful settlement of international disputes.

4. Beyond this point, decisions and actions by the Security Council may well have major political consequences and may even initiate a chain of events which might, in the end, require the Council under its responsibilities to invoke measures of enforcement under section B, chapter VIII. This chain of events begins when Council decides to make an investigation, or determines that the time has come to call upon states to settle their differences, or makes recommendations to the parties. It is to such decisions and actions that unanimity of the permanent members applies, with the important proviso, referred to above, for abstention from voting by parties to a dispute.

5. To illustrate: In ordering an investigation, the Council has to consider whether the investigation—which may involve calling for reports, hearing witnesses, dispatching a commission of inquiry, or other means—might not further aggravate the situation. After investigation, the Council must determine whether the continuance of the situation or dispute would be likely to endanger international peace and security. If it so determines, the Council would be under obligation to take further steps. Similarly, the decision to make recommendations, even when all parties request it to do so, or to call upon parties to a dispute to fulfill their obligations under the Charter, might be the first step on a course of action from which the Security Council could withdraw only at the risk of failing to discharge its responsibilities.

6. In appraising the significance of the vote required to take such decisions or actions, it is useful to make comparison with the requirements of the League Covenant with reference to decisions of the League Council. Substantive decisions of the League of Nations Council could be taken only by the unanimous vote of all its members, whether permanent or not, with the exception of parties to a dispute under article XV of the League Covenant. Under article XI, under which most of the disputes brought before the League were dealt with and decisions to make investigations taken, the unanimity rule was invariably interpreted to include even the votes of the parties to a dispute.

7. The Yalta voting formula substitutes for the rule of complete unanimity of the League Council a system of qualified majority voting in the Security Council. Under this system nonpermanent members of the Security Council individually would have no veto. As regards the permanent members, there is no question under the Yalta formula of investing them with a new right; namely, the right to veto, a right which the permanent members of the League Council always had. The formula proposed for the taking of action in the Security Council by a majority of seven would make the operation of the Council less subject to obstruction than was the case under the League of Nations rule of complete unanimity.

8. It should also be remembered that under the Yalta formula the five major powers could not act by themselves, since even under the unanimity requirement any decisions of the Council would have to include the concurring votes of at least two of the nonpermanent members. In other words, it would be possible for five nonpermanent members as a group to exercise a veto. It is not to be assumed, however, that the permanent members, any more than the nonpermanent members, would use their veto power willfully to obstruct the operation of the Council.

9. In view of the primary responsibilities of the permanent members, they could not be expected, in the present condition of the world, to assume the obligation to act in so serious a matter as the maintenance of international peace and security in consequence of a decision in which they had not concurred. Therefore, if majority voting in the Security Council is to be made possible, the only practicable method is to provide, in respect of nonprocedural decisions, for unanimity of the permanent members plus the concurring votes of at least two of the nonpermanent members.

10. For all these reasons, the four sponsoring governments agreed on the Yalta formula and have presented it to this Conference as essential if an international organization is to be created through which all peace-loving nations can effectively discharge their common responsibilities for the maintenance of international peace and security.

## II

In the light of the considerations set forth in part 1 of this statement, it is clear what the answers to the questions submitted by the subcommittee should be, with the exception of question 19. The answer to that question is as follows:

1. In the opinion of the delegations of the sponsoring governments, the Draft Charter itself contains an indication of the application of the voting procedures to the various functions of the Council.

2. In this case, it will be unlikely that there will arise in the future any matters of great importance on which a decision will have to be made as to whether a procedural vote would apply. Should, however, such a matter arise, the decision regarding the preliminary question as to whether or not such a matter is procedural must be taken by a vote of seven members of the Security Council, including the concurring votes of the permanent members.

**Mr. STETTINIUS.** The requirement for unanimity of the five great nations has been criticized because each of them can exercise a veto. I submit that these five nations, possessing most of the world's power to break or preserve peace, must agree and act together if peace is to be maintained, just as they have had to agree and act together in order to make possible a United Nations victory in this war.

The question is asked: What would happen if one of the five permanent members used the unanimity rule to veto enforcement action against itself? The answer is plain. If one of these nations ever embarked upon a course of aggression, a major war would result, no matter what the membership and voting provisions of the Security Council might be.

The Charter does not confer any power upon the great nations which they do not already possess in fact. Without the Charter the power of these nations to make or break the peace would still exist. What the Charter does is to place special and binding obligations upon the great nations to use—in unity together for peace, not separately for war—the power that is already in their hands. The unanimity rule is an expression of those special obligations and of their commensurate responsibilities.

With an important exception, the unanimity rule applies to peaceful settlement as well as to enforcement action, because any action toward settling a dispute peacefully may lead to the necessity for enforcement measures. Once the Council orders an investigation or takes similar action in a dispute, it must be prepared to follow through

with whatever further measures, including the use of force, may ultimately be necessary. And this must be clear to the states involved in the dispute. If it were not, the authority and prestige which the Council needs in order to secure peaceful settlements of disputes might be fatally weakened. That is why the five permanent members are required to agree and vote together from the beginning of any dispute on which the Council takes action.

The power of veto does not, however, apply to consideration and discussion of a dispute by the Council before action is taken. Thus the right of any nation to bring a dispute before the Council and to obtain a hearing of its case cannot be blocked. Furthermore, no member of the Council—and this includes the permanent members—can vote in any decision involving peaceful settlement of a dispute to which it is a party. By this provision the five permanent members must submit themselves to the same processes of peaceful adjustment and settlement that apply to any other member nation.

Additional checks are provided against abuse of their voting powers by the five permanent members. Any decision by the Council in either the peaceful settlement or enforcement stage requires at least seven votes. Thus at least two of the smaller nations on the Council must agree with the five permanent members before the Council can take action. The Charter also provides that the General Assembly, where the five major powers possess no special voting powers, may make recommendations to the Council on any questions relating to peace and security not being dealt with by the Council. It provides, further, that the Council must report at least once a year to the General Assembly on all measures it has taken to maintain peace. These provisions mean that the Council must act under the watchful eye of the whole organization, and its members can quickly be held accountable before the world opinion if they are derelict in their duty.

There is still another, and more compelling reason why the power of veto is not likely to be abused, or even to be exercised at all except in unusual circumstances. That is the compelling desire and need of the five great nations to work together for peace. Twice in 30 years they have been allies against aggression. Their common interest in preventing another war is fully as urgent as that of any other nation. Under this Charter they assume sacred obligations and heavy responsibilities for the maintenance of peace with justice. They do not assume these obligations and responsibilities lightly. They do so because it is in the vital national interest of each one of them to see that these obligations and responsibilities are fulfilled.

I believe that I speak for the entire United States delegation when I say that the requirement for unanimity among the five permanent members, with the safeguards that have been provided, is not only essential to the success of the United Nations Organization in the years immediately ahead, but that it recognizes and confirms a power which a majority of Americans believe the United States should have in view of the great responsibilities our country must inevitably assume for the maintenance of world peace.

The special position of the United States and the four other permanent members of the Security Council is also recognized in the provisions for ratification both of the Charter and of later amendments to the Charter.



The Charter itself will come into force when it has been ratified by the five permanent members of the Council and a majority of the other signatory states. Amendments will come into force when they have been adopted by a two-thirds vote of the General Assembly or of a special conference called for the purpose and have been ratified by two-thirds of the member states, including all the permanent members of the Security Council.

It should be noted that there is no power of veto over the adoption of amendments. The Security Council does not vote on amendments at all. The power of veto applies only to their ratification by the nations concerned.

In practice no important amendments to the Charter are likely to be adopted in the near future unless there is unanimous, or virtually unanimous, agreement upon them and ratification is regarded as assured. The General Assembly is not a legislative body. It is an international meeting of the representatives of sovereign nations. The act of voting on an important matter, therefore, is not likely to take place until all the means of adjustment usual in negotiations among nations have been brought to bear in order to reach a common viewpoint. It is interesting to note that at the San Francisco Conference there was no veto and the two-thirds rule applied. Yet the provisions of the Charter were adopted unanimously.

I feel that much of the criticism of the voting provisions of the Charter arises from failure to remember that the United Nations is neither a federal union nor a world state and that voting procedures among its sovereign member nations cannot necessarily be judged on the same basis as voting procedures in a State legislature or in the Congress.

As the peoples and governments gain experience and confidence in world organization in the years ahead I hope that they will learn to apply and adapt to international affairs many more of the principles and techniques of democracy. But I believe it would be fatal to this hope if we were to attempt now to go beyond what the nations are clearly ready to undertake today. The Charter affords full opportunity for later amendments whenever a sufficient majority of the people of the world is ready to go further.

#### V. GENERAL ASSEMBLY AND ECONOMIC AND SOCIAL COUNCIL

Just as the then existing distribution among nations of the power to maintain peace is recognized in the provisions for the Security Council, so the principle of the sovereign equality of all member states is recognized in the provisions for the General Assembly. In the General Assembly every member nation, large or small, has one vote.

It is the function of the General Assembly to develop in practice those friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, which is declared as one of the objectives of the United Nations.

The General Assembly may discuss and make recommendations either to the Security Council or to the members on any matter within the scope of the Charter. It may call to the attention of the Council any situations likely to endanger the peace and make recommenda-

tions on any questions relating to peace and security not being dealt with by the Council. It will receive and consider annual and special reports from the Security Council, the Economic and Social Council, the Trusteeship Council, and the Secretary-General.

The General Assembly has the further power to recommend measures for the peaceful adjustment of any situations regardless of origin likely to impair the general welfare, including situations resulting from violation of the purposes and principles of the Organization. This is one of the most important provisions in the Charter for peaceful change and for the correction of injustices present or future.

Because the United Nations is an organization of sovereign states, the General Assembly does not have legislative power. It can recommend, but it cannot impose its recommendations upon the member states. It has, however, virtually all the other powers of a free deliberative body. Senator Vandenberg has justly characterized it as the town meeting of the world. Its authority is sufficient to make it effective as the keeper of the world's conscience and as the watchman over the international behavior of every member of the United Nations and over the other agencies of the Organization.

One of the principal purposes of the United Nations is the removal of the economic and social causes of international conflict and war. Responsibility for discharging the functions of the Organization in this connection is vested by the Charter in the General Assembly and, under the Assembly's authority, in the Economic and Social Council.

In its chapters on economic and social cooperation the Charter spells out in more detail the economic and social purposes of the United Nations. These include the promotion of higher standards of living, full employment, and conditions of economic and social progress and development; solutions of international economic, social, health, and related problems; and international cultural and educational cooperation. The Economic and Social Council is also charged, under the General Assembly's authority, with the principal responsibility for promoting universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

The Economic and Social Council will consist of 18 members elected by the General Assembly.

In the field of its responsibility the Economic and Social Council has the power to make studies, reports, and recommendations, to prepare draft conventions for submission to the General Assembly, and to call international conferences.

Subject to the General Assembly's approval, it is empowered to make agreements with specialized intergovernmental agencies concerned with international trade and finance, labor, agriculture, and other related fields in order to bring them into relationship with the United Nations Organization as a whole and to make recommendations for coordinating their activities. It is then authorized to obtain regular reports from these agencies on their work and on the steps they have taken to give effect to its recommendations or those of the Assembly.

The Economic and Social Council will also set up a commission for the promotion of human rights, commissions in economic and social fields, and such other commissions as may be required. The Commis-

sion on Human Rights will have the power to prepare an international bill of rights for submission to the member states for approval.

Like the General Assembly, the Economic and Social Council has no power to impose its recommendations on the member states. But, as I reported to the President, this "power to study and report and recommend—and the power to call conferences and prepare draft conventions and require reports of progress—is a power which can be counted on to go a long way towards translating humanitarian aspirations into human gains."

In the next 10 or 15 years, the work of the Economic and Social Council and its related agencies in helping to restore a shattered world and to achieve better living conditions for all peoples will be of paramount importance. If the United Nations cooperate effectively toward these ends they will have gone far toward eliminating in advance the causes of another world war a generation hence. If they fail, there will be, instead, widespread depressions and economic warfare which would fatally undermine the world organization. No provisions that can be written into the Charter will enable the Security Council to make the world secure from war if men and women have no security in their homes and in their jobs.

#### VI. INTERNATIONAL COURT OF JUSTICE

The fourth major instrument of international cooperation for which the Charter provides is the International Court of Justice. The Court provides the means by which international disputes of a legal character can be settled "in conformity with the principles of justice and international law," as stated in the purposes of the United Nations. The Charter states the general rule that such disputes should be referred to the International Court. The Statute of the International Court, which is annexed to the Charter, does not provide for compulsory jurisdiction. It does, however, include an optional clause under which members of the United Nations may agree in advance to submit all their justiciable disputes to the Court for settlement.

The Charter provides that whenever disputes are referred to the Court its decisions shall be binding on the parties and that any member of the United Nations, party to such a dispute, must comply with the decisions of the Court. If it fails to do so the matter may be brought to the attention of the Security Council for appropriate action.

The International Court will also have a most important part to play in the further development and strengthening of international law, just as the courts of England and America have helped to form the common law. The Court will be the subject of separate testimony before this committee by Mr. Green Hackworth, legal adviser of the Department of State and our member of the Committee on the Court at San Francisco. At the close of my testimony, the Charter will be reviewed, article by article, by Dr. Pasvolsky, our representative on the Coordinating Committee.

#### VII. TRUSTEESHIP

In addition to these four over-all instruments of international action the Charter includes a declaration of principles and purposes regarding all non-self-governing territories and provides for an international

trusteeship system under which some of these territories may be placed by later agreement.

In the general declaration the member nations accept as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of all dependent territories over which they have responsibility. They are pledged to insure the political, economic, social and educational advancement of such peoples and to assist them in the "progressive development of their free political institutions." They are pledged to develop self-government for all dependent peoples.

I wish to emphasize that this pledge includes the right to independence for those peoples who aspire to it and are able to exercise its responsibilities. That was the view of the United States delegation, and the Committee on Trusteeship at San Francisco unanimately concurred in that interpretation.

This declaration of international obligations regarding all dependent peoples is the first of its character in the history of international relations. No similar obligations were assumed under the Covenant of the League of Nations, which provided only for a mandate system applicable to territories and colonies detached from Germany and Turkey after the last war.

The international trusteeship system of the present Charter will apply to such territories as may be placed under it by later agreements among the states directly concerned. The Charter itself does not place any territories under trusteeship. The trusteeship agreements may apply to territories now held under mandate, territories taken from enemy states as a result of the present war, and other territories voluntarily placed under the system.

The objectives of the trusteeship system include the political, economic, social, and educational advancement of the dependent peoples concerned and their development toward self-government or independence, together with encouragement of respect for human rights and fundamental freedom. These provisions constitute another long step forward from the League of Nations mandate system.

A Trusteeship Council is created to assist the General Assembly in carrying out the functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic. Membership in the Trusteeship Council will be divided equally between those United Nations administering trust territories and those which do not, but it must include the five permanent members of the Security Council. Annual reports for each nonstrategic trust territory must be made to the General Assembly on the basis of a questionnaire prepared by the Trusteeship Council.

Strategic areas may be designated in trusteeship agreements and in these areas all functions of the organizations are to be exercised by the Security Council, with the assistance of the Trusteeship Council.

I am happy to say that both the War Department and the Navy Department participated fully in framing the trusteeship provisions of the Charter. Furthermore, both Departments have certified that they are of the opinion that the military and strategic implications of the Charter as a whole are in accord with the security interests of the United States.

No commitment is made to place any particular area, strategic or nonstrategic, under the trusteeship system. The Charter thus leaves for future determination to what extent and under what terms islands in the Pacific which are taken from Japan at the end of the present war are to be placed under the trusteeship system. Any agreement into which the United States might enter to this end would have to be on terms satisfactory to us.

#### VIII. INTERNATIONAL SECRETARIAT

The Charter names the Secretariat as one of the six principal organs of the United Nations, together with the Security Council, the General Assembly, the Economic and Social Council, the International Court of Justice and the Trusteeship Council. The Secretary General is appointed by the General Assembly upon recommendation of the Security Council and is the chief administrative officer of the organization. The Charter provides that the Secretary General and the staff of the International Secretariat "shall not seek or receive instructions from any government or from any other authority" and shall be responsible only to the Organization, so that they may be international civil servants.

#### IX

These, gentlemen, in summary, are the main provisions of the United Nations Charter. In my report to the President you will find a much fuller exposition. The Charter is not, of course, a perfect instrument. I am sure it will be improved with time as the United Nations gain experience in its application. But I believe it offers to the United States and to the world a truly effective instrument for lasting peace.

The purposes and principles of the Charter are those in which the great majority of the human race believe. The principal agencies which it will create—the agency for law enforcement, the public meeting, the court of justice, and the center for economic and social progress—are those which all self-governing peoples have developed and learned to use in their own affairs. The powers given to these instruments in the international field are those with which the most thorough consideration has shown the nations are now ready to endow them.

In short, the course which is charted by this document is one which I believe to be within the capacity of the nations at this period of world history to follow and it is a course which leads in the direction of our highest aspirations for human advancement in a world at peace.

I believe our experience at San Francisco offered a convincing demonstration that this Charter can be made to work. Much has been written about the disagreements at San Francisco. Actually, the area of agreement was always vastly wider than the area of disagreement. Attention was naturally directed to the differences among us because neither the five major powers, nor the committees of the Conference, took up their time on all those matters about which they were already in agreement. What was significant about the Conference was this—the differences were resolved and a Charter for

a strong and effective organization was unanimously adopted. I believe the five major nations proved at San Francisco beyond the shadow of a doubt that they can work successfully and in unity with each other and with the other United Nations under this Charter.

In that firm belief I have come to testify before you today in favor of ratification of the Charter by the Senate of the United States. No country has a greater stake than ours in a speedy beginning upon the task of realizing in fact the promise which the United Nations Charter offers to the world.

I thank you.

The CHAIRMAN. Thank you, Mr. Secretary.

Allow me to say at this point that Mr. Stettinius, as a President of the San Francisco Conference, was not, of course, assigned to any detailed duty on any particular committee or commission; his was the over-all task of supervising the general activities and speeding the work of the Conference. He will be followed a little later by Dr. Leo Pasvolsky, who will discuss the detailed provisions of the Charter and who will be able to answer any questions which the Senators put on the progress of the work and the final result.

With that statement, I would like to ask if there are any questions by members of the committee of Mr. Stettinius. Have you any questions, Senator Johnson.

Senator JOHNSON of California. No, Mr. Chairman.

The CHAIRMAN. Senator George?

Senator GEORGE. No questions.

The CHAIRMAN. Are there any other Senators, without individually naming them, who wish to ask any questions?

Senator VANDENBERG. I do not want to ask any questions, but I want to make one very brief statement for the record, in the presence of the Secretary.

I want to say that the Secretary made a brilliant record at San Francisco, that his work was in the finest American tradition, and that he deserves the approval and appreciation of his countrymen. [Applause.]

The CHAIRMAN. I have on many occasions during the Conference at San Francisco expressed both privately and publicly sentiments similar to those expressed by Senator Vandenberg. I want to say that at several critical points in the Conference the aggressiveness and the firmness of Mr. Stettinius as a President of the Conference served to untangle some very difficult situations and to speed up the work and have the committees act promptly on many matters that were delaying and hindering the Conference. I wish him well in his service on the Security Council and on the Assembly to which high post the President has already indicated that he will be appointed.

I thank you, Mr. Secretary. There are no questions, so you will be excused.

Mr. STETTINIUS. Thank you, Senator. [Applause.]

The CHAIRMAN. At this point I want to read a message from Secretary Cordell Hull. Following is the text of a telegram from the Honorable Cordell Hull to the Honorable Edward R. Stettinius, Jr., Chairman, United Nations Delegation, United Nations Conference on International Organization [reading]:

BETHESDA, MD., June 26, 1945.

HON. EDWARD R. STETTINIUS, JR.,  
*Chairman, United States Delegation,  
United Nations Conference on International Organization,  
San Francisco, Calif.*

I offer you my warmest and heartiest congratulations on the successful conclusion of the San Francisco Conference and the adoption of the Charter of the United Nations.

I want to pay personal tribute to you and to the other members of the United States delegation for the skill, patience, and ability with which you not only represented our Nation in this momentous gathering but gave it leadership toward the realization of humanity's greatest ideal—the achievement of peace, justice, and progress.

I am today issuing a public statement, a copy of which is appended.

CORDELL HULL.

The following is the statement by the Honorable Cordell Hull, dated June 26, 1945 (reading):

The San Francisco Conference will live in history as one of the great milestones in man's upward climb toward a truly civilized existence. The Charter of the United Nations adopted there provides an essential framework within which the peace-loving nations of the world can work together, more effectively than ever before, toward banishing war and toward providing wider opportunities and greater facilities for human progress.

That Charter draws together and brings to a focus the basic moral and political ideals which must underlie a workable system of organized relations among nations. Through such a system alone can mankind hope in the world of today to achieve peace and security, justice and fair-dealing, cultural and material advancement. It builds on the experience of ages, as well as on the realities of the modern world forged in the ordeal of two world wars.

The delegations of the 50 nations represented at San Francisco have labored there in the spirit in which they have been fighting the latest and costliest war for human freedom. The Charter which they have produced stems from the great documents that, in the darkest hours of the war, served for humanity as beacon lights of hope and determination—the Atlantic Charter, the declaration by United Nations, the Moscow four-nation declaration, the Tehran declaration, the Dumbarton Oaks proposals, the decisions of the Crimea Conference.

The magnificent success of the San Francisco Conference attests to the unshakable resolve of the United Nations to work together in peace—as they have worked together in war—to preserve the ideals for which they have been and are making such tremendous sacrifices, to make the realization of these ideals a living monument to those who have given their lives that these ideals may endure.

We now have, at long last, a charter of a world organization capable of fulfilling the hopes of mankind. It is a human rather than a perfect instrument. It has within it ample flexibility for growth and development, for dynamic adaptation to changing conditions.

The Charter will work, and grow, and improve, if our Nation and all nations devoted to peace maintain the spirit in which they have created it and remain eternally vigilant in support and defense of the great ideals on which it is founded.

There are many difficulties and complexities ahead of us. We must still bring the present war to a victorious conclusion. We must heal the wounds of the war and repair its ravages. We need build toward new horizons of enduring peace and of an increasing measure of social and economic well-being. In the performance of these vast tasks, our chances of success have been immeasurably strengthened because 50 nations—different in race, language, historic background, and attitude toward life—have found common ground at San Francisco and have agreed on a charter for the United Nations.

The Charter now goes to the peoples and legislatures of the world for ratification.

Out of long experience—out of what I see ahead—I appeal with all my heart to our Nation and to all United Nations to ratify the Charter and to bring into existence, as soon as possible, the international organization for which it provides. Upon the success of that organization depend the fulfillment of humanity's highest aspirations and the very survival of our civilization.

I want to say that the spirit and purpose of Secretary Hull animated and inspired the United States delegation at San Francisco. He was one of the pioneers in this great movement for world peace. He gave of his time, his labor, and his efforts. He cooperated and consulted with the Senate and the House in the formative period some 2 or 3 years ago. Mr. Hull will always be looked to as one of the great figures in world peace and one of the great international statesmen of our time.

The next witness will be Dr. Leo Pasvolsky.

Allow me to say at this time that we are glad to have Senators present and also to say that the committee has arranged for the printing of the hearings. It is planned to have the hearings on the desk of every Senator each morning, containing a transcript of the proceedings of the day before. We adopted this system because ordinarily the hearings are delayed, and often several days or perhaps a week elapse after the testimony is delivered by the witnesses before the hearings reach the Senators. But each morning there will be in their offices a complete report of what transpired the day before, so that the Senators can keep abreast of the committee's activities.

Allow me to say also that we invite the attention of all Senators to the very comprehensive report made by Mr. Stettinius, a President of the Conference, to the President of the United States. The members of the committee have copies of that report, but it is also available to other Senators. It goes into great detail with respect to the various provisions of the Charter.

We are also glad to have with us this morning Congressman Sol Bloom. Likewise we will be glad to have any other Members of the House of Representatives attend the hearings.

**STATEMENT BY LEO PASVOLSKY, SPECIAL ASSISTANT TO THE  
SECRETARY OF STATE FOR INTERNATIONAL ORGANIZATION  
AND SECURITY AFFAIRS**

The CHAIRMAN. Dr. Pasvolsky, you are and have been for a number of years the State Department's expert on the Charter and on the formative plans to bring about the Charter. I believe you were at Dumbarton Oaks, and you were one of our chief experts at San Francisco. The committee has decided to request that for the benefit of the committee and of the Senate you proceed with your testimony and take up the Charter in detail, explaining its terms and its implications.

Senator VANDENBERG. I suggest, Mr. Chairman, that during Dr. Pasvolsky's testimony, instead of waiting until the conclusion for questions, that at any time in the course of his analysis of any point, if any Senator wishes to make an inquiry, it would be preferable to proceed in that fashion.

The CHAIRMAN. That is agreeable. I think that probably would be a wise course to pursue, in view of the long period that the testimony will cover. Any Senator may feel free at any time to interrupt the witness and ask any question about a particular matter that is being discussed.

Mr. PASVOLSKY. Mr. Chairman and members of the committee, I shall be very glad to avail myself of this great honor and opportunity to discuss the various provisions of the Charter.



May I, before I begin on the Preamble of the Charter, say a few words about the background of the document which is before you and how it has come about?

The San Francisco Conference had before it a very extensive documentation. There were five principal sets of documents, the first of which was, of course, the Dumbarton Oaks proposals, with which we are all familiar. These proposals resulted from consultations which took place in Washington last year among the representatives of the four signatories of the Moscow declaration. These Dumbarton Oaks proposals were themselves based upon carefully considered papers which were submitted by each of the participating governments. At Moscow, when agreement was reached by Secretary Hull and the other foreign ministers that consultations of this sort on the future international organization would take place, it was also understood that preparations for the meeting would be made by each of the governments. In our case, the Secretary Stettinius has indicated in his report to the President, which is before you, the preparation involved a long study by technical experts in the Department of State and in other departments of the Government, and extensive consultations with outstanding leaders of national thought.

The Dumbarton Oaks proposals were considered by their authors, and were accepted by the Conference, as the irreducible minimum of what was necessary for a workable international organization. They were not a complete charter by themselves. As presented to the San Francisco Conference the Dumbarton Oaks document was supplemented by the proposal on the voting procedure in the Security Council which had been agreed to at the Crimea Conference by President Roosevelt and the heads of the Governments of the United Kingdom and the Soviet Union.

The Dumbarton Oaks proposals, then, as supplemented, were the first set of documents before the Conference.

You will recall that the Dumbarton Oaks proposals were made public immediately after the conclusion of the consultations here in Washington last summer. In the light of the immense amount of discussion that took place in the interval between the Dumbarton Oaks meeting and the San Francisco Conference, the sponsoring governments themselves, that is, the four governments which participated in the Dumbarton Oaks Conference and which sponsored the convocation of the San Francisco Conference, came to the conclusion that a number of amendments should be made in the Dumbarton Oaks document, mostly by way of clarification and addition in view of the fact that the discussion had disclosed the need for such changes. And so, at the beginning of the San Francisco Conference, the four sponsoring governments submitted to the Conference a set of proposals for its consideration. France joined in supporting these proposals. That was the second set of documents.

The third set of documents was extremely voluminous. It consisted of proposals put forward by the other participating governments, and every government had some proposals to make. There were literally hundreds of proposals, and they were embodied in a very thick volume which became one of the documents of the Conference.

Then, in addition to those three general sets, there were two rather specialized documents which are of very great importance. One was

the draft of the Court Statute which had been prepared by a Committee of Jurists, a preliminary committee convoked in Washington just before the San Francisco Conference. Most of the United Nations were represented on that Committee; and in the course of its work a draft of a statute based on the statute of the existing Permanent Court was prepared and was presented to the San Francisco Conference.

There was no document available for the Conference on the very important question of international trusteeship until the Conference itself met. That question had not been discussed at Dumbarton Oaks. It was left there for further exploration and study by the participating governments, which had already given it much study and had considered it at the Moscow Conference and on other occasions. At the Crimea Conference arrangements were made for putting this question on the agenda of the San Francisco Conference; and arrangements were also made for consultations among the four sponsoring governments and France on the subject of the scope and character of the discussions on trusteeship. The consultations took place in San Francisco, and out of those consultations there resulted a working paper which then became a part of the working documentation of the Conference.

Confronted with this mass of documentation, the Conference resolved itself into four commissions by dividing the subject matter into four parts. Each of the commissions had a number of technical committees to which the particular commission entrusted its work. There were 12 such committees. The committees took up various aspects of the problem and considered and discussed all of the proposals that were made with respect to that particular aspect. That is one reason why it took so long. There was a great deal to be studied and discussed in connection with each aspect.

The technical committees then formulated recommendations to their respective commissions as to the provision which would be included in the Charter itself. The commissions in turn debated the result of the work of the technical committees and formulated recommendations to the Conference as a whole. All delegations at the Conference were represented in these technical committees and in these commissions. Each provision had to be recommended and approved by at least a two-thirds vote. No provision emerged from the technical committees or the commissions which had not secured the approval of two-thirds of the members.

The Conference had to go through another stage, because all of the provisions had been worked out in various technical committees separately. In the Coordination Committee, which consisted of representatives of 14 countries, the draft provisions which emerged from the commissions were assembled into a single document and were put in Charter language. The examination of the drafts for these purposes often disclosed, naturally, inconsistencies, overlapping, or lack of clarity. So it became necessary to iron out the difficulties by consultation with appropriate technical committees and commissions, and sometimes there were several committees or commissions involved.

Then when all of these difficulties had been ironed out the drafts were reviewed, from a legal point of view, by an Advisory Committee of Jurists which consisted of six eminent authorities on international law

and treaty drafting. Then this text, worked over through all these stages, was presented to the delegations for their study. It was studied by the individual delegations, after which it was presented to the steering committee of the Conference and, finally, to the Conference itself in plenary session.

It is very significant, I think, that in spite of all the differences of view which emerged in the discussions that took place in the technical committees, in spite of all the kinds of thoughts presented there, when the document in its completed form, with each part welded to each other part, was placed before the Conference, it was adopted unanimously without any change. And that is the document which is before your committee now, Mr. Chairman.

The document begins with a preamble and two articles embodied in chapter I, which are called Purposes and Principles. The arrangement of material in these two parts of the document is somewhat novel, and I would like to indicate the reason for this particular arrangement.

The material that is contained in chapter I, that is, in articles 1 and 2, "Purposes and Principles," could just as easily have been embodied in the preamble. It was thought at Dumbarton Oaks and it was thought at San Francisco that it was very important to state in the document itself, in the body of the document, as clearly as possible, the rules of conduct by which it would be expected that the Organization and its Members would be governed. So we hit on the idea of stating specifically the purposes and principles of the Organization as the opening articles of the document itself. However, it was also thought important to declare the general motivation of the nations represented at San Francisco in performing the task which they performed there; and the best way of stating such a declaration was in the form of a preamble.

Thus, you will find that the document opens with four statements. There is, first, the statement by "We the peoples of the United Nations" as to what it is that they are determined to do, as to what things they intend to do, and their declaration that they "have resolved to combine our efforts to accomplish these aims."

Senator THOMAS of Utah. May I stop you there?

Mr. PASVOLSKY. Yes, sir.

Senator THOMAS of Utah. Was there any sort of agreement or understanding about what "We the peoples of the United Nations" meant? Did they accept the idea of popular sovereignty?

Mr. PASVOLSKY. I think it was clearly understood that the phrase "We the peoples" meant that the peoples of the world were speaking through their governments at the Conference, and that it was because the peoples of the world are determined that those things shall be done which are stated in the preamble that the governments have negotiated the instrument.

Senator THOMAS of Utah. And that the governments represented at the Conference were actually the agents of the peoples of those countries represented there?

Mr. PASVOLSKY. I do not know that that question was discussed in that particular form, as a matter of political institutions. The document, being in the form of a treaty, had to be negotiated by governments.

Senator THOMAS of Utah. Are there any treaties in existence that you know of that start out with "We the people of the respective nations"?

Mr. PASVOLSKY. No; I do not know of any.

Senator THOMAS of Utah. Then the very opening statement of this Charter is something new, is it not?

Mr. PASVOLSKY. Yes, sir; it is something new. It is, however, in the form of a declaration. You see, the legal position here is that "We the peoples of the United Nations" have declared these things and "our respective governments, through representatives assembled in the city of San Francisco, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations."

Senator THOMAS of Utah. We can go so far as to say that there is nothing offensive to the thinking of Americans in that statement, can we not?

Mr. PASVOLSKY. I hope so. Of course, the phrase itself, "We the peoples" is borrowed from a well-known document.

The article relating to purposes and principles states the ideas which it is hoped will be the guiding rules of conduct for the Organization and its Members. I shall refer later on in several places to the use which is made of this device, but I would like to state here that there are three different places at which specific reference is made to the chapter on purposes and principles. The Security Council is enjoined in the performance of its duties to act in accordance with the purposes and principles of the Organization as stated in this chapter. That was thought to be important.

The General Assembly is given the right to make recommendations with respect to situations resulting from a violation of the purposes and principles of the Organization; and in the case of the trusteeship system the general purposes of the Organization are to be governing in the operation of the system.

So that is the practical application in this document of setting out at the beginning, in the form of chapter I and articles 1 and 2, the purposes and principles of the Organization.

I do not know, Mr. Chairman, whether it would be necessary for me to go through the language and ideas contained in chapter I?

The CHAIRMAN. Unless there are some questions, I would not think it would be necessary.

Senator MILLIKIN. May I ask a question there, Mr. Chairman?

The CHAIRMAN. Certainly.

Senator MILLIKIN. Mr. Pasvolsky, is there anything in the preamble that is not in the statement of purposes and principles?

Mr. PASVOLSKY. The preamble in general covers the same ground as the purposes and principles, in more general language and in a somewhat different form. There is a phrase relating to respect for the obligations arising from treaties which is specifically mentioned in the preamble and is implied or inherent in the statement of purposes and principles.

Senator MILLIKIN. Was that omitted for any particular purpose from the statement of purposes and principles?

Mr. PASVOLSKY. No. It was thought that this was an obligation which was assumed by the Member states themselves rather than by both the Member states and the Organization.

In the article on principles we tried to make the subject matter conform to the opening phrase, which is:

"The Organization and its Members, in pursuit of the purposes stated in article 1, shall act in accordance with the following principles."

Senator MILLIKIN. It has seemed to me that the matters of the preamble are largely duplicated in the succeeding chapter I and chapter II, and I have been somewhat curious as to the reason for that.

Mr. PASVOLSKY. That is of course true. The basic ideas are the same. They are stated in the preamble as a motivation and in chapter I as rules of conduct.

Senator VANDENBERG. It would scarcely be expected that they would be in conflict, would it?

Mr. PASVOLSKY. No. They certainly cannot be in conflict. The question is how much is to be gained by reinforcing the expression of these thoughts by having them appear in one form in the preamble and in another form in the chapter on purposes and principles.

Senator MILLIKIN. Legally speaking, would the preamble have legal force?

Mr. PASVOLSKY. The position adopted at the Conference was that the preamble has the same force as the document itself; but the operating part of the document, of course, begins with the operating provisions.

Senator MILLIKIN. There is some contrary opinion on that, is there not?

Mr. PASVOLSKY. Yes; I know there is. There was some discussion of that question at the Conference, but the Conference adopted the view, which was supported by the Advisory Committee of Jurists, that the preamble would have the same legal force as the rest of the document.

Senator MILLIKIN. Did I understand you to say that the Conference accepted it?

Mr. PASVOLSKY. Yes, sir.

Senator AUSTIN. May I ask a question, Mr. Chairman?

The CHAIRMAN. Yes.

Senator AUSTIN. I notice a change in the regional arrangements relating to the subject of purposes and principles in the original Dumbarton Oaks proposals. The provision was that the activities of regional agencies should be consistent with the purposes and principles of the Organization; and in chapter VIII, article 52 of the treaty, the language is consistent "with the purposes and principles of the United Nations"; and the words "purposes and principles" are capitalized. In your previous statement relating to specific references to chapter I, should it include this reference in article 52 of chapter VIII under "Regional arrangement"?

Mr. PASVOLSKY. The reference in article 52, Senator, is precisely to articles 1 and 2, that is, purposes and principles. That is why the words "purposes and principles" are capitalized in article 52. The words "the United Nations" are used in the document interchangeably with the word "Organization."

Senator AUSTIN. Thank you.

The CHAIRMAN. Are there any other questions by any Senator on this point? [No response.]

All right; proceed.

Mr. PASVOLSKY. Chapter II relates to the membership of the Organization. Here a good deal of discussion took place. In this country, and in other countries, a good deal of discussion has been going on as to the membership of an international organization. There are two schools of thought. One is that there should be universality of membership from the outset; that is, that each country should be automatically a member of the Organization. The other school of thought is that the Organization is created by a group of nations, as an association of nations of like mind, and that then the original members of the Organization would admit other members into their midst.

Both at Dumbarton Oaks and at San Francisco this question was discussed, and in both cases there was an overwhelming view to the effect that the Organization should be made up of a group of original members who would be charter members and who would then, by a method to be prescribed, admit other states to membership.

So that the language that is used here is the language of original membership, and there is a provision that the original members of the United Nations shall be the states which either participated in the San Francisco Conference or which previously to the Conference had signed the declaration by United Nations of January 1, 1942, and which sign the Charter and ratify it in accordance with the provisions set forth in the Charter itself.

Senator AUSTIN. May I submit a question at this point?

The CHAIRMAN. Senator Austin.

Senator AUSTIN. Is it true that wherever the word "Member" appears in this document it refers to states instead of to individuals?

Mr. PASVOLSKY. Wherever the word "Member" appears, Senator Austin, capitalized, it relates to the Members of the Organization. Whenever the word "member" appears uncapitalized it refers to members of other bodies or of other organizations.

Senator AUSTIN. That is not quite my question.

Mr. PASVOLSKY. The word "member" is used to refer to a state rather than to an individual. The individuals are referred to as representatives.

Senator AUSTIN. Thank you.

Mr. PASVOLSKY. But I wanted to call your attention, if I might, to the fact that when the word "member" is capitalized it means a Member of the United Nations. When it is not capitalized it means a member of one of the constituent bodies or of other organizations.

The CHAIRMAN. As, for example, a member of the Security Council, the Court, or the Assembly?

Mr. PASVOLSKY. Yes, sir.

Senator BURTON. May I ask a question?

The CHAIRMAN. Yes.

Senator BURTON. I assume that the reason for including the additional group of those who previously signed the original declaration of January 1, 1942, was to bring in some additional nations which were not in the Conference. Will you state what nations were brought in?

Mr. PASVOLSKY. Poland.

Senator THOMAS of Utah. Was Poland the only one brought in?

Mr. PASVOLSKY. Yes, sir.

Senator AUSTIN. I would like to know whether it includes Argentina?

Mr. PASVOLSKY. She participated in the San Francisco Conference; therefore she is in the first category. In the second category are the countries which were signatories to the declaration by United Nations and did not participate in the United Nations Conference.

Senator AUSTIN. Argentina has not signed the declaration?

Mr. PASVOLSKY. No; but she participated in the Conference.

The CHAIRMAN. She expressed a desire to sign, did she not?

Mr. PASVOLSKY. Yes, sir.

Senator GREEN. In connection with the distinction that you made between the capitalized Members and those that are uncapitalized, may I draw your attention to chapter XVII, amendments?

Mr. PASVOLSKY. Yes, sir.

Senator GREEN. Article 108. It says [reading]:

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council.

How can the members of the Security Council be Members of the United Nations?

Mr. PASVOLSKY. Members of the Security Council are Members of the United Nations, of course.

Senator GREEN. The nations are not members of the Security Council, are they?

Mr. PASVOLSKY. Yes, sir. The seats on the Security Council are assigned to nations.

Senator GREEN. Then, if you refer to nations members of the Organization, why should not that be capitalized?

Mr. PASVOLSKY. Because the final reference to "members" in article 108 is to the nations which are members of the Security Council. They are also Members of the Organization and as such they are previously referred to by the capitalized word "Members."

Senator GREEN. How would you designate them if you referred to representatives of the nations on the Security Council?

Mr. PASVOLSKY. You would have to say "Representatives of the Members of the United Nations which are members of the Security Council." In such a case the first "Member" would be capitalized and the second would not, in order to carry out this particular typographical device.

Senator GREEN. Thank you.

Senator MILLIKIN. Would those nations that were neutral during this war have to be admitted specially? I am thinking of Sweden or Switzerland.

Mr. PASVOLSKY. Yes, sir. Those are among the nations which are referred to in article 4.

Senator MILLIKIN. Will you be good enough to tell us the vote required in the Council and in the Assembly to suspend and to expel?

Mr. PASVOLSKY. Yes. It is a two-thirds vote in the Assembly, and a vote of seven members in the Council, including the concurring votes of the permanent members.

Senator MILLIKIN. A unanimous vote of the permanent members?

Mr. PASVOLSKY. Yes, sir.

Senator GEORGE. Doctor, will you advise the committee whether the right of withdrawal was formally put forth for discussion before the Conference, before any particular committees? The Charter deals in articles 4, 5, and 6 with the right of suspension and the right of expulsion, but I have found nothing in it relating to the right of a member nation to withdraw.

Mr. PASVOLSKY. There was only one amendment proposed formally by anybody on the subject of withdrawal, and that was an amendment which would forbid withdrawal from the Organization.

Senator GEORGE. Forbid it?

Mr. PASVOLSKY. Yes, sir; forbid withdrawal. That amendment was defeated, and in the course of the discussion that took place in the committees which handled the matter it was decided that there should be no specific provision in the Charter as regards either the right to withdraw or the absence of the right to withdraw, but that there should be an understanding as to how the question of withdrawal would be handled if the circumstance arose where a nation wished to exercise the power to withdraw. And so a statement was prepared and approved by the committee which handled this matter, which I might perhaps read to the committee, Mr. Chairman.

The CHAIRMAN. I think it would be well for you to read that. It would throw a good deal of light on the matter to read what was put into the committee report and subsequently approved by the commission and by the full Conference.

Mr. PASVOLSKY. The statement was approved by the technical committee, by the commission, and by the Conference in plenary session. The statement is as follows [reading]:

The committee adopts the view that the Charter should not make express provision either to permit or to prohibit withdrawal from the Organization. The committee deems that the highest duty of the nations which will become Members is to continue their cooperation within the Organization for the preservation of international peace and security. If, however, a Member because of exceptional circumstances feels constrained to withdraw, and leave the burden of maintaining international peace and security on the other Members, it is not the purpose of the Organization to compel that Member to continue its cooperation in the Organization.

It is obvious, particularly, that withdrawals or some others forms of dissolution of the Organization would become inevitable if, deceiving the hopes of humanity, the Organization was revealed to be unable to maintain peace or could do so only at the expense of law and justice.

Nor would a Member be bound to remain in the Organization if its rights and obligations as such were changed by Charter amendment in which it has not concurred and which it finds itself unable to accept, or if an amendment duly accepted by the necessary majority in the Assembly or in a general conference fails to secure the ratification necessary to bring such amendment into effect.

It is for these considerations that the committee has decided to abstain from recommending insertion in the Charter of a formal clause specifically forbidding or permitting withdrawal.

In the thought of the committee the emphasis should be on the continuity and stability and prestige and power of the Organization. But it in no way impaired the right of the state to withdraw for good reasons.

Senator HILL. I suggest you read that next paragraph.

Mr. PASVOLSKY. It is a part of Mr. Stettinius' report:

The result of the foregoing is a situation different from that which existed under the League of Nations. The League Covenant recognized withdrawal as an



absolute right which any Member could exercise for any reason, or even without reason. In fact, the right was utilized primarily by would-be aggressors. Under the present Charter, withdrawal is permissible but it will have to be justified.

Senator GEORGE. The implication is that a Member Nation would not have the absolute right of withdrawal because he must make application justifying the request for withdrawal; is that right?

Mr. PASVOLSKY. The problem of withdrawal, in this connection, it seems to me is not the problem of the right to withdraw or not the right to withdraw. This is an international compact, an international treaty. The question is the terms on which, or the conditions under which, a country can absolve itself of an obligation which it has assumed.

There is one very interesting point in connection with this Organization, and that is involved in one of the Principles, the Principle under which the—

Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

Senator THOMAS of Utah. Will you give us the citation on that?

Mr. PASVOLSKY. That is paragraph 6 in article 2.

There flows from that the proposition that withdrawing from the Organization does not relieve a state of the obligation to live up to its responsibilities stated in paragraph 6. The right of withdrawal of course remains, Senator George, but it has to be justified before the community of nations.

Senator VANDENBERG. Was not the unlimited right of withdrawal omitted, among other reasons, because in the experience of the League of Nations that was the escape clause which prospective aggressors always embraced?

Mr. PASVOLSKY. That is absolutely true. That is a very important part of the story; that is the escape.

The CHAIRMAN. Senator La Follette?

Senator LA FOLLETTE. May I ask this: What would be the procedure, and who would determine whether the right to withdraw had been justified?

Mr. PASVOLSKY. It would be like any other procedure in the relationship between a Member state and the Organization.

Senator LA FOLLETTE. Would it be decided by the Security Council or how would it be decided? What body would pass on it? Assume some nation made application to withdraw; who would determine whether the reasons given were justified or not?

Mr. PASVOLSKY. You see, there is no sanction in the Organization to hold a state as a Member. There is a power in the Organization to say whether or not the reasons which are advanced by the state are good and sufficient reasons.

Senator LA FOLLETTE. Which arm of the Organization would pass upon that question? Suppose nation A 10 years from now desired to withdraw, what would be the procedure and who would determine upon whether the reasons given were, in the view of the Organization, justified?

Mr. PASVOLSKY. Well, the problem of membership, that is the admission of new members, the suspension of members, the expulsion of

members, is a joint responsibility of the Security Council and the General Assembly; therefore, presumably, discussion of such a question would also be a joint responsibility of the Security Council and of the Assembly.

Senator LA FOLLETTE. Was that understood at San Francisco, or do you just draw that as your own individual inference from the language of the document?

Mr. PASVOLSKY. The question of mechanics, as to which body would handle that particular question and in what way, was not discussed. That was left for future determination. But I did want to call attention to the fact that in all matters relating to membership, the two organs act concurrently.

The CHAIRMAN. Let me ask you a question right there: Is it not true that there is no application required if a nation desires to withdraw? Moreover, there is no specific procedure to be followed. The theory of the whole withdrawal proposal, as I understood it, was that the nation affected would have to be the judge of the circumstances which it claimed had altered its position, and the penalty would be simply a mobilization of world opinion as to whether its cause was a just one or an unjust one.

Mr. PASVOLSKY. That is quite right.

The CHAIRMAN. And that there was no compulsive power to keep a nation within the League if it desired to withdraw?

Mr. PASVOLSKY. That is right.

The CHAIRMAN. It was simply a question of leaving the world to judge whether they had adequate causes for withdrawal. They were the ones, however, to determine whether or not their circumstances had so changed as to make withdrawal justifiable.

Mr. PASVOLSKY. That is right.

Senator AUSTIN. May I ask a question?

The CHAIRMAN. Certainly, Senator Austin.

Senator AUSTIN. Can the Security Council have any jurisdiction over the subject of withdrawal if withdrawal is not found by the Security Council to be a threat to international security and peace? In other words, to put it the other way around, is it not necessary for jurisdiction of the Security Council to make a preliminary finding that the condition that it undertakes to consider threatens international security and peace?

Mr. PASVOLSKY. Since the Security Council is charged with functions in connection with admission to membership, suspension of rights and privileges of membership, and expulsion, I should think that the Security Council—this would be a matter of interpretation, of course, and the Security Council would have to make its own rules of procedure on this—would take the position that it had the right to discuss the matter. The whole matter would be in the realm of discussion and pronouncements, because there are no sanctions.

Senator AUSTIN. May I ask another question?

The CHAIRMAN. Certainly.

Senator AUSTIN. Assume that the Security Council undertakes an investigation; can it investigate beyond finding whether the condition threatens international security and peace?

Mr. PASVOLSKY. No; it should not, under the terms of the Charter.

Senator TUNNELL. Doctor, in the absence of a surrender of the right of withdrawal, would not a sovereign state retain that right?

Mr. PASVOLSKY. That is right.

The CHAIRMAN. That was the theory we proceeded upon, was it not?

Mr. PASVOLSKY. That is right.

The CHAIRMAN. We proceeded upon that theory in drafting this report of the committee.

Mr. PASVOLSKY. That is right.

The CHAIRMAN. I sat in with the committee when that report was prepared.

Senator GEORGE. Then, Doctor, is it your answer that the Member state has an absolute right to withdraw?

Mr. PASVOLSKY. Yes, Senator.

Senator GEORGE. Absolute?

Mr. PASVOLSKY. Yes.

Senator GEORGE. Unqualified?

Mr. PASVOLSKY. Yes. But it is on notice that it will have to justify it.

Senator GEORGE. You mean that it might incur the displeasure of the peace-minded people of the earth?

Mr. PASVOLSKY. Yes, Senator.

Senator MILLIKIN. If the Security Council found that a projected withdrawal threatened the peace and security of the world, what would happen so far as the Nation is concerned that wanted to withdraw; would it be compelled to stay in or would it be allowed to withdraw and suffer the penalties that any other nation might suffer if it threatened the peace and security of the world?

Mr. PASVOLSKY. That would depend upon the decision of the Security Council.

Senator MILLIKIN. The Security Council would have that decision?

Mr. PASVOLSKY. The Security Council would have the decision as to whether or not the first part of your question applied; that is, as to whether or not this is a threat to the peace.

Senator MILLIKIN. May it be fairly inferred from what you have said that there is no such thing as a unilateral withdrawal without action by the Security Council?

Mr. PASVOLSKY. If a nation announced that it was withdrawing and the Security Council decides not to do anything about it, not even to discuss the matter, then obviously the Security Council does nothing about it. But the Security Council cannot be estopped from discussing the matter and from raising the question as to whether or not the condition to which you refer applies, and if it does, what should be done.

Senator MILLIKIN. And it follows from that that the Security Council could bring coercive measures to stop the withdrawal?

Mr. PASVOLSKY. No; it could not bring coercive measures to stop the withdrawal. What it could do is to say that, "Since you are no longer a Member and since some action of yours threatens the peace, you have got to put a stop to that action." That it has a right to do irrespective of whether a state is one which used to be a Member and withdraws or never was a Member, so long as it is a non-Member.

Senator MILLIKIN. In other words, the probable decree of the Security Council would be to come back into the Organization?

Mr. PASVOLSKY. Not necessarily.

Senator MILLIKIN. What I am driving at is, How do you reach the specific question of withdrawal? Here is an important power that wants to withdraw. Now, would you mind describing to us the circumstances under which it can withdraw unilaterally and the circumstances under which it must submit its withdrawal to the Security Council, or any other conditions that might affect the right to withdraw?

Mr. PASVOLSKY. Clearly, if a nation wants to withdraw from any organization, it has to serve notice on the organization that it is withdrawing. Suppose that when notice is served on the Organization the Organization, through whatever organ wishes to take up the matter, begins a discussion of it. Now, the nation which withdraws says, "I am not here; I have recalled my representatives, and I am through." Nobody is going to go to war against that nation and force it to come back into the Organization. It will obviously have to fulfill its obligations to the Organization. If it does not fulfill its obligations, it will be for the Organization itself to decide what the situation will be. But I cannot imagine that a sanction of forcing a state against its will, contrary to the official interpretation which I have just read, would be a measure adopted by the Security Council.

You see, this interpretation states that—

If, however, a Member because of exceptional circumstances feels constrained to withdraw, and leave the burden of maintaining international peace and security on the other Members, it is not the purpose of the Organization to compel that Member to continue its cooperation in the Organization.

Senator MILLIKIN. May I invite your attention to the fact that that is one of those "Stop beating your wife" statements. A country might withdraw because the other countries were not upholding their burdens.

Mr. PASVOLSKY. Yes, I suppose so.

Senator MILLIKIN. Would you mind telling us from the standpoint of international law, under what circumstances a nation may withdraw unilaterally from a treaty, or would you prefer to have Dr. Hackworth tell us about that?

Mr. PASVOLSKY. I would prefer to have Dr. Hackworth answer that. He knows more about it than I do.

The CHAIRMAN. If the fact of withdrawal itself, in the opinion of the Security Council, resulted in a threat to peace, would it not be treated just like any other incident that threatened the peace without respect to membership or whether the state came back in or whether it did not?

Mr. PASVOLSKY. Of course, it would. That is the important point about it. If it constitutes a threat to the peace, then it would have to be treated as any threat to the peace would be treated.

Senator LUCAS. It does not necessarily follow, however, that if a nation withdraws from the Charter here, that that is an act of war.

Mr. PASVOLSKY. Oh, no.

Senator LUCAS. There are reasons why it might withdraw and still maintain the peace of the world?

Mr. PASVOLSKY. Surely.

The CHAIRMAN. It is the purpose of the committee, without objection from anyone, to recess at 12:30 and convene again at 2 o'clock. Is there any objection from any of the committee on that?

(No response.)

The CHAIRMAN. We will stand in recess until 2 o'clock.

(Whereupon, at 12:30 p. m., the committee recessed until 2 p. m.)

AFTER RECESS

(The recess having expired, the committee reconvened at 2 p. m.)

The CHAIRMAN. The committee will come to order.

Senator Pepper sends word that he wishes me to announce to the members of the committee and any other interested persons that his absence from the hearings is due to the death of his father last night.

Dr. Pasvolsky, you may resume your statement.

**STATEMENT OF LEO PASVOLSKY, SPECIAL ASSISTANT TO THE  
SECRETARY OF STATE FOR INTERNATIONAL ORGANIZATION  
AND SECURITY AFFAIRS—Resumed**

MR. PASVOLSKY. Mr. Chairman, this morning we were on chapter II. This is the chapter which relates to the definition of the original Members of the Organization. It states the provisions under which other nations could be admitted to membership. It states also the circumstances under which the Organization would have the right to suspend a Member from the exercise of its rights of membership, the circumstances under which the Organization could expel a Member, and by inference indicates the method by which an expelled Member could be reinstated. It indicates how a Member whose privileges and rights have been suspended can be relieved of that disability.

Senator VANDENBERG. Doctor, may I ask you a question?

MR. PASVOLSKY. Yes.

Senator VANDENBERG. When you finished this morning, you were dealing with the subject of withdrawal. I do not think the subject was left in sufficiently specific form. I want to ask you this question. Is not this an accurate statement of the American position in the event that the United States wishes to withdraw:

First. The United States can withdraw at its own unrestricted option. Its only obligation is to state the reasons.

Second. The only penalty is in the adverse public opinion, if our reasons do not satisfy the conscience of the world, and the action of the San Francisco Conference simply suggests certain criteria upon this score.

Third. When we withdraw, we are simply in the same position as if we had never joined; namely, we are subject to the Organization's discipline if we threaten the peace and security of the world.

Is not that the situation?

MR. PASVOLSKY. I think that that is precisely the situation, Senator.

Senator THOMAS of Utah. I wonder, while we are on that subject, if we cannot move a little further in the theory of withdrawal. I should like to know, Doctor, whether there is not both the right and also the obligation resting upon every nation and the community of nations in regard to this withdrawal proposition. If we go back to the League and note the states that did withdraw, they withdrew without impunity of any kind. They knew why they were withdraw-

ing, and probably that was the only honorable thing that the two nations did who did withdraw. They said they wanted no more of this, because they were going to war.

Now, in your discussion about withdrawal, was the theory advanced to the place that it was deemed by all present that there was such a thing as a community of nations and that the community of nations could speak its will to the individual members? To make it more specific and make it more plain than that, individuals within any community have not the right to withdraw from that community; they have obligations.

I cannot say, "I do not want to pay my taxes in America." I cannot say, "I do not want to bear arms."

Have you moved forward in these fine ideals, which you expressed in the preamble, to that place where there is a conscious recognition of the fact of the existence of a community of nations in the world, responsible for laying down the standards of action of the individual nations?

Mr. PASVOLSKY. I think, Senator, that the whole enterprise was based on the basic proposition that there is an overwhelming common interest of all nations which are devoted to peace and want to live at peace. That is the common interest: To see to it that peace can be maintained and that it can be enjoyed.

There was certainly a basic recognition of the fact that that can be accomplished most effectively through an arrangement of this kind. Now, the arrangement is based on voluntary association; it is not based on compulsory participation. Therefore, the question, of withdrawal has to be considered in relation to that. That is why the statement which was adopted by the Conference, and which I read this morning, lays particular stress on the fact that the underlying purpose here is joint participation in a system directed toward the maintenance of international peace and security.

A nation which for good reason, from its own point of view, decides that it does not choose to be a participant in the Organization which is carrying on these functions, but prefers to take its place as one of the non-Members of the Organization and become subject to the discipline, as Senator Vandenberg said a moment ago, which is provided for through this Organization, that nation has a right to do so. That is its decision. It does expose itself to the opinions of mankind, and it would certainly, as a responsible nation, want to do so with due regard to the opinions of mankind. If it is an irresponsible nation and wishes to withdraw for the same reason that, as we know, some nations withdrew from the League of Nations, then there is created a situation in which there is danger in the world, and the community of nations, or rather those nations which are banded in this association, as well as nations which for one reason or other do not choose to be in the Organization, will be on notice that there is at work in the world a force to which they must be alert.

Senator THOMAS of Utah. You think then, Doctor, that what we might call the force of public opinion in the world will be enough of a restraining influence to enforce the obligation upon a given nation to withdraw only for the most serious reasons imaginable?

Mr. PASVOLSKY. Well, Senator, the whole idea—the whole enterprise—is based on the willingness and the determination of the nations

which will compose this Organization to do the things which they agree are necessary in order that peace and security may be maintained. If some of those nations change their minds, if some of those nations decide that they no longer want to participate in this effort, then that very fact creates in the world a new situation to which all of us, in the light of bitter experience, have to be most alert and about which all of us would have to be most vigilant, certainly and particularly those nations which remain Members in full standing and good standing in this Organization.

Senator THOMAS of Utah. If I understand your argument and your explanation, then, Doctor, you feel that the Charter is in reality stronger without any reference to withdrawal rights and obligations than if those rights and obligations were expressed?

Mr. PASVOLSKY. Yes, I do.

Senator TUNNELL. Doctor, the suggestion that Senator Thomas has made, that there is an obligation upon a person to pay his debt to the Government, would not be removed, I take it, if any particular state had a financial obligation to the international organization? It certainly would remain as an international obligation?

Mr. PASVOLSKY. Oh, I should think that that would unquestionably be so.

Senator TUNNELL. But the tax which Senator Thomas referred to, of course, is a financial obligation?

Mr. PASVOLSKY. Yes.

The CHAIRMAN. You may proceed, Doctor.

Senator AUSTIN. Mr. Chairman, before leaving this point, I should like to ask Dr. Pasvolsky a question.

The CHAIRMAN. Senator Austin.

Senator AUSTIN. I should like to ask, Dr. Pasvolsky, regarding this, which appears in the report to the President by the Secretary of State on page 48:

They—

meaning a number of delegations—

pointed out that this protection was needed because it might be possible for the Organization, acting through its normal amending procedure, or through a general conference, to increase the obligations of Members without their consent.

Let us assume that that held in the case of several members. Can you tell us the minimum number of members that could take that position and still have the amendment prevail?

Mr. PASVOLSKY. Senator, I was hoping that the whole question of withdrawal would come up in detail in connection with the amendment process; but I can indicate now, if you like, what the amendment procedure would be.

An amendment would have to be adopted by two-thirds of the Assembly, and it would have to be ratified by two-thirds of the Members of the Organization, including the five permanent members of the Security Council.

Senator HATCH. That would be all of the five?

Mr. PASVOLSKY. All five. That means that if any particular amendment goes into effect, it will have been accepted by two-thirds of the Members of the Organization; and in that two-thirds would be included the five permanent Members—that is, the United States, the

United Kingdom, the Soviet Union, China, and France. That would mean that the countries which might be affected by the statement noted by Senator Austin would be at most one-third of the membership.

Senator AUSTIN. Thank you. Just one more question. I interpret what you say to mean also this: That there never would be a time when the United States would have as a cause for withdrawing, its inability to agree to an amendment.

Mr. PASVOLSKY. No, sir; there would not; because no amendment can go into effect unless the United States as one of the five permanent Members ratifies it.

Senator HATCH. That would apply also to all the other five Members?

Mr. PASVOLSKY. That will apply to all the five permanent Members.

Senator MILLIKIN. Mr. Pasvolsky, if the United States proposed an amendment which was vital and it was not adopted, would that be ground for withdrawal?

Mr. PASVOLSKY. Under the interpretation which is made, I think that could be ground for withdrawal.

Senator MILLIKIN. I think Senator Vandenberg has stated those things which we can do as a matter of power. We can withdraw, as a matter of power, arbitrarily and capriciously, with or without a statement of our reasons. When you discuss the situation in connection with amendments, I wonder if you would be good enough to develop the theme of how we can withdraw as a matter of right, such, for example, as under change of parties, such, for example, as under a radical change of subject matter, and so forth, and so on. There are quite a number of instances, well developed in international law, where we can withdraw as a matter of right. I think, to have a complete picture, that that phase should be fully developed.

The CHAIRMAN. I feel sure, Doctor, when you reach that point that questions will be directed to you if you do not develop it.

Mr. PASVOLSKY. Good. I shall be prepared.

There is an important point in connection with articles 5 and 6. In both cases, both in the case of suspension and in the case of expulsion, the General Assembly acts on the recommendation of the Security Council. In the case of the restoration of the rights and privileges under suspension, the act of restoration is performed by the Security Council alone; that is, it has the power to reinstate a nation in that sense. The reason for that is that the conditions under which a Member State may be suspended from the exercise of its rights and privileges as a Member are that there must be preventive or enforcement action taken against that state by the Security Council. Therefore, the condition which in the first instance gives the Security Council and the Assembly the right to suspend is a condition the existence of which is determined by the Security Council. It was thought that as soon as the Security Council determines that that condition no longer exists, it would be only fair not to wait for action by the Assembly but to permit the Security Council to state that the condition which led to the original suspension of rights and privileges no longer exists and that the state may again exercise its rights and privileges of membership.



In the case of expulsion, nothing is said about restoration or reinstatement. The effect of that is that the reinstatement of a nation which has been expelled from the Organization would be by the same process as the admission of a new Member. That process is described in article 4, namely, that the General Assembly, on the recommendation of the Security Council, by the kind of vote which I indicated this morning, would admit new Members to the Organization. The condition of membership is acceptance of the obligations contained in the Charter and the decision of the Organization that, in its judgment, the candidate for admission is able and willing to carry out the obligations.

I have no further comments on chapter II.

Chapter III is a very short chapter, which establishes as the principal organs of the United Nations a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

This same article gives the Organization—that is, its various organs—the right to establish such subsidiary organs as they may find necessary for the fulfillment of their duties.

Article 8, which is also a part of this chapter, states that the Organization as such shall place no restrictions on the eligibility of men and women to participate in the work of the Organization, either as its officials or as representatives in its various agencies.

Senator THOMAS of Utah. What does that mean, Doctor?

Mr. PASVOLSKY. That means that, as far as the employment of officials by the Organization is concerned, no distinction or no discrimination will be made against men or against women, as the case may be.

This article also mentions something which interested some delegations very much, and which appeared to some delegations as a rather remote contingency: that if a government wished to send as its representatives in any of the activities of the Organization women as well as men, or men as well as women, the Organization itself would not make that nondiscriminatory practice impossible by saying that only men or only women must be included in the delegation. Obviously, the decision as to which it will be rests with the governments themselves.

The CHAIRMAN. Chapter IV.

Mr. PASVOLSKY. Chapter IV is a chapter in which the General Assembly is described in terms of its composition, its functions and powers, its voting procedure, and its general procedure in the discharge of its duties. The General Assembly is representative of all the Members of the United Nations. Every Member of the Organization has a right to be represented in the Assembly.

The Charter provides that each Member shall have not more than five representatives in the General Assembly. That is something that has been dictated by experience, because an Assembly usually operates through a number of commissions, and it is important for the Member States to have an adequate number of official representatives to take part in the work of those commissions which, very frequently, meet simultaneously. On the other hand, it has seemed important not to have too many representatives at the meetings of

the Assembly. So a compromise was struck by making the representation limited to five representatives of each of the Members.

Senator GREEN. In that connection, may I ask whether it is left to the Member to decide whether a majority of the representatives shall cast votes for the member?

Mr. PASVOLSKY. The provision under "Voting," which comes later in this chapter, states that each member of the General Assembly, meaning each state represented in the General Assembly, shall have one vote.

Senator GREEN. I understand that. That was not my question. My question is: Suppose a member has five representatives. Can the member itself decide whether a majority shall represent the member?

Mr. PASVOLSKY. Yes. The government of the member state is completely free to determine the method by which its vote will be cast in the General Assembly, but the vote will be only one vote.

Senator GREEN. The General Assembly, then, would have nothing to do with the vote to be cast by the representatives, whether it is one or five?

Mr. PASVOLSKY. Yes. Each delegation will decide who will cast the vote for the delegation and how that vote will be determined.

Senator HILL. You say that a member of the General Assembly means the nation?

Mr. PASVOLSKY. That nation; yes.

Senator HILL. I note on page 10, number 1 of article 18, that the word "member" there is written with a small "m."

Each member of the General Assembly shall have one vote.

Mr. PASVOLSKY. That is the difficulty we got into this morning, because of the capitalization of "Members" in one place and not in another. The same nations are referred to when we speak of the Members of the United Nations in article 9 and members of the General Assembly in article 18, only in article 9 we think of them as Members of the United Nations, Members of the Organization, in their capacity as Members of the Organization and therefore eligible for election to the various bodies of the Organization, and so on. In article 18, we think of them in their capacity as members of the General Assembly. It is the same nation in each case.

Senator HATCH. I should like to ask a question that may sound very foolish, but it disturbed a very good friend of mine.

In this article about the Assembly, article 2, you use the words "discuss" and "consider." They are used differently in different places. My friend asked me whether they were synonymous. I said, "Why, certainly. You cannot discuss without considering."

But he was troubled about that. Is there any reason for using those two words differently?

Mr. PASVOLSKY. Well, there was a feeling that there was perhaps a shade of difference between them.

Senator HATCH. Will you please explain that, because I was asked to explain it, and I could not do it?

Mr. PASVOLSKY. Perhaps the word "consider" is more comprehensive than the word "discuss," because the word "consider" may have an implication of leading to some sort of action—recommendation, for example.

Senator HATCH. Then, you did use the words deliberately?

Mr. PASVOLSKY. Oh, yes; they were used deliberately.

Senator HATCH. When you discuss, you do not consider?

Mr. PASVOLSKY. When you consider, you certainly discuss; and when you discuss, you consider. But you consider perhaps with a view to doing something about it.

Senator HATCH. The only reason why I am asking is to try to make it plain.

Mr. PASVOLSKY. Of course.

Senator HATCH. But there is a real difference, then, between the two words?

Mr. PASVOLSKY. We thought when we were drafting these particular provisions that the use of the two words would reinforce the concept of free discussion and free consideration.

The CHAIRMAN. Proceed, Doctor.

Mr. PASVOLSKY. The articles which relate to the functions and powers of the Assembly spell out in considerable detail the things that the Assembly can do. I should like to say one word about the general field of operations of the General Assembly.

There is one basic concept which had to be agreed upon very early in the game, and that was whether or not the General Assembly and the Security Council, which obviously would be the principal organs of this Organization, would have the same functions and the same powers and would differ from each other only in the sense that when the Assembly is not in session the Council exercises all of its functions. The League of Nations was built very largely on that concept.

Those who worked on the Dumbarton Oaks document and those who worked on the same subject in San Francisco were very definitely of the opinion that experience had shown that it was well to separate the functions; that, particularly in the new Organization, there are two primary sets of functions that would have to be performed by the Organization.

In the first place, there is the function related to the maintenance of peace and security; that is, the function of doing everything possible to bring about peaceful adjustment of disputes that arise, of removing threats to the peace when threats arise, and of suppressing breaches of the peace, if in spite of the preventive action, peace should be broken. It was the opinion that those comprise one great function of the new Organization.

The second great function of the Organization, it was thought, was the creation of conditions which would be conducive to the maintenance of peaceful relations among nations, which would make for stability, friendship, and good neighborliness.

It was thought that as between those two functions, the first one should be given to the Security Council as its primary responsibility; that the second function should be given to the General Assembly as its primary responsibility. The second function, obviously, involves a very wide and complicated field of activity, the field of economic, social, and related problems and relationships. So it was thought that if the General Assembly were given the function of having primary responsibility in that vast and all-important field, it would then be the agency, being the fully representative body, for bringing about conditions in which the use of force as the ultimate sanction

would be less and less necessary. After all this Organization will have to be judged not by the amount of force that it will use in maintaining peace and security, or the frequency with which it will use force, but precisely by how infrequently and how little it will be necessary to use force as the ultimate sanction in the maintenance of international peace and security. Hence the General Assembly is given here the functions of creating these indispensable conditions for orderly international living.

There is here a statement that "the General Assembly may discuss any questions or any matters within the scope of the present Charter;" that it "may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters." Now, when you consider what sort of questions may come up for consideration by the General Assembly, it becomes necessary, or it was thought necessary in the process of formulating these provisions, to set forth some of the most important fields in which the Assembly would be expected to function. There are, first, the general principles.

Senator BURTON. May I interrupt at this point, Mr. Chairman, to ask a question?

The CHAIRMAN. Senator Burton.

Senator BURTON. I just wanted to inquire about the use of the phrase "present Charter," which occurs twice in article 10 and which occurs in other places in the Charter. It is rather unusual, is it not, to refer to "the present Charter"? Does that mean that it excludes the amended Charter and that every time it is amended, it is necessary to go back to those places and say that it is the amended Charter?

Mr. PASVOLSKY. The phrase "present Charter" rather than "this Charter" is used throughout the document on the recommendation of our Advisory Committee of Jurists, who thought that that was the best way of describing the document in legal terms. I do not think, Senator, that there is any implication there which would carry beyond the fact that this is a term of reference in the framework of the document as we have it.

Senator BURTON. That leaves it so that if there is an amendment to the Charter, you must be very careful to make sure that it applies everywhere you want it to apply, otherwise it will be expressly excluded in every place where you say "present Charter"?

Mr. PASVOLSKY. I can only venture a personal interpretation, of course, but I imagine that if an amendment is made to the Charter, then the new Charter becomes the present Charter as of that time.

The CHAIRMAN. And any amendment, wherever it applied in the Charter, would become effective.

Mr. PASVOLSKY. It would become effective, of course.

Senator THOMAS of Utah. May we emphasize that a little more, so that we get it down good and strong?

The CHAIRMAN. All right, Senator Thomas.

Senator THOMAS of Utah. I think that that is extremely important as it refers to article 11, the things which may be considered, and then to paragraph 2 in article 11, the things which may be discussed. If through an amendment you bring in a subject which is not mentioned here, you are sure, are you, Doctor, that that amendment will make it

possible for that subject to be discussed at any time? I am following up Senator Burton's logic.

Mr. PASVOLSKY. Unless the making of an amendment makes the phrase "present Charter" apply as a limiting phrase, I should think that the word "present" here does not have the significance of limiting the Charter only to the original provisions. Surely an amendment to the Charter will become an integral part of the Charter, and therefore, whenever the Charter is amended, the amended Charter is the Charter to which reference is made here.

Senator THOMAS of Utah. You think, then, that the term "present Charter" does not have any more significance than the term "this Charter"?

Mr. PASVOLSKY. We took this to be the exact equivalent of the phrase "this Charter."

The CHAIRMAN. If you used the term "this Charter," Senator Burton's point would be just as strong—

Mr. PASVOLSKY. Just as applicable.

The CHAIRMAN (continuing). As if you used "the present Charter." My thought is that the amendment being the last and later act, wherever it touched anything that was inconsistent with it, that part of the Charter would have to give way to the amendment, if there were any inconsistency.

Mr. PASVOLSKY. Our thought when we discussed this question certainly was that any amendment to the Charter becomes an integral part of the Charter.

Senator TUNNELL. Mr. Chairman, I should like to ask if the same thing does not apply to our Constitution. We do not think of the Constitution as being a different one each time there is an amendment, it is still the same Constitution.

Senator HATCH. But the customary language is: "This Constitution and all amendments thereto." But that is not important, I am not arguing the point. The words "present Charter" are an unfortunate usage.

The CHAIRMAN. They came out of your profession, Senator.

Senator HATCH. I think it is clearly limiting.

The CHAIRMAN. Are there any other questions?

You may proceed, Dr. Pasvolsky.

Mr. PASVOLSKY. Articles 11 and 12 relate to the functions which the General Assembly would perform in connection with the problem of the maintenance of international peace and security. The primary responsibility rests with the Security Council, but the General Assembly, as the representative body of the Organization, will obviously have to perform certain functions. It was thought that the general principles of cooperation, as they need to develop in relation to changing conditions, would have to be considered, formulated, and recommended to Members and to the Security Council by the General Assembly rather than by the Security Council, because that is not a function of a small number of states; that is a function of all the states. So the General Assembly is given the function in connection with general principles of cooperation, and that includes the principles governing eventual disarmament and the regulation of armaments, when the Organization comes to that.

I should like to defer the discussion of that particular topic, Mr. Chairman, until we come to the paragraph under the Security Council.

The CHAIRMAN. Very well. Proceed.

Mr. PASVOLSKY. In addition to the question of general principles of cooperation, the General Assembly may take up for discussion any question which relates to the maintenance of international peace and security. That is, any Member of the United Nations, any Member of the Organization, or the Security Council itself may ask the General Assembly to consider any question that may arise in connection with the maintenance of international peace and security.

These questions, as will be seen from a later article, relate not only to actual disputes, but they relate also to situations the continuance of which may threaten the peace, may lead to disputes, or may lead to international friction. Any such question can be brought to the attention of the General Assembly, and the General Assembly may discuss any such question.

Non-Member states also are given the right to bring to the attention of the General Assembly, or of the Security Council as will be indicated later on, any dispute to which they may be parties. There is a limitation on that provision, to which I shall refer shortly, but that is another source from which questions arising in connection with the maintenance of international peace and security may be brought to the attention of the General Assembly.

In its activities with regard to such questions, there are two limitations imposed on the General Assembly. One is that since primary responsibility for action with respect to the maintenance of international peace and security is placed in the Security Council, the Assembly, when it deals with a question on which action might be necessary, should refer this question to the Security Council either before or after its own discussion of it. The General Assembly may not only refer a question, but it may call the attention of the Security Council to situations which are likely to endanger international peace and security.

The right of the Assembly to discuss, consider, and debate any question relating to the maintenance of international peace and security is absolute. Nobody can stop it. No rule is contained in this Charter which can prevent that or which gives the Security Council authority to prevent it. The language here is:

While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

The purpose of that is that it has seemed unwise to run the risk of a situation in which recommendations for the settlement of disputes or for dealing with disputes would be made at the same time by the General Assembly and by the Security Council. It was thought wise to limit the recommendatory power of the Assembly, in contradistinction to its deliberative power, by this condition.

The Secretary General of the Organization is enjoined to notify the General Assembly, when he is authorized to do so by the Security Council, at each session of the General Assembly of any matters relating to the maintenance of international peace and security which are being dealt with by the Security Council. So the General Assem-

bly would know when it is proper for it and wise for it to carry the discussion of a question to the point of a recommendation.

Similarly, the Secretary General is enjoined to notify the General Assembly immediately the Security Council ceases to deal with a situation. In other words, if the Security Council, having dealt with a situation, decides to dispose of it and, therefore, no longer deals with it, then the Assembly is free to make recommendations with respect to it. That situation becomes clear when the Secretary General notifies the General Assembly that the Security Council is no longer dealing with a particular situation.

There is one other provision here, however, which is very important.

Senator AUSTIN. May I interrupt for a question, Mr. Chairman?

The CHAIRMAN. Senator Austin.

Senator AUSTIN. Assuming the Security Council has made a recommendation, if it arrives at the decision that the condition it is investigating is not a threat to security and peace, the foundation thereupon is laid for the General Assembly to take jurisdiction?

Mr. PASVOLSKY. That is right. If the Security Council decides that it does not wish to deal with the situation or finds it unnecessary to deal with it in terms of recommendation, then the Assembly is free to make a recommendation.

Senator MILLIKIN. Mr. Chairman, may I ask a question?

The CHAIRMAN. Senator Millikin.

Senator MILLIKIN. I am not indicating the likelihood of anything of this kind, but the Security Council could block off all "hot" subjects and thus keep them out of the jurisdiction of the General Assembly.

Mr. PASVOLSKY. The language here is:

While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter \* \* \*

Senator MILLIKIN. The duty would be on the Council to exercise its function?

Mr. PASVOLSKY. That is right.

Senator MILLIKIN. But that could be, as Senator Barkley says, a very slow race. I am not implying the likelihood of anything of that kind, but it would be within the power of the Security Council to give very slow consideration to any subject it wanted to keep from the consideration of the Assembly.

Mr. PASVOLSKY. That is right, but it would not prevent the Assembly from discussing and debating that question, and it would not prevent the Assembly from calling the attention of the Security Council to a situation which it considers as likely to endanger international peace and security.

Senator MILLIKIN. Is it a convenient place, Doctor, for you to tell us about the investigatory powers of the Assembly? I am perfectly willing to defer the question if this is not a good time to take it up.

Mr. PASVOLSKY. I wonder if we could defer that question until we come to chapter VII.

The Council is in continuous session, as I shall explain later. It is in continuous session because situations threatening peace may arise at any time. The Assembly is not in continuous session. The Assem-

bly meets once a year or more frequently in special sessions if it is called for that purpose.

Under the provisions of this chapter, the Assembly can be called into special session by the Secretary General at the request of the Security Council or of a majority of the Members of the Organization. In order to make it possible for the General Assembly to deal with a situation with which the Security Council no longer deals, if the majority of its Members think that the Assembly should deal with it, there is a provision written into article 12 to the effect that if the Assembly is not in session, the Secretary General shall notify all the Members of the United Nations immediately the Security Council ceases to deal with a situation.

Thus it would be possible, if the majority of the Members of the Organization decide that they would like to have a situation with which the Security Council no longer deals, discussed and debated and acted upon, possibly in terms of a recommendation by the General Assembly—it would be possible for a majority of the Members to have the General Assembly called into special session for that purpose.

Senator LUCAS. Do I understand, Doctor, that if the General Assembly calls such a special meeting, the Security Council would then lose jurisdiction of the subject matter?

Mr. PASVOLSKY. No; the Security Council can always take jurisdiction of a question.

Senator LUCAS. That was my understanding. Maybe I misunderstood you.

Mr. PASVOLSKY. It is a question of when the Assembly can take jurisdiction.

Senator LUCAS. What happens to the Security Council if the Assembly does take jurisdiction? Do they both continue, then, to discuss it?

Mr. PASVOLSKY. No. The Security Council informs the Secretary General, and the Secretary General informs the General Assembly, or the Members of the Organization, if the General Assembly is not in session, that the Security Council is no longer dealing with a particular question; and then the Assembly can deal with that question not only in terms of discussion, consideration, and debate, but also in terms of a formal recommendation.

Senator HILL. Suppose the Security Council had before it a question and then advised the Assembly that it had finished its discussion and consideration of the matter, and the Assembly took the question under consideration and discussion, and then the Security Council decided that it would go into the question further itself and take it up further itself. Would the Assembly lose its jurisdiction over the question?

Mr. PASVOLSKY. Then the Security Council would have to inform the Assembly that it was resuming its dealing with the question.

Senator HILL. Then the Assembly could not make any recommendation?

Mr. PASVOLSKY. But could continue to discuss it.

Senator HILL. It could continue to discuss it but could not make formal recommendation?

Mr. PASVOLSKY. But could not make formal recommendation; that is right.

Senator LUCAS. The only time they make a recommendation is when they have complete jurisdiction?



Mr. PASVOLSKY. That is right; when the Security Council is not dealing with it.

The CHAIRMAN. All right. Proceed to the next article, Doctor.

Mr. PASVOLSKY. Articles 13 and 14 relate to another field of the Assembly's activity, and its primary field. This is the field of creating conditions in which the maintenance of peace and security would be possible and in which humanity can progress by joint effort and action. Article 13 states:

The General Assembly shall initiate studies and make recommendations for the purpose of:

a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

That is a tremendously broad assignment to the General Assembly, and the powers given to it are the powers of study, examination, and recommendation.

The detailed functions of the General Assembly with respect to the second part of the article, that I have just read—namely, economic, social, cultural, and related activities, and the question of human rights and fundamental freedoms—are spelled out in greater detail in subsequent chapters, and I should like, Mr. Chairman, if I may, to come back to them later.

The CHAIRMAN. Very well.

Senator BURTON. Before you leave that, Dr. Pasvolsky, dealing with that first paragraph, which has to do with the development of international law and its codification, is that the place in the Charter where there is the most direct reference to the building of an international code of law?

Mr. PASVOLSKY. This is a direct reference. There are references in the Charter to international law earlier in the text, particularly in the chapter on the Purposes and Principles of the Organization; but this is the central place.

Senator BURTON. Referring, therefore, to specific action, it would originate with the General Assembly. If they wished to have a code of international law, they would initiate a study and make recommendation?

Mr. PASVOLSKY. That is right. They would initiate studies. They could set up commissions, if they wanted to, set up necessary bodies, make necessary recommendations, and possibly even work out proposals for submission to the Member States.

The CHAIRMAN. Article 14.

Mr. PASVOLSKY. Article 14 is, from the point of view of the General Assembly, the counterpart of the primary function assigned to the Security Council. The Security Council has primary responsibility for dealing with situations which relate to the maintenance of international peace and security. Article 14 gives the General Assembly the function and the power of recommending measures for the peaceful adjustment of any situation regardless of origin which it deems likely to impair the general welfare or friendly relations among nations.

The CHAIRMAN. Right there I want to say that the credit for the adoption of the phrase "regardless of origin" is due the Senator from

Michigan, Mr. Vandenberg. That phrase was the subject of a good deal of discussion and debate in the committee of which the Senator was a member. "Regardless of origin" is an all-embracing phrase and opens up to the discussion in the Assembly almost any question that has arisen since Adam and Eve were in the Garden. I think it is a very wise one and a very good one. I want to give the credit at this point to Senator Vandenberg for that phrase, "regardless of origin."

Senator VANDENBERG. You are very kind, Mr. Chairman.

The CHAIRMAN. Whatever the origin, the question can be discussed. I hope you will pardon me for that reference.

Mr. PASVOLSKY. The criterion here is a criterion of impairment of the general welfare or friendly relations among nations; and there are included here situations resulting from a violation of the provisions of the present Charter setting forth the purposes and principles of the United Nations. This is the first place we come to where specific use is made of the Chapter on Purposes and Principles in order to lay down the guiding rules of action and behavior for the Organization and its Members.

Under the terms of this provision the General Assembly has the power to make recommendations as to measures which should be taken for the peaceful adjustment of any such situation which is likely to impair the general welfare or friendly relations among nations, irrespective of whether or not such a situation may threaten international peace and security. If the situation is of such a nature that it may threaten international peace and security, then articles 11 and 12 apply, and the General Assembly, instead of taking action itself, would have to refer the situation to the Security Council. But if a question of the maintenance of international peace and security is not involved, then the General Assembly is completely free to perform this vastly important function of helping the world to operate on the basis of stability and justice and fair dealing.

Senator VANDENBERG. Would it not be fair to say that this article assures us against any static world?

Mr. PASVOLSKY. I think it definitely does.

In the next article the General Assembly is given the power to receive reports—

The CHAIRMAN. Senator Austin wants to ask you a question.

Senator AUSTIN. Does the record show that the subject of existing treaties was discussed in connection with this article?

Mr. PASVOLSKY. Oh, yes. The phrase "regardless of origin" obviously relates to treaties or to any other conditions which may cause the sort of situation that is envisaged here.

Senator AUSTIN. Then this article undertakes to make the General Assembly a sort of court of review of such treaties as now exist; is that right?

The CHAIRMAN. I would not say that.

Mr. PASVOLSKY. Not a court of review of treaties, but a court of review of situations arising out of whatever conditions have been brought about, either by treaties or in other ways.

Senator AUSTIN. Does the record indicate that this power includes the power to recommend the modification of treaties?

Mr. PASVOLSKY. It states that the General Assembly may recommend measures for the peaceful adjustment of any situation. Suppose the situation arises out of a condition created by a treaty: The General Assembly would necessarily have to consider whether or not the situation arose out of a lack of performance under the treaty or out of the onerousness of the terms themselves or the applicability or nonapplicability of the terms of the treaty.

Senator AUSTIN. Then, carried to its logical conclusion, if the Assembly should decide that the terms of the treaty were onerous, and that that was the cause of the situation, the record indicates that article 14 gives authority to recommend a modification of those onerous terms; is that right?

Mr. PASVOLSKY. Of course, that would be included among the measures for the peaceful adjustment of the situation, which the Assembly is given the right to recommend.

Senator VANDENBERG. I would like to comment on that question.

When this article was originally written it specifically included reference to the revision of treaties. There was objection to the specific identification of revision of treaties lest it seem to be an invitation to take apart these international contracts, the integrity of which necessarily goes to the very roots of sound international relationships. Properly the objection was made that the reference to the revision of treaties might seem to be an invitation for the revision of the peace treaties with our enemies. Therefore, since the objective was not the revision of treaties, but the revision of conditions, this substitute language was agreed upon, referring to the peaceful adjustment of any situations, regardless of origin, "which it deems likely to impair the general welfare of friendly relations among nations," and so forth.

In other words, we said what we meant. We did not mean to put the emphasis upon the revision of treaties; we meant to put the emphasis upon the revision of conditions. Those conditions may arise out of any source, regardless of origin. They may arise out of the failure to enforce a treaty. They may arise out of the onerous conditions of a treaty. There may be many other reasons besides the revision of treaties which are responsible for these conditions which impair the general welfare. The revision of treaties is not identified, because when it was identified it seemed to be the sole objective of the article. On the contrary, the objective is to review conditions and revise conditions which are deemed likely to impair the general welfare, and those conditions can be examined regardless of origin, which obviously includes treaties.

Senator WHITE. I would like to ask a question, if I may.

The CHAIRMAN. Senator White.

Senator WHITE. As I understand you, the article is intended to give authority to review and correct conditions even though those conditions might arise out of or be dealt with in a treaty?

Senator VANDENBERG. That is correct. Of course, the power is solely one of recommendation.

The CHAIRMAN. May I make an observation there? Of course, the function to be performed by the Assembly in this connection is that it must first find that it is a situation which is likely to impair

the general welfare or friendly relations among nations; and when it finds that, then it may go into the question regardless of whether it arose from the operation of a treaty or from any other cause; the primary thing being that there is a situation which is likely to impair the general welfare or impair friendly relations among nations. Is that a fair statement?

Mr. PASVOLSKY. Perfectly fair, Senator.

The CHAIRMAN. And the origin of it is immaterial. The question is its existence, no matter whether it crawled out of a cave or came down from the heavens. It is a question of whether or not the situation exists, regardless of what caused it. Is that right?

Mr. PASVOLSKY. That is right, sir—a situation of the kind you have just described.

Senator VANDENBERG. May I add that when it includes situations resulting from a violation of the provisions of the present Charter setting forth the purposes and principles of the United Nations, it includes the principle of equal rights and self-determination.

Senator AUSTIN. One further question. Is it true that there is no sanction involved in the execution of article 14, and that its validity and vitality rest upon the self-discipline of the nations involved?

Mr. PASVOLSKY. I think so; I think that is right. There is no sanction there except a moral sanction.

The CHAIRMAN. You do not have a sanction, because there is no jurisdiction in the Assembly to do anything except to make a recommendation to the Security Council which is the organ that does have jurisdiction to do something about the situation.

Mr. PASVOLSKY. That is right. Sanction is provided only for breaches of the peace or threats to peace.

Senator AUSTIN. It is true, is it not, that throughout this document there is a conscious effort to stimulate self-discipline of nations in order to prevent war?

Mr. PASVOLSKY. Most assuredly. That is one of the basic considerations here.

Senator VANDENBERG. It is the paramount consideration.

Senator MILLIKIN. Mr. Chairman—

The CHAIRMAN. Senator Millikin.

Senator MILLIKIN. In addition to the subject matter of the article going to any situation regardless of origin, does it go to any situation regardless of the time of origin?

Mr. PASVOLSKY. Oh, yes.

Senator MILLIKIN. Was your answer yes?

Mr. PASVOLSKY. My answer is yes.

The CHAIRMAN. That is correct.

Senator MILLIKIN. May I ask another question, Mr. Chairman?

The CHAIRMAN. Yes.

Senator MILLIKIN. Does the General Assembly have any power to recommend measures for the forcible adjustment of any situation?

Mr. PASVOLSKY. No. The General Assembly has no such power.

The CHAIRMAN. I think perhaps you misunderstood. He means: has the Assembly any authority to recommend to the Security Council?

Mr. PASVOLSKY. The Assembly may recommend to the Security Council any measure that it wishes to recommend, but the Security Council is bound by its own terms of reference when it deems that

the continuance of a situation is likely to endanger international peace or security.

Senator MILLIKIN. There is no limitation on the nature of the recommendation which the Assembly may make to the Council?

Mr. PASVOLSKY. Oh, no.

Senator MILLIKIN. It may be a recommendation for a peaceful adjustment or for a violent adjustment?

Mr. PASVOLSKY. The Assembly can make any recommendation that it wishes to. The Security Council is obligated to act within the framework of its authority and its functions.

Senator MILLIKIN. I understand that.

Senator BURTON. Article 14 says—

the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations.

It does not say anything else. Therefore, is it not limited?

The CHAIRMAN. But you cannot ignore article 13.

Mr. PASVOLSKY. Article 14 relates to those situations which do not involve a possible violation or possible impairment of international peace or security. Article 14 relates to the situations which involve impairment of the general welfare or friendly relations among nations. Situations which involve the possible impairment of international peace and security are dealt with in the earlier articles; that is, articles 11 and 12, and particularly in numbered paragraph 2 of article 11, where the General Assembly can make recommendations regarding situations which may involve the maintenance of international peace and security, but only under the conditions which are described in article 12 and subject to the provisions that questions on which action is necessary should be referred to the Security Council.

Senator MILLIKIN. It very clearly refers to recommendations for peaceful adjustment, but is there anything else in the Charter which might modify that, so that there is power in the Assembly to make a recommendation touching the subject matter of article 14 either by way of peaceful adjustment or by way of forcible adjustment?

Mr. PASVOLSKY. I should say, Senator, that so far as situations which are referred to in article 14 are concerned, so long as they arise out of conditions which are likely to impair the general welfare and friendly relations among nations and are not deemed to be a threat to international peace and security, there is no authority in the Charter for any forcible measures. If those same situations became transformed or aggravated in such a way that it became possible for the Organization—and in this case, the Security Council—to determine that a situation like that is of such a nature that its continuance may threaten the peace, the Organization still has no power to take forcible action. It is only when the Security Council determines that an actual threat to the peace exists or that a breach of the peace has occurred, that the Organization has the right to take forcible action.

Senator MILLIKIN. I think that is very clear; but does the General Assembly have the power to recommend to the Security Council that those conditions do exist which might call for forcible action?

Mr. PASVOLSKY. Senator, I should say that the implication of this language is that the character of the recommendation to be made by the General Assembly is left to the discretion of the General Assembly.

The CHAIRMAN. Is it not specifically provided for under article 11? It says:

The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament \* \* \*, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

Going on into the second paragraph of that article:

The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations \* \* \*, and may make recommendations with regard to any such questions to the state or states concerned \* \* \*.

I think it is perfectly clear that the Assembly can make recommendations, but it has no power to act.

Mr. PASVOLSKY. No.

The CHAIRMAN. It simply leaves the matter to the Security Council where authority to act resides.

Mr. PASVOLSKY. That is right.

Senator WHITE. Would it not be true, notwithstanding the language of article 14, that if the Security Council considered a question which called for the possible use of force or which pointed directly toward the use of force by the Security Council, the General Assembly would be prohibited, under article 12, from making any recommendation with respect to that subject matter?

Mr. PASVOLSKY. That is right.

Senator LA FOLLETTE. I am still not clear on this, Doctor. Suppose that the Assembly has taken under discussion and consideration a situation which it believes is inimical to the general welfare or threatens friendly relations, and comes to the conclusion that it has developed to the point where the Security Council should take jurisdiction. Is the Assembly free to recommend that the Council take action and, if so, can it make any recommendations as to kind or character of action to be taken?

Mr. PASVOLSKY. Senator, as long as the Security Council is not handling the situation—

Senator LA FOLLETTE. I am assuming it is not, because I stated that the Assembly was considering it.

Mr. PASVOLSKY. Then the Assembly is free to make any kind of recommendation it wants to. If the Assembly comes to the conclusion that the situation which it is handling is developing badly, it itself is really under an obligation to ask the Security Council to look at it, because this article says that the General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

Senator LA FOLLETTE. I realize that; but as I understand your answer to my question, the Assembly could, if it thought best, recommend to the Security Council not only that it take jurisdiction, but the type of action which it should take, that is, the Security Council.

Mr. PASVOLSKY. It could do that. It probably would not.

Senator HILL. But the Security Council would have to make its own findings, would it not?

Mr. PASVOLSKY. Oh, yes. The Security Council would have to make its findings in the case of peaceful settlement, that it is a situation the continuance of which is likely to endanger the maintenance

of international peace and security, and in the case of enforcement action, that an actual threat exists or an actual breach has occurred.

The CHAIRMAN. Your statement that the Assembly would have the right or the power but probably would not exercise it, is based not upon the lack of authority, but because of comity and the respect which the Assembly has for the jurisdiction of the Security Council?

Mr. PASVOLSKY. Yes, sir. I am referring to the kind of action that ought to be taken. The Assembly obviously would consider itself under an obligation to bring to the attention of the Security Council any condition which it felt threatened the peace; but since the principal responsibility for the maintenance of international peace and security is lodged in the Security Council, the chances are that the General Assembly would leave it to the Security Council to make its own determination of the type of action required.

Senator BARKLEY. Doctor, notwithstanding the fact that article 14 seems to limit the Assembly to making recommendations for the peaceful adjustment of situations which might not be interpreted forcible adjustment of the situation, is it not true that article 10 is much broader than that and is not limited by article 14 when it says:

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

So, that seems to give the General Assembly the right to consider any question that is brought within the functions of any of these various organizations set up in the Charter, and is not limited by article 14 which seems to limit the functions to the peaceful adjustment of the situation. Is that a proper interpretation?

Mr. PASVOLSKY. Yes, Senator. I think article 10 is a general article which really serves as a cover for articles 11, 12, 13, and 14. But articles 11 and 12 deal with situations which threaten international peace and security. Articles 13 and 14 deal with situations which relate to the promotion of cooperative effort and to the peaceful adjustment of situations likely to impair the general welfare.

Senator BARKLEY. All of them are included in the provisions of article 10 which is a cover-all of the jurisdiction of the Assembly to look into the situations?

Mr. PASVOLSKY. Yes. Article 10 is made subject to the provisions of article 12, which says that there shall be no recommendations made by the Assembly with respect to a dispute or situation relating to peace and security except when the Security Council is not exercising in respect of the dispute or situation the functions assigned to it in the Charter, or unless the Security Council so requests. But the situations which are referred to in article 13 and article 14 are, by definition, the kind of situations with which the Security Council would not deal, because they are situations which do not involve a threat to international peace and security. They have not reached that stage of acuteness.

The CHAIRMAN. Proceed, Doctor.

Mr. PASVOLSKY. Then the rest of the functions of the Assembly are stated in terms of the right to receive and consider reports, in terms of the functions with respect to the international trusteeship system,

which I will have to discuss when we come to chapters XII and XIII, and with respect to its right to approve the budget of the Organization, to allocate expenses among the Member States, and to consider and approve financial and budgetary arrangements of specialized agencies, which is another topic I shall have to discuss a little later, Mr. Chairman—the administrative budget.

In addition to this, we have tried to keep from lengthening the Charter as much as possible, by not repeating in this chapter some of the other functions of the Assembly which are mentioned elsewhere in the Charter. These other functions relate to membership, to the election of the nonpermanent members of the Security Council, to the election of the members of the Economic and Social Council, to the election of some of the members of the Trusteeship Council, to the election of judges of the Court, and to the amendment process, and to other matters.

The CHAIRMAN. They will all be reached in due course?

Mr. PASVOLSKY. Yes, sir.

The CHAIRMAN. What is the next chapter?

Mr. PASVOLSKY. Some of these functions are enumerated in the article in this chapter on voting procedure. They are made subject to the two-thirds rule.

The procedural matters relating to the General Assembly are very simple. It shall adopt its own rules of procedure. It shall elect its President for each session. It shall meet in regular sessions. It may meet in special sessions which can be convoked by the Secretary General on the request of the Security Council or of a majority of the Members, and it may establish such subsidiary organs as it deems necessary for the performance of its functions.

That is the Assembly. We will come back to it later on in connection with these other functions.

Senator WILEY. I want to refer back to article 14, if I may, as to the phraseology "likely to impair the general welfare or friendly relations among nations." In our own Constitution the words "general welfare" have a good many connotations. We do not know exactly what it means now. Why is the word "or" used, instead of the word "and"?

Mr. PASVOLSKY. It was the thought in this connection, Senator, that the term "general welfare" may relate to something which goes beyond friendly relations among nations, or it may relate to something that does not quite fall within that framework.

Senator WILEY. Was there general discussion of the subject?

Mr. PASVOLSKY. No. There are several expressions used here for which there was in some quarters a demand for a specific definition. There was particularly the expression "acts of aggression"—what constitutes an act of aggression, and there were others.

The CHAIRMAN. Does not the word "or" in that connection have the effect of "and"? In other words, if either one of these things occurred, the Assembly may take action, and, of course, if either one of them occurs or both of them occur, it may still act.

Mr. PASVOLSKY. That is right. The word "or" means that it is not necessary for both to be impaired, but if either one is impaired the action can be taken.



The CHAIRMAN. And if both are impaired?

Mr. PASVOLSKY. Of course, if both are impaired, action will become very much more likely.

Senator VANDENBERG. We were trying to get it as broad as the world.

The CHAIRMAN. "Regardless of origin."

Senator BURTON. Referring to article 18, there is a distinction drawn between those questions that are voted on by a two-thirds majority and those which are voted on by a simple majority. Recommendations with respect to peace and security constitute an important question and, therefore, would require two-thirds majority. I take it from that that a recommendation for peaceful adjustment would merely require a simple majority. Is that correct?

Mr. PASVOLSKY. No, not necessarily. Recommendations with respect to peaceful adjustment, while not enumerated here, could, of course, be brought under the category of the two-thirds vote by the action indicated in article 18, paragraph 3.

Senator BURTON. It is not intended by the listing, then, of recommendations with respect to the maintenance of international peace and security to exclude from the two-thirds class all recommendations as to peaceful adjustment?

Mr. PASVOLSKY. Not at all.

Senator BURTON. But it would exclude those that would not be considered important?

Mr. PASVOLSKY. That is right.

Senator BURTON. Therefore, the unimportant or lesser important recommendations would be by simple majority?

Mr. PASVOLSKY. Yes.

Senator BURTON. But the important adjustments, even peaceful adjustments, would still require a two-thirds majority?

Mr. PASVOLSKY. Yes, sir.

Senator BURTON. You draw that line?

Mr. PASVOLSKY. That is right.

Senator BARKLEY. Who would decide whether it was important or not?

Mr. PASVOLSKY. The General Assembly, by a simple majority of the members present and voting.

Senator BARKLEY. The Assembly would decide by majority vote whether it was of sufficient importance to require a two-thirds vote?

Mr. PASVOLSKY. Yes, sir.

Senator BURTON. The decision as to whether it shall be considered important or unimportant, and whether it shall be by a two-thirds vote or a majority vote, is by the simple majority vote, is it not?

Mr. PASVOLSKY. That is correct, Senator.

Senator MILLIKIN. I notice paragraph 3 of article 18 says:

Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Assume that a category of such questions were established, requiring a two-thirds majority, and the Assembly decided to reduce or wipe out that category: Would it take a two-thirds vote or a majority vote?

Mr. PASVOLSKY. To wipe out a category I should say—

Senator MILLIKIN. I am not talking about those mentioned in paragraph 2; I am talking about those mentioned in paragraph 3. Would it take a simple majority or a two-thirds vote?

Mr. PASVOLSKY. I do not know. I suppose that a simple majority might suffice; but that would be a rule of procedure that would have to be established by the Assembly.

Senator MILLIKIN. The question is whether or not categories established under that paragraph could be wiped out by a majority vote or a two-thirds vote.

Mr. PASVOLSKY. I think that would be settled by future determination by the Assembly itself.

The CHAIRMAN. Proceed, Doctor, as rapidly as possible.

Mr. PASVOLSKY. The next chapter is chapter V, "The Security Council." Here we have, first of all, the question of the composition of the Council, the fact that the Council shall consist of 11 members. The 5 permanent members are enumerated. The General Assembly elects the six nonpermanent members, and in the election of the nonpermanent members the General Assembly is enjoined to give attention to certain criteria. There are three such criteria mentioned here. The first is the contribution of Members of the United Nations to the maintenance of international peace and security. The second is their contribution to the other purposes of the Organization, and the third is equitable geographic distribution of membership.

These are not binding rules on the General Assembly. These are indications to the General Assembly that it should take those factors into account.

The nonpermanent members will be elected for a term of 2 years and will not be eligible for immediate reelection.

In order not to have the whole Security Council go out at the end of 2 years the provision is included that in the first election three shall be elected for a term of 1 year and after that the system will operate with three retiring each year.

The CHAIRMAN. May I make a comment right there? I happen to have been the United States representative on the committee that handled this question, and I want to explain why these criteria were established. Originally in the Dumbarton Oaks proposals there was no limitation whatever on the Assembly in this respect, but an amendment was offered by Canada on the theory that there were a number of smaller and medium-sized nations that had made substantial contributions to the war and that these nations ought to be given a little edge in the selection of the nonpermanent members. In the second place, the states of Latin America and certain other small and medium-sized states urged the same consideration be given to geographical distribution, so that they might have adequate representation in the Security Council. That is the reason the second criteria of geographic distribution was inserted in the Charter. There was quite a little discussion over this particular clause, but it finally carried in this form.

Senator LUCAS. Would the doctor give us some examples of the second criteria, which refers to "other purposes of the Organization"? That is a very general term, and I was just wondering what was included in "other purposes."

Mr. PASVOLSKY. The development of international law, Senator, the development of friendly relations in other fields in which the

Organization operates. There may be some countries, and probably are some countries, which do not make a large military contribution, but which make a very substantial moral contribution to the peace of the world and to good relations among nations.

Senator LUCAS. Any country that sought membership in the Security Council would have to take these three factors into consideration, I assume, and develop them before the whole Assembly?

Mr. PASVOLSKY. I suppose that when nominations are made in the Assembly they will be made in terms of how far the candidate qualifies under these and obviously other criteria which might be involved.

The CHAIRMAN. We are glad to note the presence of Dr. Eaton, who, together with Congressman Bloom, rendered very efficient and capable service in the Conference at San Francisco.

Mr. EATON. I feel very grateful to have my presence noted by the distinguished chairman.

The CHAIRMAN. Your presence is usually noted wherever you go. Proceed, Doctor.

Mr. PASVOLSKY. The section relating to the functions and powers of the Security Council is very brief. The reason for that is that most of the functions and powers of the Security Council are dealt with at length elsewhere in the Charter, just as the functions and powers of the General Assembly with respect to economic cooperation and trusteeship questions are dealt with in extenso elsewhere than in the chapter IV.

There is a statement here which is of great importance [reading]:

In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

That delegation of responsibility is matched by the next sentence, which says [reading]:

In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations.

The reference here is, again, to articles 1 and 2 contained in chapter I, "Purposes and Principles."

The Security Council is specifically enjoined to submit reports to the General Assembly.

Senator AUSTIN. May I ask a question at this point, Mr. Chairman?

The CHAIRMAN. Senator Austin.

Senator AUSTIN. Does the record show that any changes made from the Dumbarton Oaks proposal into this treaty on the subject of the Security Council were intended to change the primary responsibility that you pointed out?

Mr. PASVOLSKY. When we come to the next chapter, Senator, in discussing the problem of peaceful settlement of disputes, I will note, if I may, an additional power given to the Security Council.

Senator AUSTIN. That is what I have in mind. It is my purpose, if it is possible, to have the record which is made here adhere as closely to the original purposes of the Security Council as possible, namely, security.

Mr. PASVOLSKY. It was thought, Senator, in connection with that particular provision, that in discharging its duties in the field of peaceful settlement of disputes or the encouragement of the use of

peaceful means for the settlement of disputes, the position of the Security Council would be strengthened by giving it that extra authority which makes it possible for it to be one of the means of a country's own choice. But may I develop that in detail in connection with the whole conception of peaceful settlement?

Senator AUSTIN. Yes; but I wish you would answer one further question before you proceed, and that is whether in changing the language so as to read as it does in paragraph 2 of article 37, so that it reads:

It shall decide whether to take action under article 36 or to recommend such terms of settlement as it may consider appropriate—

whether you therein intended to take the Security Council off the basis of first finding that the condition was one that threatened international security and peace.

Mr. PASVOLSKY. Senator, that language in no way affects the determination that you referred to. The Security Council would have to determine first of all, under this chapter that you refer to, that the dispute is of such a nature that its continuance would threaten international peace and security.

Senator AUSTIN. I think it is very important to have the record show that.

Mr. PASVOLSKY. That is right. It cannot be just any situation.

Article 25 provides that—

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

This obligation is an obligation within the terms of the provisions of the Charter.

Senator THOMAS of Utah. Does that mean that the Security Council itself cannot act directly without action of the Members of the United Nations, or does it mean that each Member of the United Nations pledges itself to perform whatever functions the Security Council decides it should perform in the maintenance of peace?

Mr. PASVOLSKY. Within the framework of the provisions of the Charter, it means the latter.

Senator THOMAS of Utah. Can we go so far to say that the Security Council may determine that one nation shall represent the United Nations in seeing that peace is maintained?

Mr. PASVOLSKY. That is a point which is specifically mentioned later on, and I would like to develop it at length. The Security Council is given discretion to determine whether or not an action shall be taken by all nations or only by some.

The CHAIRMAN. That is true of the military provisions, particularly, that the Security Council may designate certain nations to furnish troops or to take such other action as may be necessary.

Mr. PASVOLSKY. That is right.

Article 26 relates to the question of the regulation of armaments. There is no provision in the Charter establishing a system for the regulation of armaments. That is left to future determination, and it is something which obviously will have to be done by agreement among the nations. But the Security Council is given responsibility for formulating plans which would be submitted to the Members of the Organization, plans relating to the establishment of a system for the

regulation of armaments. The Security Council would have, in this connection, the assistance of the Military Staff Committee which will be described later. The reason for this provision is given in the opening lines. [Reading:]

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

The problem involves how much or how little armaments the nations should agree to maintain, and this should be related to the needs for maintaining international peace and security under the kind of system that is being established. It must also be related to the fact that if we could get adequate armaments for the purpose of establishing and maintaining international peace and security, with less expenditure of human and economic resources rather than with more expenditure of such resources, that would be all to the good. But the whole question will be handled in the future and it will not be within the power of the Security Council to do more than propose plans for adoption or rejection by the governments concerned.

Senator VANDENBERG. That is a point I want to raise. It speaks of "plans to be submitted to the Members of the United Nations." It means acceptance as well as submission?

Mr. PASVOLSKY. It means submitted for consideration and for approval or disapproval.

Senator VANDENBERG. That is what I say.

Mr. PASVOLSKY. It means submitted for approval or disapproval and not submitted for information.

Senator VANDENBERG. That is exactly what I said.

The CHAIRMAN. There is no compulsion whatever, no authority to impose disarmament unless the nations affected agree to it and sign a treaty to that effect?

Mr. PASVOLSKY. Exactly.

Senator LUCAS. What would be the situation if the United States submitted recommendations to the Security Council on the question of disarmament, and England did not?

Mr. PASVOLSKY. I should think that after the experience of the interwar period no responsible nation would disarm unilaterally. I should think that disarmament would be on the basis of a mutual agreement mutually concluded, an agreement which would involve all the important nations.

Senator LUCAS. In other words, the larger nations would have to have some sort of gentlemen's agreement in advance before they adopted the suggestion of the Security Council?

Mr. PASVOLSKY. Presumably, in the first place, the large nations would be represented in the Security Council. In a sense they would be making recommendations to themselves.

Senator LUCAS. Yes; but the Security Council has to make recommendations. This Government has to act upon it. The other countries have to do the same thing. I am thinking about an adverse decision of the Government on the recommendations of the Security Council.

Senator VANDENBERG. Would it not inevitably be a multilateral treaty? It would have to be.

Mr. PASVOLSKY. I should think it would have to be a multilateral treaty.

Senator BARKLEY. That is the question I wanted to ask you, whether these plans which assume to be over-all plans formulated by the Council and submitted to Members of the United Nations, would be submitted for a general over-all agreement or rejection, or submitted to each separate Member of the United Nations for its individual action. I gather from your remark and that of Senator Vandenberg that it would be an over-all recommendation which would involve a multilateral agreement among all the United Nations or as many of them as would be willing to agree to that plan.

Mr. PASVOLSKY. I can say this, Senator, that in all the discussions of this paragraph—and there was considerable discussion of it at Dumbarton Oaks, and a discussion again in San Francisco—the phrase “a system for the regulation of armaments” was always taken to mean that there would be a general arrangement rather than a series of unilateral, independent actions.

Senator BARKLEY. Was there any discussion as to the required number of Members of the United Nations who would have to agree to this system?

Mr. PASVOLSKY. No; there was no discussion of that. All the details were left to the future, for the simple reason that nothing could happen until such an agreement could be reached, and also the discussion of some of the details involved in such an agreement would have been an extremely difficult and complicated matter. There is no commitment here. There is only the duty of the Security Council to prepare plans.

Senator BARKLEY. Assuming that the Security Council should formulate the plans creating a system of regulation, and submit them to all the Members of the United Nations, and assuming that one-half of them agreed to that submission and the other half did not, what would happen?

Mr. PASVOLSKY. That would have to be provided in the arrangement itself.

Senator BARKLEY. Do you think the Security Council would have the authority to determine whether or not a majority of two-thirds or any other proportion of the United Nations should have the right to determine multilaterally whether the system recommended by the Security Council should go into effect?

Mr. PASVOLSKY. I should say that since this is a multilateral agreement among the states, the states themselves would have to determine the conditions under which the instrument would go into effect and the states for which it would go into effect, whether or not it would go into effect for everybody or only for those who wanted it.

Senator VANDENBERG. If this arrangement when it is formulated is not satisfactory to us, it is our own fault, because we got a veto on it.

The CHAIRMAN. More than that, though, it was understood in all the discussions—and I participated in them; I was on this committee—that the authority of the Council extends only to the formulation of such plans. It is not a function of the Security Council to do more than to formulate plans and to submit them to the governments affected. If we do not want to accept them, all we have to

do is to say no, and they are not effective at all. It is like the Disarmament Conference which was held in 1922. That was a general conference of the powers at which plans were formulated and submitted to the states for final approval. We held another one in Geneva under the League, but the participating nations did not agree and relatively little was done. Here each nation had the option of accepting the results or not, and if they did not accept them, they did not apply.

Senator BARKLEY. In other words, if six of the United Nations accepted this and undertook to abide by it, and none of the others did, it would not apply to any of those that did not accept it, and it might not be very multilateral.

The CHAIRMAN. That is right.

Mr. PASVOLSKY. Unless, Senator, the nations themselves in concluding this agreement were to adopt some such statement as is provided in this Charter, or as is used in other cases, that when certain countries, either specified or simply by number, have ratified an arrangement, it would become effective as to all the signatories.

Senator BARKLEY. This is something to take effect after the required number have ratified. They formulate a plan and submit it to all the nations?

Mr. PASVOLSKY. That is right.

Senator BARKLEY. Apparently they do not have any authority here to determine whether if two-thirds of the nations agree to this overall submission it should apply to all, or whether it is left to each state to determine for itself.

Mr. PASVOLSKY. The Council has no such authority.

Senator BARKLEY. It would be left to the individual desire of each state to determine whether or not it would accept the system submitted by the Council.

Mr. PASVOLSKY. That is right. And the procedure to be followed is deliberately left open. There may be a conference at which the proposals of the Security Council would be discussed, debated, and signed as a treaty. It may be a treaty negotiated by other means. But whatever it is, no action would be taken except on the basis of an arrangement made among the member states, action would not be taken by imposition of the Organization.

Senator BARKLEY. Of course, it was not contemplated that if any one state accepted this system and nobody else did, that one state would be bound by it and the rest would not. That would be an impossible situation.

Senator LUCAS. In other words, the five big nations would have to agree upon the plan, or it would not be effective as to any member of the five?

Mr. PASVOLSKY. That is right.

The CHAIRMAN. The Security Council would have to have all five of the members participate, or it would not be a plan?

Mr. PASVOLSKY. That is correct.

The CHAIRMAN. I want to point out that the obligations under this are not functions of the international organization, except to provide a plan and submit it. When that is done the Organization has no further authority. It is up to the states themselves by independent action with no reference to the Organization whatever.

MR. PASVOLSKY. That is right; unless in the arrangement itself—  
 The CHAIRMAN. Well, if they drew up a new treaty and agreed among themselves that they would all cut down their armaments, when 5 out of 12 or 17 out of 20 agreed to it, that would be different; but that would depend on a new obligation, not this Charter. It would not have anything to do directly with this Charter at all.

MR. PASVOLSKY. That is exactly right.

The CHAIRMAN. It would depend upon an entirely new treaty which would have to be signed and ratified?

MR. PASVOLSKY. That is right.

Senator HILL. I thought under section 1 of article 11 the General Assembly is given certain power with reference to principles governing the matter of armament and disarmament. Does that not indicate that there is no conflict between these two sections? This is just an additional step looking toward reaching disarmament and limitation of armament?

MR. PASVOLSKY. That is right, Senator. That was written in specifically to make it possible for the General Assembly to debate the question of armaments.

Senator HILL. And then go on further and make recommendations?

MR. PASVOLSKY. Yes; as to the principles which are to be adopted. The recommendations as to the precise methods and the precise system of regulation would be made by the Security Council.

Senator HILL. In other words, the definite specific thing that should be done would be recommended by the Security Council?

MR. PASVOLSKY. That is right.

Senator MILLIKIN. If I may ask a question here. I notice article 11 stresses the word "recommendation" whereas article 26 we are discussing refers to "plans." I would like to ask whether there was an official interpretation of article 26 at San Francisco?

MR. PASVOLSKY. As regards what?

Senator MILLIKIN. Was there an official interpretation of article 26? Any part of it? Was there anything at San Francisco that we can incorporate in the record here that will help us on this question?

MR. PASVOLSKY. Could we take a little time to look that up?

Senator MILLIKIN. Yes.

MR. VANDENBERG. I don't think you need any time to look that up.

Senator MILLIKIN. May I ask whether the subject was intensively debated at San Francisco?

MR. PASVOLSKY. No; this particular paragraph was not debated intensively at San Francisco. It was taken as it stood from the Dumbarton Oaks proposals.

Senator VANDENBERG. I do not see how anything could be clearer than article 26 and its related implications. There can be no plan submitted for disarmament without the approval of the Security Council, to begin with, which requires the vote of the permanent Members, which includes us. Therefore, if there is any plan submitted which is in any degree hazardous to us, it is our fault.

MR. PASVOLSKY. Our concurring vote is required for the submission of the plan by the Security Council.

Senator VANDENBERG. And when it is submitted, it is up to the states themselves?

MR. PASVOLSKY. That is right.



Senator VANDENBERG. And I could not imagine the United States agreeing to anything except a multilateral engagement, because unilateral disarmament is suicide.

The CHAIRMAN. Let me supplement that by saying that I was on this committee, and while we may not have discussed it publicly very much, I maintained then as I maintain now, our absolute right to refuse to sign a treaty unless we wanted to. It was perfectly clearly understood by everybody that when these recommendations were submitted, it was up to each individual government as to whether it would accept them or not. If the individual state did not accept them, it could not be bound in any way whatever.

Senator ————. To me this means that there is an attempt to reach a certain place. The Security Council will try to evolve a plan. We have a certain objective we want to reach. When that plan is evolved, we have the right to accept it or refuse it, and we are not bound in any other way.

The CHAIRMAN. That is my conception of it and that was the conception generally held at San Francisco during all of the discussion.

Mr. PASVOLSKY. That is my conception of it.

The CHAIRMAN. We have a veto on the plan itself before it is ever accepted.

Now, go ahead, Doctor.

Mr. PASVOLSKY. Article 27 covers voting procedures in the Security Council. It provides that each member in the Security Council shall have one vote, that the decisions of the Security Council would be divided into two categories—decisions on procedural matters which would be made by an affirmative vote of any seven members, and other decisions which would be made also by an affirmative vote of seven members, but among those seven members would have to be included the permanent members of the Council. The exception would be that in any decisions of the Council under chapter VI, which deals with the pacific settlement of disputes, and under paragraph 3, of article 52, which relates to pacific settlement under regional arrangements, the party to the dispute shall abstain from voting irrespective of whether or not the party is a permanent or nonpermanent member of the Council.

The vote here, you will note, is not by a majority but is by a specific number of members.

The CHAIRMAN. I would like to interject right there if I may. I apprehend that there may be some question about the proviso in which a member of the Security Council, if it is a party to the dispute, does not vote, and the other clause that there shall be five permanent members vote before positive action can be taken. The construction of that paragraph was that this proviso is an exception to the general rule, and where a party to the dispute is a member of the Security Council, that there are then only four permanent members of the Security Council, excluding the party to the dispute, that vote; in that case the votes of any other three nonpermanent members can be counted to make up the number of seven. In all other cases, however, the votes of five permanent members are required.

I wanted to make that clear before we got involved in a lot of questions on the subject.

Mr. PASVOLSKY. That means that all actions are by a vote of seven members.

Senator VANDENBERG. What are procedural questions, Doctor?

The CHAIRMAN. They are defined here.

Mr. PASVOLSKY. The question of what constitutes procedural matters is defined in an interpretative statement issued by the four sponsoring governments at San Francisco. In the first place, the matters in the whole section on procedure, which includes articles 28, 29, 30, 31, and 32 are regarded as procedural matters.

I would like to recapitulate that if I may.

Article 28 says that the Security Council shall be so organized as to be able to function continuously. It says that there shall be periodic meetings of the Council at which there would be special representatives.

It says that the Security Council will hold meetings at other places than the seat of the Organization.

Whenever the Security Council is to make any decisions on these matters, it votes by an affirmative vote of any seven members.

Article 29 states that the Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions. Those decisions are made by the vote of any seven members.

Under article 30 the Security Council shall adopt its own rules of procedure, including the method of selecting its President. There the Security Council acts by the vote of any seven of its members.

The Security Council under article 31 may invite any Member of the United Nations which is not a member of the Security Council to participate without vote in the discussion of any question brought before the Security Council whenever the Council considers that the interests of that Member are specially affected. The decision as to whether or not the interests of that Member are specially affected and whether or not, therefore, that Member of the Organization should be invited to participate in the discussion would be made by the vote of any seven members of the Council.

Now, the same thing is true of article 32 which relates to the participation in the discussion by the Council of a dispute to which any Member of the United Nations which is not a member of the Security Council is a party or to which even any state which is not a Member of the United Nations is a party.

In connection with this, the Security Council is given the authority to lay down such conditions as it deems just for the participation of a non-Member state, and that decision is made by the vote of any seven members of the Council.

Senator WHITE. Mr. Chairman, I have not gotten clearly what is understood by the term "procedural question." Of course, that is very vitally important, because if a matter is a procedural question, it is beyond the reach of the veto power by the United States. If it is not a procedural question we have a power of veto.

Mr. PASVOLSKY. That is right.

Senator WHITE. Is there formulated and in print anywhere a catalog of those matters which are considered procedural?

Mr. PASVOLSKY. Yes, Senator White. May I recall the circumstances on this point?

At the Conference at San Francisco, the committee which dealt with the problem of the Security Council, and particularly with the question of the voting procedure, set up a subcommittee which formulated

a large number of questions which were addressed to the sponsoring powers as to their interpretation of the terms of this article 27 which I referred to a moment ago. The four sponsoring governments then prepared a statement which was issued by their delegations. It was a statement which was entitled "Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council." That statement is incorporated in Mr. Stettinius' report to the President, and you will find it beginning on page 73 and going through pages 73, 74, 75, and 76. It is given there in extenso. I do not know whether you would want to take the time to have it read, Mr. Chairman.

The CHAIRMAN. No. May I interject at that point and say that it is probably one of the best considered papers at the Conference, because it was mulled over and revised and redrafted a number of times, so that in its final form it represented the crystallized views and opinions of the four sponsoring powers at the Conference. Is that true, Doctor?

Mr. PASVOLSKY. That is true. Secretary Stettinius asked this morning that this particular statement be put in the record, so it is now in the record.

The CHAIRMAN. Do you want to insert it at this point?

Mr. PASVOLSKY. It has already been inserted.

Mr. STETTINIUS. I put it in this morning.

The CHAIRMAN. Very well. I remember you asked to have it done.

Senator GREEN. May I interrupt? In article 28, section 2, it says that the Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative. Does that mean it is limited to one, or can they send several with the combined vote of the Member, as in the case of the General Assembly?

Mr. PASVOLSKY. Senator, article 23 says that each Member of the Security Council shall have one representative. The representation on the Security Council is limited to one. This particular provision reflects two considerations involved in the operation of the Security Council; one that it was extremely important for the Security Council to function continuously, but at the same time it was thought very important that the meetings of the Security Council should provide an opportunity for periodic meetings of the Ministers of Foreign Affairs or Prime Ministers of the various governments, particularly of the governments represented on the Security Council. So the provision was written into this article that both procedures would be possible, in fact both procedures would be followed. Each member of the Council would be represented permanently on the Council by its representative at the seat of the Organization, and when it came to the periodic meetings each government would decide for itself whether it would want to be represented by its permanent representative or by its Foreign Minister or Prime Minister or other member of the government—for those particular periodic meetings—and whether the specially designated representative would sit on the Council with the permanent representative or would replace the permanent representative.

Senator GREEN. I do not think the plan is very clear, because in article 23 it seems to assume that the permanent representative be

designated, but in article 28, section 2, it seems to assume that this Government, we will say, would send a member of the Government or some other specially designated representative other than the permanent representative; in other words, we or any other nation could send a different representative to every meeting; could we not?

Mr. PASVOLSKY. Only at these special periodic meetings.

Senator GREEN. Only what?

Mr. PASVOLSKY. Only for these special meetings which may be held three or four times a year.

Senator GREEN. Well, article 23, section 3, says it shall have one representative.

Mr. PASVOLSKY. That is right.

Senator GREEN. And they can change him as often as desired?

Mr. PASVOLSKY. One representative at a time.

Senator GREEN. But that can be changed as often as desired?

Mr. PASVOLSKY. That is right.

Senator GREEN. But he is apparently excluded by implication in article 28, section 2, from those meetings.

Mr. PASVOLSKY. Paragraph 2 in article 28 provides that at these special periodic meetings of the Council, the government, if it so desires, may be represented just for that one meeting not by its permanent representative but by a specially designated representative or by a member of the government.

Senator GREEN. And if that specially designated representative went, then the permanent representative would have to stay away; would he not?

Mr. PASVOLSKY. The permanent representative could be there with him, and they could decide between them as to which of them would vote when a vote is to be cast.

Senator GREEN. Is not that inconsistent with what you said, that they could not have several representatives?

Mr. PASVOLSKY. One of them would be the designated representative, and the other one for the purposes of that particular meeting would not be the representative but he could be present.

Senator GREEN. But it says "specially designated representative." Then you mean that a specially designated representative is not a representative?

Mr. PASVOLSKY. I mean this, that for the purpose of the continuous functioning of the Organization there is a permanent representative of each Member State at the seat of the Organization. Now, obviously when that representative is away from the seat of the Organization, somebody else could be appointed in his place by the government. The state is represented and the vote is by the state. Let us say that once every 3 months there would be a special meeting of the Council which would replace its regular meeting, that is, it would be stipulated that once every 3 months, there would be a special meeting, and the government of each of the Member States could, if it so desired, ask its Foreign Minister, let us say, or its Prime Minister or another member of the government or another specially designated representative to replace for that particular meeting the permanent representative at the seat of the Organization.

Senator GREEN. In other words, as I gather from what you are saying, it seems to me that the language implies that you could only

have one representative there, and if the special representative went, the permanent representative stayed home.

Mr. PASVOLSKY. He would either stay home or attend the meeting.

Senator BARKLEY. As I understand it, if the permanent representative and the specially designated representative were both present, there would only be one vote and that would be the vote of the Member of the United Nations.

Senator GREEN. There is no question about there being only one vote, but my question was if they could have two there with one vote combined as in the General Assembly, they could have four or five with one vote, and you said "no," Doctor.

Mr. PASVOLSKY. Officially at the Council there would be one representative. "Each member of the Security Council shall have one representative."

Senator GREEN. That means only one, doesn't it?

Mr. PASVOLSKY. That means only one; but it does not mean that two or three persons could not be present at the meeting of the Council.

Senator GREEN. Only one at any meeting? Is that what it means?

Mr. PASVOLSKY. Let us say that only one can vote.

Senator GREEN. I do not care about the voting, I mean the representing.

Mr. PASVOLSKY. Senator, I should say that the situation would be that only one would be regarded as the representative for that particular meeting.

Senator GREEN. And especial representative would not be regarded as the representative?

The CHAIRMAN. Yes, he would.

Mr. PASVOLSKY. If the government desires to send a special representative, he would be the representative.

Senator GREEN. Diplomatic language is confusing to me.

Mr. PASVOLSKY. It is a somewhat confusing position.

The CHAIRMAN. Would not the man who bore the credentials of the government to the effect that he was the representative of the government at this meeting, regardless of who he is, would he not be the representative for that meeting?

Mr. PASVOLSKY. Surely, but that does not mean that two or three other people could not be there.

The CHAIRMAN. Of course not. They might have an audience as big as we have here today.

Senator HILL. Under article 30 it says, "The Security Council shall adopt its own rules of procedure, including the method of selecting its president." And under that right to adopt its own rules and procedures, it could determine to let one person in as the representative or let somebody else in too.

Mr. PASVOLSKY. Yes; indeed.

Senator LUCAS. What was the theory back of relieving the permanent representative on the Council and substituting some other man for these periodic meetings?

Mr. PASVOLSKY. The idea was that the Security Council, in addition to the responsibilities which would be placed on it and in addition to the other functions that it would perform, would provide a very useful occasion for periodic meetings of the Ministers of Foreign Affairs, of the Prime Ministers, particularly of the large powers. It was

thought that it would be easier for them to come to such meetings. They obviously could not be permanent representatives because they could not be at the seat of the Organization, but if it were made clear that at certain stated intervals they would be expected, if they could, to come to these meetings, then they could arrange their affairs in such a way as to be able to attend these meetings. That might provide an opportunity for the permanent representative to visit his home country, to acquaint himself with conditions at first-hand, because he would have been away for some time. It would provide a flexibility in the operations of the Council, and it would provide the possibility for these more or less routine meetings of Foreign Ministers.

The operations of the League Council certainly demonstrated the very great usefulness of that kind of a meeting, because a great many questions which would have been very difficult to settle at ad hoc meetings were settled with relative ease when these statesmen were together anyway.

Senator THOMAS. Does it not mean that if you had a particular question you could send a particular delegate to take care of that question?

Mr. PASVOLSKY. Certainly, for that particular purpose.

The CHAIRMAN. All right, Doctor; proceed.

Mr. PASVOLSKY. I have gone over the procedures in this chapter. Just to complete my answer to Senator Vandenberg's question—in addition to these, the election of judges is governed by a nonqualified vote of seven. The calling of a special conference is covered by that vote, and the question of discussion or consideration in the Security Council is governed by the procedural vote; the question there being as to when and how to have a discussion.

Now, Mr. Chairman, shall I go on with the three chapters which relate to the functions and powers of the Security Council?

The CHAIRMAN. Go right on.

Mr. PASVOLSKY. Chapter VI covers the procedure under which the Organization would operate in encouraging and bringing about pacific settlement of disputes. The procedure envisaged is somewhat as follows:

In the chapter on "Principles," the Members of the Organization assume the obligation to settle their disputes by peaceful means in such a way that international peace and security and justice are not endangered. That is a general obligation.

This obligation is made specific for a certain category of disputes, the category of disputes the continuance of which is likely to endanger the maintenance of international peace and security. Any countries which are parties to any such disputes obligate themselves by the terms of the Charter, first of all, before coming to the Council and before invoking any of the machinery of the Organization, to seek a solution of their difficulties by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or any other peaceful means of their own choice. That is, they are expected to resort to these means of their own choice and to exhaust them as fully as possible in an attempt to reach a pacific settlement of their dispute.

The Security Council at this stage is expected, under paragraph 2 of article 33, to watch the situation, and when it deems it necessary or

useful, to call upon the parties to such disputes to settle the disputes by means of their own choice. In other words, to remind them of their obligation to do so.

Now, the Security Council at any stage may investigate a dispute, or it may investigate any situation which might lead to international friction or give rise to a dispute, and investigate it for the purpose of determining whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Senator THOMAS of Utah. I am wondering if we can have a word about investigation there in connection with the question asked by Senator Millikin sometime ago? It was as to the investigatorial powers of the Assembly, I think he was thinking about. Is this Security Council power of investigation so broad that it includes all fields?

Mr. PASVOLSKY. The Security Council is empowered to make investigations here for a definite purpose—for the purpose of determining whether or not the continuance of a dispute or situation is likely to endanger the maintenance of international peace and security, because the Security Council, as is indicated later on, takes action only when it determines that a particular dispute is of such a nature that its continuance is likely to endanger the maintenance of international peace and security.

Senator THOMAS. Can it investigate a nation to see whether it is living up to its obligations under this agreement?

Mr. PASVOLSKY. It will investigate a dispute or a situation when it might lead to international friction or give rise to a dispute. I don't see how it can investigate a nation. It can certainly study a nation's behavior as expressed in its action.

Senator THOMAS. Can it study a nation's behavior to the extent that if a certain nation is made a trustee of a backward people it can step in and see whether it is honorably living up to that trusteeship or not?

Mr. PASVOLSKY. Senator, may I defer that question until we come to the trusteeship question?

Senator THOMAS. If you won't forget it.

Mr. PASVOLSKY. I won't forget it. You will remind me of it. That is a rather complicated problem there.

Senator THOMAS. It is rather important, is it not, Doctor?

Mr. PASVOLSKY. Oh, yes. But the importance here is that the investigation is for this particular stated purpose.

Senator MILLIKIN. Doctor, may I take your attention back to paragraph 2 of article 33? It says:

The Security Council shall, when it deems necessary, call upon the parties to settle their disputes by such means.

Is that a general direction or would the Security Council have the authority to tell the party to settle, for example, by arbitration?

Mr. PASVOLSKY. No; I think this definitely means to call upon the parties to settle a dispute by means of their own choice. The other power comes at a somewhat later stage. Or it may come at this stage if the Council wishes to do so, but it is not necessarily so.

Senator MILLIKIN. But you would say the Security Council does not have the right to order the parties to accept a particular method of peaceful settlement?

Mr. PASVOLSKY. No; it has not.

Senator ———. Why, may I ask right there, if the parties to a dispute adopt one of these methods enumerated in article 33, have they not performed their full obligations, or could they be required to try another additional method?

Mr. PASVOLSKY. They are required, Senator, I should say, under article 33 to exhaust all of these methods or those that may be applicable to a particular situation, because there is an obligation laid on them later on in this chapter in article 37, that if the parties to a dispute of the nature referred to in article 33 fail to settle it by the means indicated in that article, they shall refer it to the Security Council. Therefore, if they refer a dispute to the Security Council, the chances are that the first thing that the Security Council would do would be to say to them, "Have you exhausted the means enumerated in article 33 and any other means that you could think of for settling this dispute?"

The CHAIRMAN. Lest there be some misapprehension, somebody spoke about the authority of the Council to compel the states to do something. The suggestion that they adopt these peaceful methods only arises because of their obligation and their promise to do so, but there is no compulsion to make them do these things. Of course, if they don't, and a situation develops which threatens world peace, the quarrel then goes to the Security Council.

Mr. PASVOLSKY. That is right. The quarrel goes to the Security Council, and even so the Security Council can only recommend at this stage.

The CHAIRMAN. Oh, yes; it cannot compel them, though.

Mr. PASVOLSKY. Senator, there is a very important distinction to be kept in mind here. At this stage, the determination of the Security Council is on the subject of whether or not a dispute or a situation is of such a character that its continuance may lead to a threat to the peace or a breach of the peace. At a later stage, or at the next stage to which I will come in a minute, the determination of the Council will be as to whether or not a particular dispute or situation in fact represents a threat to the peace or a breach of the peace, and then the whole action is different. But as long as we are in the stage of determination by the Council as to whether or not the continuance of the situation is likely to lead to a threat to the peace or a breach of the peace that stage involves only the procedures described in chapter VI under which the Security Council may make various recommendations.

Senator LUCAS. Let me ask you this question, Doctor. Assume that a dispute arose between two nations and they failed to follow through—two nations that signed up the Charter—and they failed to carry through the suggestions made in chapter VI of article 33, is not there some penalty that can be attached to that nation that fails to follow through after it has obligated itself to do that very thing?

Mr. PASVOLSKY. Senator, when that happens, when the dispute is not settled as a result of action under article 33, then article 37 comes into play, as follows:

Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.



Then the Security Council, whenever a dispute is referred to it in those terms, makes the determination as to whether or not the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security. That is, it has to make a determination as to whether or not its intervention, which is provided for in the last two lines of that paragraph, will do more good than harm or the other way around. It has to decide whether a dispute is really of such a nature as described here. If it decides that the dispute is of such a nature, then it has no alternative—it has to act. Its action may be under article 36 which provides that it may recommend appropriate procedures or methods of adjustment. And there is, I think, part of the answer to Senator Millikin's question, that at this stage the Security Council may recommend not merely settlement by means of their own choice, but settlement by a particular means and by a particular method.

To go on further, if the Council considers that the situation warrants it, it can actually recommend the terms of the settlement. It may also recommend the terms of settlement when all the parties to any dispute request it to do so before reporting to it that they have failed to reach a solution of their problem by other means of their own choice.

Senator AUSTIN. May I ask some questions at that point, Doctor?  
Mr. PASVOLSKY. Yes, sir.

Senator AUSTIN. In the first place, we find that term "international security and peace" throughout the several chapters relating to the Security Council, and I first want to have you tell us what is recorded in the record as a disturbance or a threat to the maintenance of international peace and security. That is, my question means whether the threat of a disturbance between any two nations in the world falls within that expression?

Mr. PASVOLSKY. Yes, sir; it does.

Senator AUSTIN. It is not necessary, then, for the Security Council in order to have jurisdiction to find that the disturbance is of so grave an extent as to comprehend the peace of the world and threaten world war?

Mr. PASVOLSKY. The Security Council has discretion in determining when a situation or a dispute constitutes a threat to the peace.

Senator AUSTIN. Now, then, the precise change which occurs here in article 37 and in contrast to chapter VIII, section 9, subsections 4 and 5, of the Dumbarton Oaks proposals, is a change from the words in the Dumbarton Oaks proposals to "recommend appropriate procedures and methods of adjustment" to the term "to recommend such terms of settlement as it may consider appropriate." What does the record show was the thought at the San Francisco Conference that led to this very important change from the consideration of the sole question of security to the consideration of the merits of an issue and the finding of what is just and what is right and recommended action accordingly? What was the thought that caused that great change?

Mr. PASVOLSKY. Senator, I would like to call your attention first of all to paragraph 1 of article I which defines what is meant by the

phrase "to maintain international peace and security." That paragraph says—

to maintain international peace and security, and to that end: To take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

That is the definition of the concept of the maintenance of international peace and security.

Then we come to the place where the Organization places the primary responsibility for the performance of this function in the hands of the Security Council. So the Security Council becomes responsible for carrying out both of these two functions, the repressive function, if necessary, and the very important—the extremely important—preventive or adjustment function, as far as possible.

When we come to the chapter on Pacific Settlement of Disputes, at Dumbarton Oaks and in the Dumbarton Oaks document, the Security Council was given the authority to recommend appropriate procedures or methods of adjustment. In further consideration of the subject, and particularly in the light of the implications of the paragraph which I have just read that the function of the Organization is to bring about pacific settlement of disputes and take repressive action if necessary, if pacific settlement fails, it was thought that the powers which were given to the Security Council under the heading of Pacific Settlement were inadequate from that point of view; that even the League Council had the right to make recommendations to the parties as to terms of settlement.

Now, the power which was given to the Security Council to recommend appropriate procedures or methods of adjustment was retained. It is now found in article 36. It is a power of the Security Council. But in addition to that, two other authorizations are given to the Security Council. One is to recommend terms of settlement if all the parties to a dispute ask it to do so.

Senator AUSTIN. In effect it gives the authority to arbitrate, does it?

Mr. PASVOLSKY. That is right. It gives it authority to act as a special arbitral tribunal or a special conciliation agency as one of the means which a state can choose. That is, you include the Council in the phrase "other peaceful means of their own choice." That is matched by the right of the Security Council to recommend not only appropriate procedures or methods of adjustment, but, in grave cases and in appropriate cases, to recommend also terms of settlement when it comes to the conclusion that with respect to a dispute which it has determined to be of such a nature that its continuance is likely to impair peace and security, it could perform the best service in the field of pacific settlement by recommending terms of settlement rather than merely methods of settlement. The Security Council should not be prevented from exercising that function, because in that way its activities in the field of peaceful settlement are increased and strengthened, and that, it was felt, was all to the good.

Senator AUSTIN. I would like to know whether this is a correct judgment of what was done and what you finally did. Is it true that you accomplished the combination of the authority to pass upon the

merits of an issue and to enforce it by arms—that combination in the Security Council?

The CHAIRMAN. May I interject there that the recommendation carries no compulsion whatever.

Senator AUSTIN. That is just the point. Let us see if it does.

Mr. PASVOLSKY. I would like to say a word on that.

Senator AUSTIN. I call your attention to page 84 of the report to the President by the Secretary of State in which you will find this language relating to enforcement:

The parties are not obligated at this stage of a dispute to accept the terms of settlement recommended by the Security Council, any more than they are obligated to accept the Council's other recommendations. If, however, their failure to do so results in a threat to the peace, then the enforcement provisions of chapter VII come into play.

The Council has previously, in order to assume jurisdiction, made that last finding that there is a threat to the peace which grows out of this failure of the parties to settle among themselves. That was what gave the Council jurisdiction. Now the Council makes its recommendation. On the merits, it decides that one party is the aggressor, and recommends the remedy for the aggression. The aggressor says, "We are not obliged to take your recommendation." Thereupon, the Council finds that their failure to do so results in a threat to the peace, and therefore the enforcement provisions of chapter VII come into play. Is there anything wrong with that application of the report?

Mr. PASVOLSKY. Well, Senator, I think that when failure to settle a dispute by any of the means that are proposed here or in accordance with the terms that are recommended results in a situation which the Security Council considers as becoming a threat to the peace, then the Security Council presumably under its responsibility and power can take any measures that it feels necessary in order to restore or maintain international peace and security; provided there intervenes a determination by it that a threat to the peace exists. In this case, since it is a threat to the peace, its action is to maintain security.

If you will recall, Senator, the language of the Dumbarton Oaks proposals contained a paragraph which disappears in the new draft because it was considered no longer necessary and was covered by other provisions. That is a paragraph which was originally paragraph 1 of section B of chapter VIII:

Should the Security Council deem that a failure to settle a dispute in accordance with procedures indicated in paragraph 3 of section A, or in accordance with its recommendations made under paragraph 5 of section A, constitutes a threat to the maintenance of international peace and security, it should take any measures necessary for the maintenance of international peace and security in accordance with the purposes and principles of the Organization.

The substance of that paragraph is now embodied in article 39 which is the original paragraph that follows and is a generalized paragraph. It is embodied in part in this proposition and it is embodied in part in the new proposal about preliminary measures in article 40. This innovation, or what looks like an innovation in the terms of the Dumbarton Oaks proposals, is really not so much of an innovation, because when it comes to a situation in which the Security Council has determined that a threat to the peace exists, it is under an obligation to take whatever measures are necessary for the purpose of maintaining international peace and security.

Now, there is a question which is involved here which is rather important, and that is whether or not this converts the Council into a court. The whole tenor of the Charter is that as far as possible all legal disputes, that is all justiciable disputes, all disputes which involve situations that can be settled by a court, should be settled by a court. It is only where you have a dispute about such a matter, or of such a character, that the court cannot take jurisdiction because it does not fall within its compass that the Security Council should be the agency in the world to which nations can turn if they fail to achieve the settlement of a dispute by means of their own choice.

The **CHAIRMAN**. May I interject right there and make an observation, Senator? I do not quite agree with either one of you 100 percent. According to my view of article 37—

If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security it shall decide whether to take action under article 36 or to recommend such terms of settlement as it may consider appropriate—

Dr. Pasvolsky I think is correct in his statement that that is simply a part of its general authority to preserve the peace, and that by suggesting a settlement which is appropriate and which the parties accept, it has performed a very high function. I do not agree, however, that it adds anything to the jurisdiction of the Council under chapter 7. If the parties do not accept the recommendation, they have got to go under chapter 7 with no new jurisdiction but just what chapter 7 provides. I do not agree that there is anything in chapter 7 that would give the Security Council authority to say, "Well, you have got to change this boundary here and give this piece of territory to some other country," because there is nothing in chapter 7 that authorizes that sort of action. I think the recommendation is all right and perfectly sound and perfectly wise if they accept it, but if they do not accept it, it is just as though the proposition was never made and the recommendation never made. They are then remitted to chapter 7 with the enforcement provision without any other added jurisdiction and strictly within the powers conferred by chapter 7. That is my own individual view.

Senator **AUSTIN**. I think that is very important. Your views about the matter count very heavily, and they are a very important part of this record, and they give me a great deal of comfort.

The **CHAIRMAN**. I do not speak by any great legal experience or anything like that, but I was on this Commission when we did consider these very matters, and my construction—and others, I think, too—was simply an effort to get the parties together under peaceful settlement. You have already urged them to settle the dispute by arbitration, diplomacy, conciliations, and judicial settlement, and if they do not do it, and when they do not do it, all you can do is to take them before the Security Council. There is no compulsion for arbitration except as suggested by Senator Millikin except that the Council could pick out arbitration and suggest that the parties use arbitration, but if they do not use arbitration they are relegated to chapter 7 under its own jurisdiction and clauses, and this development does not add to that jurisdiction. It does not say they shall take action; it says "recommend" and "recommend" does not mean to enter judgment or to compel action on the part of the disputants.

Senator AUSTIN. May I ask a further question?

The CHAIRMAN. If you do not ask too many, I will try to answer them.

Senator AUSTIN. I would like to get your views about this: Assume that the dispute which the parties themselves could not settle involved the location of the boundary line, and thereby the Security Council believing and having found that this threatens the peace of the world and took jurisdiction and said, "On the merits this country should give us and deed to the other country certain territory" and fixes the boundary line at this or that place and says, "We therefore recommend that one country cede to the other certain territory." That is nothing but a recommendation, and they do not carry it out, and the disturbance still threatens the international peace and security. What I would like to have this record show is that this provision involves no more than that the powers of the Security Council under chapter 7 go only to the extent of preventing the issue getting to war and compel those parties to keep the peace. In spite of the failure to carry out the recommendation, all the Security Council can do is to prevent war. Is that your understanding?

The CHAIRMAN. That is a pretty broad question. I have not studied these things recently with that particular thing in mind, but I have already made the general statement that I do not think that the suggestion that the Council recommend such terms of settlement as they consider appropriate in anywise increases the Council's jurisdiction under chapter VII. It is just as though no recommendation was ever made. When the Council considers, under chapter VII, the boundary dispute we were discussing a moment ago, my tentative view is—and I think it will be confirmed—that the Security Council would have no authority to enter an order that "You have got to establish a new line here and hand this territory over to some other nation."

Senator AUSTIN. That is not my question.

The CHAIRMAN. I know what your question is. The Council can then take measures to prevent armed conflict, and they have that power under chapter VII.

Senator AUSTIN. Can they go any further than that? Having recommended the cession of certain territory in order to establish a boundary line, I would like to ask whether anybody in this Conference having to do with this treaty regarded this reference to chapter VII, that is the application of the enforcement provision of chapter VII, to have anything to do with the recommendation beyond the point of preventing the use of armed force between them?

The CHAIRMAN. That is my view.

Senator AUSTIN. That is what I would like to have Dr. Pasvolsky say. I would be glad if he can say that.

Mr. PASVOLSKY. Senator, as I read these provisions of chapter VI, chapter VI relates to the various things that the Security Council can do by way of recommendation, without the power to enforce, under a determination by it that the situation with which it is dealing if allowed to continue may threaten peace but does not yet threaten peace. When the Council gets into chapter VII as a source of its power, where it has power to act, it has to make another determina-

tion, and that makes article 39 one of the most important articles in the whole Charter.

Senator AUSTIN. Article 39 reads:

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with articles 41 and 42, to maintain or restore international peace and security.

Mr. PASVOLSKY. When the Council begins to make recommendations under article 39, that is another story. That is another kind of a recommendation, because that is a recommendation which occurs at a stage at which the Council has determined that there exists an actual threat to the peace or a breach of the peace. Even here, however, it is very important to bear in mind that in chapter V which relates to the powers and responsibilities of the Security Council it was stated that the Security Council shall in the performance of its duties be guided by and act in accordance with the Purposes and Principles of the Organization.

In the article on Purposes and Principles, article 2, it is stated that—  
The Organization and its Members, in pursuit of the Purposes stated in article 1, shall act in accordance with the following Principles—  
that is, both the Organization and its Members.

And paragraph 4 of the Principles states that all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

When it comes to the sort of a situation which you have described where there is a threat to the peace—let us say where there is an argument about a boundary and the Council makes a recommendation that by peaceful methods and by peaceful adjustment the parties to that controversy should adjust their boundary—that is one thing. When it comes to putting that recommendation into effect under the powers inherent in chapter VII, then the Security Council has to act in accordance with the Purposes and Principles of the Organization. It is not free, therefore, to act in any way that it chooses; it has to act in accordance with those Purposes and Principles, and that was clearly understood.

Therefore, as Senator Connally says, what the Council does under chapter VI in no way affects its powers under chapter VII, because chapter VII deals with a situation based on a different set of facts from the set of facts on which the powers of the Security Council are based under chapter VI. That is, there is the determination to which I have referred several times as to whether or not an actual threat to the peace exists.

Senator AUSTIN. In effect I gather from what you say that this provision or application of chapter VII that is referred to in the report by the Secretary of State to the President on page 84 does not apply to this situation and ought not to be there. This provision reads:

If, however, their failure to do so results in a threat to the peace, then the enforcement provisions of chapter VII come into play.

Mr. PASVOLSKY. But that is absolutely correct. If their failure to accept this recommendation results in a situation which is determined by the Security Council to constitute a threat to the peace, it

is no longer a situation the continuance of which may threaten the peace, but it is a situation which itself represents a threat to the peace. When the Security Council determines that, then irrespective of what happened, irrespective of whether it was a failure to accept its recommendation or any other act that led to the creation of that situation, the powers of the Security Council under chapter VII as they relate to the enforcement provisions come into play.

The CHAIRMAN. Would it bother you, Senator Austin, if we pause for a moment to determine whether to recess or not? I will wait until you get through if you would rather.

Senator AUSTIN. I would rather you waited until I finish. The thought is in my mind and I would like to finish it.

The CHAIRMAN. All right.

Senator AUSTIN. In this report to the President, action under chapter VII is coupled up with the action under chapter VI, isn't it? Do you have that before you?

Mr. PASVOLSKY. That is on page 84, paragraph 2.

Senator AUSTIN. They are coupled there. You say they ought not to be coupled, that they are not related to each other. Can you say, then, that the use of military authority which is granted by chapter VII, is not intended by this treaty to be used to enforce in this indirect way, that is spoken of here on page 84, the recommendation of the Security Council, but is used only for the purpose of preventing hostilities?

Mr. PASVOLSKY. I would say that; certainly.

Senator AUSTIN. All right. Let us have the record rest there. That is where I thought it ought to be left. It is not my disposition in asking these questions to develop the fact that this expansion of the authority of the Security Council was intended to combine in the Security Council both the powers of judgment and the powers of execution of the judgment. I think that would be a grave mistake and a step backward instead of forward.

The CHAIRMAN. Senator Austin, with all due respect to the Secretary and to you, the report to the President could in no wise control the text of the Charter. If there is any conflict, the text of the Charter would govern.

Senator AUSTIN. I think this clears it up in good shape.

The CHAIRMAN. What is the disposition of the committee about recessing now?

Senator VANDENBERG. I move we recess.

The CHAIRMAN. If we recess now, what is the will of the committee? I would like to go on at 10 o'clock tomorrow morning. Is there any objection to proceeding at 10 in the morning instead of 10:30?

(No response.)

The CHAIRMAN. I hear no objection, and we will recess until 10 o'clock.

(Whereupon, at 5:10 p. m., the committee adjourned until tomorrow, Tuesday, July 10, 1945, at 10 a. m.)





# THE CHARTER OF THE UNITED NATIONS

TUESDAY, JULY 10, 1945

UNITED STATES SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, D. C.*

The committee met, pursuant to adjournment, at 10 a. m., in the caucus room, Senate Office Building, Senator Tom Connally, chairman.

Present: Senators Connally (chairman), George, Wagner, Thomas of Utah, Murray, Green, Barkley, Guffey, Tunnell, Hatch, Hill, Lucas, Johnson of California, Capper, La Follette, Vandenberg, White, Shipstead, Austin, Bridges, and Wiley.

Also present: Numerous other Senators not members of the committee.

The CHAIRMAN. Let the committee come to order.

Dr. Pasvolsky, you may resume your statement.

## STATEMENT BY LEO PASVOLSKY, SPECIAL ASSISTANT TO THE SECRETARY OF STATE FOR INTERNATIONAL ORGANIZATION AND SECURITY AFFAIRS—Resumed

Senator AUSTIN. Mr. Chairman—

The CHAIRMAN. Senator Austin, of Vermont, desires to propound an interrogatory.

Senator AUSTIN. Briefly, the question is related to what we were discussing when we adjourned. I should like to know whether the record shows that the text finally settled on for article 37 leaves the matter in this situation: That the power of the Security Council to act promptly whenever hostilities commence is undisturbed and that it is not necessary for the Security Council under the new wording to delay the application of armed force to the situation while it considers the merits of the issue.

Mr. PASVOLSKY. Senator, the record certainly shows that your interpretation is entirely correct.

I should like to read, Mr. Chairman, a paragraph from the report of the rapporteur of the committee at the Conference which dealt with this matter. It is an interpretation unanimously approved by the committee. [Reading:]

In using the word "recommendations" in section B—  
that is the section relating to enforcement measures—  
as already found in paragraph 5, section A—

that is the section relating to peaceful settlement—

the committee has intended to show that the action of the Council so far as it relates to the peaceful settlement of a dispute or to situations giving rise to a threat of war, a breach of the peace, or aggression, should be considered as governed by the provisions contained in section A—

That is, power to make recommendations and not to impose terms.

Senator AUSTIN. And at no time will it involve the application of armed force?

Mr. PASVOLSKY. No.

Under such an hypothesis—

the report continues—and I should like to call attention particularly to this—

the Council would in reality pursue simultaneously two distinct actions, one having for its object the settlement of the dispute or the difficulty, and the other, the enforcement or provisional measures, each of which is governed by an appropriate section in chapter VIII.

Now, the effect of that, of course, is that the Council is under an obligation to move immediately it determines that a threat to the peace or a breach of the peace exists. As you properly pointed out, Senator, the Council does not have to wait until there is a determination of who is right and who is wrong. The problem is to stop the fighting or to remove the threat to the peace as soon as possible.

Senator AUSTIN. In other words, you have not, by the change of language, changed this primary duty of the Security Council to maintain security from war?

Mr. PASVOLSKY. In no way.

Senator AUSTIN. Thank you.

Senator BURTON. Mr. Chairman.

The CHAIRMAN. Senator Burton.

Senator BURTON. Before leaving these articles, there are a few questions I should like to ask with regard to them.

First, dealing with article 37, it is clear, is it not, that under all of the articles on the pacific settlement of disputes, including article 37, the parties to the dispute may not participate?

Mr. PASVOLSKY. That is correct.

Senator BURTON. Therefore, on the issue of determining whether the continuance of a dispute is likely to endanger peace and security and the issue of recommending terms of settlement, the decision would be made by the Security Council without the participation of parties in interest?

Mr. PASVOLSKY. Yes, sir.

Senator BURTON. Therefore, the veto power is distinctly limited by the fact that it excludes from the veto the parties in interest?

Mr. PASVOLSKY. That is right.

Senator BURTON. Therefore, we do have under article 37 what we otherwise would not have, a disinterested international body of high standing in a position to recommend actual terms of settlement of a matter of great import which actually endangered the maintenance of peace and stability in the world?

Mr. PASVOLSKY. Yes, sir.

Senator BURTON. Under those circumstances, would you explain this result? That would mean that one of the permanent members

would not be able to vote on a recommendation of terms of settlement for itself?

Mr. PASVOLSKY. That is right.

Senator BURTON. But on terms of settlement affecting other people, it would be able to vote and to veto?

Mr. PASVOLSKY. Yes, sir.

Senator BURTON. Well, if it is deprived of the right to veto in terms of settlement relating to itself, why is it so important to have the right to veto terms of settlement relating to somebody else?

Mr. PASVOLSKY. Senator, the statement which was read into the record yesterday by Secretary Stettinius on the interpretation of the voting procedure goes into this subject in considerable detail. In that statement the justification for this action is that when a permanent member is a party to a dispute, then it has already put itself in a position in which it might be disciplined by the Organization. When it is not a party to a dispute, then the action taken by the Security Council may lead to a chain of measures in which it would have to participate, and since that claim may end up with the use of force, it was thought that the countries which would have the primary responsibility for the action to be taken in the maintenance of international peace and security should be in a position to concur or not concur in the steps which might lead to that action.

Senator BURTON. Well, it was the very distinction that Senator Austin made that impressed upon me the fact that those two steps under 37 and under 39 were separate, and, therefore, although what you say appeals to me, that a party in interest should not participate in recommending terms of settlement, nevertheless if article 37, which does not deal with enforcement but does deal with recommended terms of settlement by peaceful means under article 37, it would appeal to me that there would be ample meeting of the needs of the situation if that were decided by a majority vote rather than by veto power upon any individual over that particular matter, because it does not necessarily lead to the use of force, but only leads to the use of force in the sense it comes under article 39, which is the veto power, and I think it would add great strength to the chances for peaceful settlement if we had an opportunity to determine the terms of settlement by a majority vote.

Mr. PASVOLSKY. There is another article which is rather important in this connection. After all, the purpose of trying to bring about peaceful settlement of disputes or situations is to create a situation in which it would not be necessary to apply force. Therefore, you will want the process of recommendation to be as weighty as possible and as effective as possible. Now, it is certainly true that a recommendation on which the principal powers are united will carry much more weight than a recommendation on which they are divided. This is true, for one thing, because the countries to which a recommendation is made will certainly argue that if the principal powers could not agree on a recommendation, there is less chance of their agreeing on action, and, therefore, there is no need to pay any attention to what is being said. There are also a good many other arguments in the same direction.

The CHAIRMAN. May I inject right here, Senator, in connection with your question? You meet the question of their interest when

you exclude them from voting on their own quarrel, of course, which is proper.

There was another highly important consideration, that if we started out with a divided Security Council, even though there was a peaceful settlement reached, it might encourage each one of the disputants to quarrel further.

One of them could thing, "Well, there are two fellows on the Council who are for me"; and instead of composing the difference, it would increase feeling and agitation and might result in a situation much worse than if the Council were to say, "No, we will not inter-vene."

That was one of the considerations that operated on my mind and, I think, on the minds of a great many others; that it would be fatal to start out with divided opinion right at the beginning, since that divided opinion might increase in vigor and feeling. Each side would think that it had some support on the Security Council and the dispute would broaden into what might develop into a very serious difficulty. Since unanimity is going to be required in the final analysis on the use of force, we had better maintain that same principle from the beginning of the dispute.

Senator BURTON. The thing I wanted to emphasize and get clearly in mind as to how far article 37 went was this: I regard article 37 as the high point of the means of reaching possible disposal of disputes without resorting to force. This is the last recourse before force, as I see it, and here we have what we have never had before, an opportunity for large and small bodies representing the world to meet as a forum in which there may be presented the merits of the issue without the disputants taking part in it, and you can have a vote upon what are the recommended terms of settlement. I think that that is the greatest ultimate chance for possible settlement that there is in the document.

Before a resort to force, as I see it, you have the Security Council voting. If the dispute is between two of the permanent members, those two members are excluded from voting or veto, and, therefore, you have the judgment of the world.

May I press the interpretation a little further? I think Senator Austin touched on this, but I was not quite certain of Dr. Pasvolsky's answer. Article 37, paragraph 2, states [reading]:

If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security \* \* \*.

I should like to understand whether international peace and security is endangered automatically when two nations have a controversy, or must it involve the peace of the world?

Mr. PASVOLSKY. Senator, the question of the definition of danger to international peace and security or threat to international peace and security necessarily has to be left to the determination of the Council.

Senator BURTON. I want to be clear that it is not sufficient to meet the requirements here that there merely be two nations having a dispute and that therefore there is an international dispute and danger of breaking international peace between the two of them.

Mr. PASVOLSKY. You see, the purpose of this "if" clause is that the Security Council has to determine that a particular dispute in fact

is of such a nature that its continuance would be likely to endanger the maintenance of international peace and security. Now, "international peace and security," I should say, is understood broadly here. A dispute may involve only two nations at the start, and if the Security Council thinks that the dispute will grow and involve other nations, it will want to act. The Security Council, however, has to be the judge as to whether the dispute is of such a nature that it should intervene and take action. It will also have to decide whether or not its intervention might make the situation worse.

Senator BURTON. I appreciate that broader definition. That is decided by the vote we have just discussed under article 37, without the parties in dispute participating?

Mr. PASVOLSKY. That is right.

Senator BURTON. Dropping to article 39, we have a different set of words [reading]:

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression \* \* \*

Are those the same in their effect as the words above—  
maintenance of international peace and security—  
or do they mean something different?

Mr. PASVOLSKY. The difference here, Senator, is that article 39 envisages a situation which has become so aggravated that it is no longer a question of whether or not it may result in a threat to the peace, but an actual threat to the peace exists.

Senator BURTON. Therefore, there may actually be a somewhat different test under article 39 than what was made under article 37?

Mr. PASVOLSKY. Oh, yes.

Senator BURTON. Of course, there is a difference in the vote of the parties upon the issue. I take it, when you come under article 39 and determine this threat, the parties to the dispute should participate in the vote?

Mr. PASVOLSKY. That is right.

Senator BURTON. And have veto power?

Mr. PASVOLSKY. That is right.

Senator BURTON. Therefore, you have both a difference in the issue and a difference in the voting rights of the parties?

Mr. PASVOLSKY. That is right.

Senator BURTON. Referring again to the point Senator Austin made, as I understood you, Doctor, you said that article 39 does not provide authority for the enforcement of the terms of settlement under article 37.

Mr. PASVOLSKY. That is right.

Senator BURTON. Turning then, for a moment, to article 94, we have reference to the International Court in paragraph 2, and on page 224 of our compilation we read as follows:

If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

We there have a different relationship to the judgment of the Court than we had under article 39, in relation to the recommendation of the Council, have we not?

Mr. PASVOLSKY. Not necessarily, because these measures that are mentioned here do not have to be measures of enforcement.

Senator BURTON. They do not have to be. I get that point. Nevertheless, the Security Council can decide upon measures to give effect to its judgment and become in its own discretion the enforcement agency of a court decision?

Mr. PASVOLSKY. Article 94 would have to be governed by the powers conferred upon the Council in the other parts of the Charter; that is, the language there would have to be governed by the powers which the Security Council possesses. If the Security Council possessed powers of imposing settlements, then this paragraph could be read in terms of enforcement action. But since it does not possess those powers, I think this paragraph must be read in terms of such powers as it does possess.

Senator BURTON. Is the Security Council the sheriff of the Court?

Mr. PASVOLSKY. I think the explanation of this paragraph is that when the Court has rendered a judgment and one of the parties refuses to accept it, then the dispute becomes political rather than legal. It is as a political dispute that the matter is referred to the Security Council. The Security Council then acts not as a judicial body, because the judicial body has already acted, but in its capacity as a political body in a dispute which is a political dispute or in a situation which is a political situation.

Senator BURTON. But it is contemplated, is it not, that if the International Court reaches a decision and a party fails to perform the obligations incumbent upon it under their judgment, the other party may have recourse to the Security Council, and the Security Council then may by a vote of seven, including, I take it, in this kind of case all the permanent members, proceed to enforce that judgment?

Mr. PASVOLSKY. The Security Council may proceed to take action only within the scope of its powers, and the actual scope of its powers is such that the Council can act only after it makes certain determinations.

Senator BURTON. You mean at that point, if it is about to consider enforcing this judgment, there would have to be determined before it enforced it whether or not its failure to enforce it would constitute a threat to the peace, a breach of the peace, and so on?

Mr. PASVOLSKY. Surely. The Security Council would have to determine first of all, under chapter VI, whether or not a continuance of that situation would be likely to threaten the peace, and then it could take the measures which are indicated under chapter VI. Then, if the situation became aggravated, it would have to determine under article 39 whether that particular situation actually represented a threat to the peace. If it is so determined it could act under article 39; but its action under article 39, for the purpose of maintaining international peace and security, would be for that purpose primarily.

Senator BURTON. Then, I get this picture: that if the Court renders a decision, it is hoped that the parties will abide by that decision by reason of the significance of the Court?

Mr. PASVOLSKY. That is right.

Senator BURTON. If they do not, then the Court has no sheriff upon whom it can call for enforcement, but it has the Security Council to which it can go, and if the peace of the world is threatened,

then the Security Council in its own discretion by a majority vote, including the major nations, will proceed to enforce that judgment?

Mr. PASVOLSKY. The Council may proceed, I suppose, to call upon the country concerned to carry out the judgment, but only if the peace of the world is threatened, and if the Council has made a determination to that effect. It is the party, not the Court, that goes to the Council. It is the aggrieved party, the party which is willing to abide by the determination of the Court when the other party is not willing so to abide. The Council is not a sheriff in the sense that the Council enforces the Court's decision when the Court asks it to enforce it. The Council simply handles a political situation which arises out of the fact that the judgment of the Court is not being carried out by one of the parties.

Senator BURTON. If it works smoothly, the Security Council will be so convinced of the justice of the decision of the Court that they would feel perhaps that any failure to abide by it would be a threat to the peace of the world; wherefor they would proceed, by a vote of seven, to enforce it, and they could call upon the whole world to go with them?

Mr. PASVOLSKY. The Council would act if it thinks that peace is threatened.

The CHAIRMAN. If the party against whom the judgment were rendered contumaciously and stubbornly refused to abide by the decision, that government could, if the organization desired, be expelled under other clauses of the Charter?

Mr. PASVOLSKY. That is right.

The CHAIRMAN. It could be expelled for its failure to observe its obligations under the Charter?

Mr. PASVOLSKY. That would be one of the sanctions.

The CHAIRMAN. All right.

Senator BROOKS. Mr. Chairman——

The CHAIRMAN. Senator Brooks.

Senator BROOKS. In article 39 we read that [reading]:

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression \* \* \* .

I find no definition in the Charter of the phrase "act of aggression." Will you tell us why that was avoided?

Mr. PASVOLSKY. That, Senator, was done deliberately, because it was found impossible to find a comprehensive, all-inclusive definition, and it was felt that unless the definition of the word "aggression" were left to the Security Council itself, we would simply be setting up standards which would provide an easy escape for a would-be aggressor. The definition would be just a signal as to what should be avoided.

Senator BROOKS. That is a change, however, in the usual practice in drawing up an international agreement, is it not?

Mr. PASVOLSKY. Well, it is certainly customary in many cases to leave matters of that sort to the discretion of a body that will have to do the administering.

The CHAIRMAN. May I interject right there? I may say, Senator, that we faced this difficulty: If we undertook to tabulate all the kinds of aggression in a definition, we would probably exclude some situation which, judged by the circumstances of the case and the facts, would be acts of aggression and yet not described in the definition. That was

the primary consideration. We felt that "aggression" was a term of such common knowledge and so well understood that it would be wiser to leave it to the determination of each particular case on the facts and circumstances attending it at the time, rather than to undertake to anticipate all the possible situations which might make this definition too long and would exclude some of the possible situations.

Senator BROOKS. I may say to the chairman that in studying the Charter for the Inter-American League, made at Chapultepec on March 3 of this year, I found quite an elaborate definition of "act of aggression." Certainly the one where invasion of our country by another is listed. You felt that that was not necessary to put into this?

The CHAIRMAN. No. That certainly would be clear. Invasion would be so palpably an act of aggression that it would be unnecessary to define it.

Senator BROOKS. Then, it will be left to the Security Council itself, will it, Doctor, to determine what is an act of aggression?

Mr. PASVOLSKY. Yes, Senator.

Senator WHITE. Mr. Chairman, I might observe here that that same language, or those same words, "act of aggression," were in the Dumbarton Oaks proposal. The Conference simply adopted the language which came from the Washington Dumbarton Oaks Conference.

Am I right on that, Doctor?

The CHAIRMAN. I am sorry, Senator; I did not catch that.

Senator WHITE. I say, the same language, or the same words, "act of aggression," without further definition, were employed in the Dumbarton Oaks proposals that we ourselves sponsored.

The CHAIRMAN. That is right. The Senator is correct.

Senator VANDENBERG. May I add this thought? The point raised by Senator Brooks applies at a great many points in the Charter where details are not spelled out. I remember the many arguments we had on the subject in the various committees and commissions. If we had inserted all the definitions which various nations sought from time to time, we would have had a document a thousand pages long.

The analogy that was constantly argued at San Francisco was that we were writing a constitution, in effect, rather than a statute, in effect, and we had to confine ourselves to general terms.

The CHAIRMAN. That is correct.

Senator BARKLEY. Mr. Chairman—

The CHAIRMAN. Senator Barkley.

Senator BARKLEY. Getting back to the matter of the decision of the Court which one of the parties would not obey or comply with. In that case, if the matter is referred to the Council, the Council is not limited in its method of enforcement or adjustment to anything that happened in the Court, but it would have the same power, within the scope of its authority, that it would have had if the case had originally been brought before the Council?

Mr. PASVOLSKY. I think that is right, Senator.

Senator BARKLEY. So it would not be limited in any way in its jurisdiction to adjust it merely because it had gone to the Court and one of the parties had refused to abide by the decision?

Mr. PASVOLSKY. I think it would have to be considered as a case coming to the Council.



The CHAIRMAN. Permit me to interrupt the discussion to say to the committee that we are honored this morning by having present Sir Ramaswami Mudaliar, who was chairman of the delegation from India at the World Conference. I should like to present the gentleman.

(Sir Ramaswami Mudaliar, chairman of the delegation from India, rose and was greeted with applause.)

The CHAIRMAN. I will say that the delegate was very active and took a leading part in the deliberations of the Conference. We are very happy to have him present.

SIR RAMASWAMI MUDALIAR. Thank you, sir.

Senator HILL. Mr. Chairman—

The CHAIRMAN. Senator Hill.

Senator HILL. Is this not true: That in all matters considered and acted upon by the Council, no matter what those matters may have received by some other organization or some branch of this organization, the treatment by the Security Council is always de novo, so to speak? In other words, it never acts on an appeal or passes judgment on what some other organization has done; it acts de novo on what has originated in the Council?

Mr. PASVOLSKY. That is right.

Senator BURTON. This is a matter that I should like to make emphatic in the record. There has been a good deal said about the veto right of any one of the permanent members. As I understand the voting provisions in article 27, it has been provided in every case that there must be a majority of seven. Therefore, is it not true that there is a complete veto right in any five of the Council that join together, Doctor, at any time on any matter that comes before the Council?

Mr. PASVOLSKY. Yes, sir. May I read a paragraph from the statement to which I referred—the interpretative statement on voting—which bears on this point? [Reading:]

It should also be remembered that under the Yalta formula the five major powers could not act by themselves, since even under the unanimity requirement any decisions of the Council would have to include the concurring votes of at least two of the nonpermanent members. In other words, it would be possible for five nonpermanent members as a group to exercise a "veto." It is not to be assumed, however, that the permanent members, any more than nonpermanent members, would use their "veto" power wilfully to obstruct the operation of the Council.

Senator MILLIKIN. Mr. Chairman—

The CHAIRMAN. Senator Millikin.

Senator MILLIKIN. Mr. Pasvolsky, is the Charter intended to operate prospectively exclusively, or may it look into the past acts of aggression, for example, and consider their effect on the continuing state of peace in the world?

Mr. PASVOLSKY. Well, Senator, the Security Council will have to act on cases as they arise. Now, in examining those cases it will, of course, examine all the circumstances that are pertinent. But there would have to be in the case of peaceful settlement, a situation the continuance of which may threaten the peace. In the case of enforcement, an actual threat to the peace or breach of the peace must exist.

Senator MILLIKIN. But if there has been a past aggression, and if that past aggression threatens the peace of the world, may the Council look into that and take action on it?

Mr. PASVOLSKY. Senator, I am not quite sure that I know how past aggression can threaten peace. There has to be current action which threatens peace.

Senator GEORGE. If it were a continuing circumstance or situation, then, of course, the Council would have jurisdiction; would it not?

Mr. PASVOLSKY. Of course, if it is a situation which continues to exist.

Senator MILLIKIN. I quite agree; but let us assume that during the course of this war country A has performed an act of aggression against country B. Let us assume that for the time being, at least, that act of aggression has been completed but that by its nature and consequences it does threaten the peace. Could the Security Council go into that?

Mr. PASVOLSKY. Not necessarily. That would depend, Senator, do you not think, on whether or not the country which feels that it is the aggrieved country wishes to see something done about it?

Senator MILLIKIN. Yes.

Mr. PASVOLSKY. It is that situation that would be governing in the case.

Senator MILLIKIN. If the aggrieved country, under the case that I have mentioned, makes complaint to the Security Council, the Security Council would have the authority to consider the case, make recommendations on it, or take action on it, even though the act of aggression had occurred prior to the set-up of this Charter?

Mr. PASVOLSKY. Well, Senator, an act of aggression is not the sole criterion for action by the Council. The Council acts when it considers that the continuance of a situation threatens the peace, when it considers that a threat to the peace has arisen, when an act of aggression has occurred, that is when it is known who is the guilty party, or when any other breach of the peace occurs.

Senator MILLIKIN. I mentioned an act of aggression because, to my mind, that was the sharpest term I could use, to give the sharpest possible focus to it.

Let us assume that country A has committed an act of aggression against country B during this war. Country B complains. The Council could approach that from the viewpoint that the results of that aggression are a continuing threat to the peace, could it not?

Mr. PASVOLSKY. I think the Council in that case would have to consider whether or not the situation as it exists at the particular moment between the two countries gives rise to a condition which threatens the peace. What its origin was is another story. That is something the Council would have to consider. But what is significant for the Council is whether or not the peace is threatened or is likely to be threatened.

Senator MILLIKIN. If there were a threat to the peace, and if it grew out of a past transaction, the Council could consider it, make recommendations, and possibly take action; is that correct?

Mr. PASVOLSKY. Yes, sir. The Council could consider any threat to the peace.

Senator BARKLEY. Taking the confused situation in the world, which the San Francisco Conference could not consider or deal with—

that is, the setting up of new nations or the changes of boundaries, and all those things which will presumably be settled by the final Peace Conference when the war ends—if after that any of those decisions arrived at should continue to be threatening circumstances, or there should be dissatisfaction which would continue to be agitated by one nation or another, that might endanger the peace of the world no matter how long that controversy may have existed, if it is a current hang-over, as we might say, from an international situation, the Council could consider it?

Mr. PASVOLSKY. I think so. I should certainly think so.

Senator MILLIKEN. Mr. Pasvolsky, the question of the Senator from Kentucky brings to my mind the thought that sometime during the hearings there should be a rather complete discussion of the relation of the possible action of this organization to the things that are done in connection with our military occupation of defeated enemy countries, so let me at this time ask you would the Council, for example, have jurisdiction to inquire into the way that the Allied military forces were handling problems of the defeated enemies?

Mr. PASVOLSKY. No, Senator. The Charter provides that the handling of the enemies in this war would be in the competence of the victorious powers until such time as they chose to charge the Council with the performance of those duties and the Council accepts the responsibility. That is specifically stated in the Charter.

Senator MILLIKEN. So it follows from that that until the day comes when the military authorities turn the problems over to the organization, the organization will concern itself with problems arising in other parts of the world?

Mr. PASVOLSKY. That is right; it will not be concerned with this.

The CHAIRMAN. Proceed, Doctor. I suggest that when you reach a paragraph that is quite clear, unless some question is asked, you pass on.

Mr. PASVOLSKY. Mr. Chairman, we are on chapter VII, which deals with action with respect to threats to the peace. I wonder if there are any questions on any of the articles in the chapter.

Senator BURTON. There is just one question that I should like to emphasize. I think there is no doubt about the answer, but I think it is of extreme importance that we realize it. Article 42 is the article which prescribes that [reading]:

Should the Security Council consider that measures provided for in article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.

That is the paragraph that gives the right to acts by force?

Mr. PASVOLSKY. That is right, Senator.

Senator BURTON. The distinctive feature, as I see it, apart from all other encumbrances, is that by a vote of 7 members of the world Members of this Organization, which have to include the 5 permanent members—but by 7 out of 50—those 7 now can, for the first time, turn to the whole world for enforcement of a measure. The 7 can order 50 to war and proceed with it.

Mr. PASVOLSKY. The 7 can decide that enforcement action should be taken by the 50. There is one proviso, however, which is contained in article 44, which states that the Members of the Organization which are not members of the Security Council may be invited, if they so

desire, each in turn to sit with the Council in the Council's decision as to the uses of that particular state's forces. The result is that when the Council, by the vote which you have indicated, has made a decision that armed force must be used, that decision is immediately binding upon all members who are obligated to carry it out. That obligation is, however, qualified by article 44 with respect to the use of forces of members not represented on the Security Council. But you are absolutely right in saying that this is something new and very important.

Senator VANDENBERG. I am challenged by the language used by the Senator from Ohio when he says that 7 nations can order 50 nations to war. I suppose that that might be literally true, but that certainly is not the theory upon which we are operating. Seven nations are going to order 50 nations to the use of force to preserve peace, which is a totally different conception.

Senator BURTON. I may say that I concur entirely in the Senator's point of view.

The CHAIRMAN. Let me interject there. When the Senator says that 7 members of the Council can do so and so, they are not doing it in their individual capacities; they are doing it as agents of the other 50. Under this Charter, they become the executive authority of all of them; just as when the President of the United States does something under his authority, he is doing it for the people of the United States who have invested him with that authority.

So I wish to concur in Senator Vandenberg's observation that it is not a warlike act; it is an effort to preserve the peace. The seven members of the Security Council are acting in their representative capacities.

Senator BURTON. Let me say this. I take it that 7 can speak for the 50 to the extent that article 44 permits them to speak. But what they can do is call them to arms in order to resist aggression, for example, upon the world.

Mr. PASVOLSKY. That is right.

The CHAIRMAN. That is right.

Mr. PASVOLSKY. And, Senator, the Charter, of course, specifically states what you have just said: That the Security Council acts on behalf of all of the Members of the Organization.

The CHAIRMAN. The Members of the Organization, in this Charter, give them that authority.

Mr. PASVOLSKY. Give them that authority specifically—in specific language.

Senator GEORGE. Doctor, as I understand it, one of the so-called Big Five permanent members is not precluded from voting when the situation passes outside and beyond the pale of peaceful means?

Mr. PASVOLSKY. That is right, Senator.

Senator GEORGE. It has that power when force is actually invoked?

Mr. PASVOLSKY. When force is actually invoked.

Senator GEORGE. Although it is a party to the dispute.

Senator MURRAY. Mr. Chairman—

The CHAIRMAN. Senator Murray.

Senator MURRAY. Dr. Pasvolksy, when the war comes to an end and the peace conference is held, there will be a settlement of these various acts of aggression that have occurred during the war. Do I

understand that after that peace conference has acted, the Security Council may review their acts and declare certain acts that have been settled in the peace conference as wrong and endangering the peace of the world, and would the Security Council be entitled to act on them?

Mr. PASVOLSKY. No, Senator. It would not be a question of reviewing any act. The power of the Security Council is to consider any situation which, in its opinion, constitutes a threat to the peace of the world, not to review any actions.

Senator MURRAY. I know; but still if the peace conference is settling some of these questions, I understand from some of your answers that, nevertheless, the Security Council could declare some of those acts as continuing to threaten the peace of the world.

Mr. PASVOLSKY. Well, the Security Council would certainly be under obligation in performing its duties to consider all the circumstances that bear on any case which, in its opinion or in the opinion of somebody who brings the case to them, threatens the peace of the world.

Senator MURRAY. In so doing, they may nevertheless be reversing some of the decisions made at the peace conference?

Mr. PASVOLSKY. They cannot reverse any decisions.

Senator MURRAY. What is that?

Mr. PASVOLSKY. The Security Council cannot reverse any decisions.

Senator MURRAY. They would do it by declaring some of those acts of aggression as continuing and threatening the peace of the world.

Mr. PASVOLSKY. Well, Senator, I cannot see how the Security Council can declare a settled situation—

Senator MURRAY. I do not see how it can either.

Mr. PASVOLSKY (continuing). As a continuing act of aggression.

Senator MURRAY. In some of your statements, however, you have said that if certain acts of aggression had occurred during the progress of the war and were still continuing and disturbing the peace of the world, the Security Council would be entitled to act.

Mr. PASVOLSKY. Well, if my answer sounded anything like that, I certainly did not mean that. I could not mean that.

Senator MURRAY. That was the inference I draw.

Mr. PASVOLSKY. I am sorry. If the record shows that, I should like to correct it, Mr. Chairman.

Senator MURRAY. Thank you.

Senator GEORGE. The most that could be said, Doctor, is that if the present situation is one that creates a threat to peace and security, then the jurisdiction of the Council may be invoked?

Mr. PASVOLSKY. That is right.

The CHAIRMAN. I beg the committee's pardon for interjecting; I will try to stop it.

Suppose in the peace settlement boundaries should be involved between say Greece and Yugoslavia, and the peace conference settles them. Then suppose that after the peace conference was over, those two countries began to try to make war on each other over those boundaries. It would not be a question of settling the boundary; the question for the Security Council would be the action of those two countries in wanting to fight—a threat to the peace. If that were the

case, then the Security Council would intervene, maybe, not to change the boundaries but to say, "You stay on your side, and you stay on your side, and both of you stop this fighting."

Would not that be a case?

Mr. PASVOLSKY. That is right, exactly.

Senator MURRAY. In so acting, they would recognize decisions made at the peace conference and endeavor to uphold the rulings made at the peace conference?

Mr. PASVOLSKY. Senator, I do not think it will be a question of upholding or not upholding rulings. There will be a settled situation, a situation which exists by virtue of agreements, treaties, or whatever they may be. If out of that situation or out of any other circumstance there arises a condition or a situation which threatens the peace, then the Security Council acts in such a way as to see to it that a threat to the peace does not develop; or if it develops that it is stopped. As far as the relations between the particular states are concerned, the Council cannot impose upon them any kind of relationship that it thinks ought to exist between them, but the Council can urge them, help them provide facilities for them, to reach an amicable solution of whatever difficulties exist between them.

Senator GEORGE. In other words, a perfect world is not presupposed after all?

Mr. PASVOLSKY. No, that is right.

Senator GEORGE. Nor complete equities?

Mr. PASVOLSKY. That is right.

Senator GREEN. Should it not also be considered that the same individuals, the same members, or the same nations—however you want to put it—will determine the terms of the peace conference and pass later on the same questions, so it is very unlikely that the nations that determine any questions at the peace conference would shortly thereafter be determining that those very terms were threatening the peace of the world; is that not true?

Mr. PASVOLSKY. Well, certainly the list of the countries which are making the peace and the list of the countries which constitute the Organization are the same list, and the principal United Nations, the principal Allies in this war, are the permanent members of the Security Council.

Senator BARKLEY. Let me present a concrete situation which took place after the last war. In the final settlement Hungary, of course, lost a large amount of territory to Czechoslovakia and one or two other countries. There was a feeling among the Hungarians, especially in Budapest, that they signed as part of the agreement following the Treaty of Versailles an unfair restriction of the territory of Hungary.

In the center of a square in Budapest, they planted, cultivated, and nurtured a flower bed showing in red and green and yellow territory that formerly was Hungary's but had been taken away. In the center of the bed was represented what was left of Hungary. Every Sunday the people marched up to that square with bands and pledged themselves to get back all that they had lost, although they had signed a treaty settling the boundary.

Now, if a situation like that should occur, creating an international situation threatening the peace of the world, the Council would not

have to sit idle and allow that thing to fester simply because it had signed an agreement fixing boundaries? If the two countries were sparring back and forth, threatening to go to war over what one of them regarded as an unsatisfactory settlement, although they had signed it, perhaps under compulsion, the Council would have jurisdiction to consider whether that situation, which had its origin away back in the last war, in a previous war, or in this war, might endanger the peace of the world? It could consider a situation like that? It could not change the boundary, but it could take steps to preserve the peace, could it not?

Mr. PASVOLSKY. I think that if the Council came to the conclusion that there was a threat to the peace, it would certainly have to take some sort of action. Of course if an enemy state was involved article 107 would apply.

Normally in a situation of the sort you described, somebody would come to the Council—some nation would come to the Council—and say, “We feel that peace is threatened.” It may be one of the nations to which territory has been ceded; it may be one of the nations outside that particular complex, which feels that what is going on constitutes a threat to the peace. In such a case, of course, the Council could act.

Senator BARKLEY. It does not matter how chronic that situation has been or how long it has endured, if at the moment it threatens the peace of the world under the language that has been placed in this Charter, which I think means what it says, this would be one of the origins of the situation that the Council can consider?

Mr. PASVOLSKY. Surely; if, as you say, the situation does threaten the peace of the world today.

Senator TUNNELL. As I understand your explanation, the primary purpose of this organization, or the purpose of this organization, is not to punish for past acts of aggression but to stop present acts of aggression or prevent future acts of aggression.

Mr. PASVOLSKY. That is right, Senator, as far as this function is concerned. However, the purpose is also to create conditions in which difficulties can be adjusted and in which progress can be more expeditiously made.

Senator LUCAS. Mr. Chairman, I should like to ask a question.

The CHAIRMAN. Senator Lucas.

Senator LUCAS. Dr. Pasvolsky, if the Security Council should determine that there is a threat to the peace and decides to call out, under article 42, the air, sea, and land forces, it can do that, as I understand it, by a vote of seven members of the Security Council. Now, you briefly touched a moment ago in your discussion certain rights that other smaller nations might have through special hearing. Would you elaborate upon that, please?

Mr. PASVOLSKY. Yes, sir. Under article 43, all Members of the Organization undertake to contribute to the maintenance of international peace and security by making available to the Security Council armed forces, facilities, and assistance necessary for the purpose of maintaining international peace and security. Now, the amount and kind of armed forces, assistance, and facilities which each nation would provide would be governed by agreements concluded between it and the Security Council. Those agreements would be concluded after the Charter goes into effect; and as far as each country is con-

cerned, the agreement would be subject to ratification by its constitutional processes. So a country would know in advance how much it could be expected to supply on the call of the Council.

Senator LUCAS. In other words, that is a matter to be worked out by the members belonging to the pact; and what each nation furnished in the way of military forces is a matter for agreement between that nation and the Security Council, and then ultimately that must be returned to the particular nation for ratification by its own government?

Mr. PASVOLSKY. Quite right. Now, as the Charter stands, once these agreements are concluded, the Council has a right to call upon the members to supply the facilities and assistance which each country has undertaken to provide. As far as actual armed forces are concerned any nation which is not a member of the Security Council can, under article 44, request that the question of the employment of its contingents of armed forces be decided by the Council in a special meeting, in which its representative would participate and take part in the proceedings.

Senator LUCAS. That is true only if the member so desires?

Mr. PASVOLSKY. Only if the member so desires.

Senator LUCAS. In other words, I presume if a government was dissatisfied with respect to what had been requested by the Security Council in calling for military force, that government could call for a special hearing under those circumstances and get it?

Mr. PASVOLSKY. That is right.

Senator BURTON. Before leaving chapter VII, I did want to emphasize two points. The first is article 37, of chapter VI. I think that is the high point in pacific mechanism. That is where the Security Council has the last clear chance to offer terms of settlement.

Mr. PASVOLSKY. Yes.

Senator BURTON. The high point of enforcement, I take it, is chapter VII, particularly article 42, where the Security Council takes steps to resort to force. When they resort to that procedure under article 42, as I understand it, they then act by a majority vote of seven of the Security Council, in which the five permanent members must participate. Therefore, the United States would have to join in that vote?

Mr. PASVOLSKY. That is right, Senator.

Senator BURTON. The other four members of the Security Council will be forthwith bound to go right along with them, because they were participating in those decisions?

Mr. PASVOLSKY. That is right.

Senator BURTON. Those outside the Security Council could be invited in to participate in the decisions, but they also would be bound by the decisions of the Security Council as to whether or not to use their armed forces?

Mr. PASVOLSKY. The decision of the Security Council to use force in a particular case stands after the Council has taken a vote. But whether or not the forces of a particular Member state which is not a member of the Council should be employed awaits a second vote of the Council on that particular question, and with the participation of that particular Member of the Organization.

Senator BURTON. As I understand it, that outside member, the Member outside the Security Council, has an opportunity as an in-



dividual to determine in the original agreement what its contributions should be?

Mr. PASVOLSKY. Quite right.

Senator BURTON. Having entered into that agreement, what its rights are, under article 44, are merely to participate in the decisions, not to control the decisions, of the Security Council. If the Security Council decides that they ought to go in, they go in?

Mr. PASVOLSKY. That is right. If the Security Council decides that they ought to go in, they go in.

Senator BURTON. The thing I would like to emphasize more than anything else is this: As I understand it, this demonstration of the military force of the United Nations has the same effect on an aggressor nation as a squad of policemen on a street corner would have, because people do not commit assault and battery in the presence of a squad of policemen. In order to maintain peace, this is the effective measure which we take. In order to maintain unity of the United Nations after this war, to have them stick together and provide and maintain military superiority, we now have and we rely upon an enforcement measure to retain the peace.

Mr. PASVOLSKY. Yes.

Senator LUCAS. With respect to a small nation that has a special hearing, after the special hearing is held, the Security Council makes a decision as to whether it will go along with the request or the point made by the small nation, and if it refuses to go along, then the small nation nevertheless is bound to go along with the decision of the Security Council?

Mr. PASVOLSKY. That is right; but that nation will have participated in the decision.

The CHAIRMAN. Bear in mind that it is not in every case that the Council would want to call out all the troops of all the countries. For that reason it would be possible for a nation to appear before the Council and say, "I do not think in this particular case you ought to call out my troops; you ought to call out some troops over in that area."

That is one consideration that moved us in connection with that particular provision; it will not be necessary in every case to call out the entire quotas of all countries. Power is given to the Security Council here to call on all or only a part of the troops available, if it finds it is necessary or desirable.

Senator LA FOLLETTE. Mr. Chairman, may I ask a question?

The CHAIRMAN. Senator La Follette.

Senator LA FOLLETTE. What does "to participate in the decisions of the Security Council" mean so far as a non-member of the Council is concerned, under article 44?

Mr. PASVOLSKY. It would have the right to vote. There would be 12 votes cast in that particular case, but the decision would still be governed by 7.

Senator MILLIKIN. Mr. Chairman—

The CHAIRMAN. Senator Millikin.

Senator MILLIKIN. Doctor, I should like to ask you, with respect to the special agreements provided for in article 43, if the United States reserved to itself the right to determine in advance, in each instance whether it will join in measures of force, to what extent will that violate the terms of this agreement?

Mr. PASVOLSKY. I do not quite understand, Senator. The article says [reading]:

All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities \* \* \*.

That means within the limits set out in the special agreement.

Senator MILLIKIN. Would your answer, therefore, be that if the United States reserved to itself—let us say reserved to Congress—the right to decide in each instance, in advance, whether or not it will contribute force to an expedition of force, that would violate the Charter?

Mr. PASVOLSKY. Senator, the purpose of this whole provision is to make it possible for the Security Council to know in advance what force it could rely upon in the performance of its duties.

Senator MILLIKIN. Let me put it to you in another way. The article calls for special agreements. Let us suppose that the United States withheld to itself the right to determine in advance whether or not it will contribute men or material by the mechanism of special agreements. Would that violate the Charter?

Mr. PASVOLSKY. The United States under the terms of the agreement would indicate what forces, what facilities, and what assistance it would be prepared to make available to the Security Council. Now, if the Security Council were not in a position to know that it could call upon any part of the forces that are pledged there or the assistance and facilities that are pledged there, when necessary, then obviously the purpose of the whole provision would be defeated. It is the purpose of this provision, by means of these agreements, to make it possible for the Council to know in advance what forces it would have at its disposal when necessary and, therefore, to make plans accordingly for the performance of its duties.

Senator MILLIKIN. It has been suggested that there should be a reservation to the effect that I have mentioned; to wit, that the United States, perhaps through the President or through Congress, should retain to itself the right to judge each instance where force is to be employed and to judge in each instance in advance whether or not to contribute toward that force. So would your answer be that such a reservation would be in violation of this agreement?

Mr. PASVOLSKY. The United States as a permanent member of the Security Council, has the power and the right to judge when force should be employed.

Senator MILLIKIN. That raises the question as to who shall exercise decision. Suppose a reservation put the decision in the Congress. Would that violate the agreement?

Mr. PASVOLSKY. That is a domestic question which I am afraid I cannot answer.

Senator MILLIKIN. It is a very important question. I think we should have it answered.

Mr. PASVOLSKY. I do not see how the article can be interpreted in any other way than as meaning that the forces shall be available on the call of the Security Council.

Senator MILLIKIN. From which it follows that if the United States took the position, by reservation or otherwise, that it retains to itself the right to decide when it shall contribute forces or when it shall

contribute material, that would violate the agreement; is that right?

Mr. PASVOLSKY. I should think that that would result in a very different kind of agreement.

Senator HATCH. I might suggest that to modify the agreement there will have to be agreement by the other nations.

Mr. PASVOLSKY. It would be a different kind of agreement than is envisaged in article 43.

Senator MILLIKIN. Is that the view of the chairman?

The CHAIRMAN. My view is that it would, at least, violate the spirit of the Charter. We agree in the Charter to do certain things. If we are to say, "No, we are not going to recognize the authority of the Security Council; we are going to judge each individual case, after the Security Council has voted, and pass upon it before we agree to the use of our armed forces," I do not accept that doctrine.

Senator WHITE. Would not what the Senator from Colorado suggests, as to whether it is a breach or is not a breach of the Charter, be in violation of the spirit of the Charter and completely destroy the master agreement which we are supposed to enter with the Security Council as to our contribution to the undertaking?

The CHAIRMAN. I thank the Senator from Maine. I used that word a moment ago. I said it would, in my opinion, violate the spirit of the Charter, because if every country who is a party to the Charter did that, we would be almost right where we are now, dependent upon the individual action of each nation in case a dispute arose. That is what happened in the last war and in the present war. The result was that we got into war and are still at war. It seems to me that if we are going to join this organization, we ought to live up to our obligations and responsibilities.

As a matter of fact, as was pointed out by Dr. Pasvolsky, we will be on the Security Council, and if we do not want to use our troops or anybody else's troops, all we have to do is to say no. But if the Security Council, with our vote, decides to use force in a certain situation, I do not see how we can in good faith refuse to contribute our quota and go along with the enterprise.

Senator MILLIKIN. I thank you for your answer. I should like also to have the comment of the senior Senator from Michigan.

Senator VANDENBERG. It seems to me that the question raised by the Senator from Colorado is primarily one to be debated on the floor of the Senate, but I realize that he is quite within his rights to raise it in connection with an interpretation of the Charter. I want to make my own position very clear.

I think that if we were to require the consent of Congress to every use of our armed forces, it would not only violate the spirit of the Charter, but it would violate the spirit of the Constitution of the United States, because under the Constitution the President has certain rights to use our armed forces in the national defense without consulting Congress. It has been done 72 times within the last 150 years. It is just as much a part of the Constitution as is the congressional right to declare war.

It seems to me that our problem in finally defining the authority of our voting delegate upon this question is the simple problem of translating into language the constitutional practice of 150 years, which allows the President to use our armed forces externally for purposes of

national defense, but ultimately requires, when the situation reaches the point of war, that the Congress is the only power and authority that can determine it.

That may be a no man's land, but it has been a no man's land for 150 years. But very clearly for 150 years the President has had the right to use our armed forces in a preliminary way for the national defense and in the interest of preventing war. That is a complete analogy to the intended use of preliminary force by the Security Council.

I beg your pardon for this explosion, but I feel very deeply on the subject, because I totally sympathize with those who insist that in the final analysis the control of our entry into war shall remain in the Congress; on the other hand, I totally sympathize with the purpose of the Charter to use force to prevent situations where a declaration of war is necessary. I think there is a sharp distinction between the two.

Senator MILLIKIN. I thank the Senator very much for the observations.

I am not debating any of these matters, Mr. Chairman; I am simply asking questions.

The CHAIRMAN. You are asking them very well.

Senator MILLIKIN. Thank you very much, Mr. Chairman. I would be imposing on the unfailing courtesy of the committee and the chairman were I to try to turn this into a forum of debate.

Dr. Pasvolsky, is it not correlative to what you have said and what the chairman has said and what the distinguished senior Senator from Michigan has said that the time to meet that issue is not when the implementing statutes come up, but is to meet it head-on, if it is to be met, in connection with ratification of the Charter?

The CHAIRMAN. That is a question that I think Dr. Pasvolsky probably would not care to answer.

Senator MILLIKIN. Mr. Chairman, may I ask you that question? The thought occurs to me that if we reserve our views on this until an implementing statute comes up, then we are debating what might be a violation of the Charter that we have already entered into.

Therefore, I am simply trying to find out what is the orderly procedure and the proper procedure for those who wish to raise the question—whether it should be done in connection with ratification of the Charter or whether, in good faith, it should wait until the implementing statute comes up.

The CHAIRMAN. If you insist on an answer, I will say, of course, you have a perfect right to offer to the Charter a reservation which would, according to my view, nullify in effect the Charter so far as enforcement provisions are concerned. But I think the proper time would be when we bring in the statute. You would have a perfect right then to say that these troops shall never be called unless the United States consents in the particular instance. I think it would be a very foolish policy to adopt, but you would have the right and power to do it. The statute would have to pass both Houses of Congress, whereas if you offered a reservation here it would be confined purely and simply to the action of the Senate.

Senator MILLIKIN. It occurs to me, under the answers that have been given, if we ratify the Charter and then start to fix up the enab-

ling statute so as to produce the result which I have suggested, that some Senators would like to produce, at once you cover that attempt with bad faith. Is it not the part of good faith for those who want to raise the question to raise it in connection with ratification?

The CHAIRMAN. If you want to raise it, I see no legal or legislative objection to your raising it. On the other hand, if you raise it successfully, you will cut the insides out of the enforcement provision of the Charter.

In this connection, I beg to suggest that the very usefulness of the Security Council is that it is supposed to have at its disposal forces that it can use immediately and quickly in emergencies. If we have to wait to get somebody's consent, the war will be on, and we will not be able to control it, in my view.

Senator MILLIKIN. Dr. Pasvolsky, would you rather consider the relation of these matters to the Monroe Doctrine under the present chapter or when we come to the regional arrangements?

Mr. PASVOLSKY. I should like to consider that question under article 51 of this chapter and under Chapter VIII, Regional Arrangements.

Senator TUNNELL. Under the provisions in this Charter, is it contemplated that there be any standing force called for by the Security Council?

Senator HATCH. Do you mean an international police force?

Senator TUNNELL. Yes.

Mr. PASVOLSKY. No; there would be national contingents available for combined action.

Senator TUNNELL. They would be called in for particular difficulties?

Mr. PASVOLSKY. They would be called in for particular difficulties in particular cases. In some cases all the nations might be asked to contribute; in some, only a few nations. That would be decided by the Council.

Senator BURTON. Mr. Chairman, may I ask that there be inserted at this point in the record three paragraphs from the report to the President entitled "No Taxation Without Representation"? They deal directly with article 44 and point out that these rights of smaller nations to participate apply when they contribute members to the armed forces but do not apply when they contribute facilities. It also points out that only one member at a time may participate in the voting of the Council.

The CHAIRMAN. Without objection, but renewing my point of order that the report does not control the final Charter, that may be done.

(The matter referred to is as follows:)

#### NO TAXATION WITHOUT REPRESENTATION

One significant and constructive change resulted from the debate, in the adoption of a wholly new article, 44, which contains the substance of an amendment submitted at the Conference by the delegation of Canada and strongly supported by the other "middle powers." It gives realization on the level of international security arrangements to the cherished axiom of American history: "No taxation without representation." Once the Security Council has determined on the employment of armed forces, it must give to each state asked to contribute contingents a voice in the decisions concerning the employment of its

own forces. For the purpose of such decisions, in other words, the voting membership of the Security Council may be increased by one—but by no more than one—for each decision.

Here is the way article 44 will work: If four states not represented on the Security Council are to be asked to furnish armed forces to cope with an emergency, they may, if they desire, send representatives to sit temporarily with the Council; but each of these four ad hoc representatives would participate only in the decision which concerns the use of the armed forces of his own country. No similar right is given to states when the contribution involved is only the use of facilities and assistance they have agreed to provide, and an amendment to give such a right was rejected. The Conference felt that there is a substantial difference between sending men to fight and, for example, making an airfield available.

It is particularly important to notice that the membership of the Security Council remains unchanged for all decisions leading up to and including the decisions to impose military sanctions. Thus the operation of the security machinery will not be dangerously slowed by the new provision. Moreover, the provision will not affect the use of the contingents of the great powers, which will doubtless constitute the bulk of the forces used to carry out the Council's decisions. Even the process of consulting the states that are not members of the Council should not appreciably delay the effective functioning of their contingents.

The CHAIRMAN. Proceed, Mr. Pasvolsky.

Mr. PASVOLSKY. I come now to chapter VIII, Regional Arrangements. I should like to preface that by a brief statement of the relationship of that chapter to chapter VII.

Senator MILLIKIN. Mr. Chairman, did the witness skip article 51?

Mr. PASVOLSKY. I am coming back to that article in connection with the present subject.

In chapter VI and VII provisions are made for the actions or activities of the Security Council with respect to the whole subject of the maintenance of international peace and security.

Now, it is recognized that there has been a development in the direction of the creation of regional arrangements or regional agencies for this purpose, namely, for the purpose of maintaining international peace and security in such matters as may be appropriate for local or regional action. Chapter VIII provides [reading]:

Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

The chapter also provides that these agencies should be used to their utmost in bringing about the peaceful settlement of disputes which arise within regions or between countries of a particular group.

The chapter further provides that if the Security Council finds that an agency of this character would be appropriate to assist it in enforcement action, it may use such an agency for that purpose.

But there is a provision that no enforcement action would be taken under these regional arrangements except with the authority of the Security Council. There is one temporary exception to that, and it relates to the question which was raised earlier this morning; namely, the operations of the Organization with respect to the former enemy states. As I said earlier, the Charter is built on the basis of a temporary exclusion of the handling of the enemy states from the field of competence of the Organization itself. So until this particular phase of the work of maintaining peace and security has been handed over to

the Security Council by the nations concerned, the arrangements which are made by the victorious nations in this war with respect to the former enemy states will continue. These nations will be in a position to take enforcement action, if necessary, against former enemy states, although they would be obligated under the Charter to keep the Security Council fully informed of their actions.

Senator MILLIKIN. Dr. Pasvolsky, have Poland and Russia had the relationship of enemies at any time during this war?

Dr. PASVOLSKY. I am not sure what the answer to that question would be. I do not think there has ever been war between Poland and Russia in this period.

Senator MILLIKIN. There is a popular impression that Poland and Russia at one stage of this war were formal enemies. I wondered whether technically they had been enemies. Is there anyone here who can answer that?

Dr. PASVOLSKY. On January 1, 1942, both Soviet Russia and Poland signed the declaration by United Nations.

Senator MILLIKIN. But I was referring to prior to that, at the time Russia and Germany together moved into Poland. Was there then a formal state of war between Poland and Russia?

Dr. PASVOLSKY. I could not answer that question offhand; I would have to find out. I do not think that there was.

The CHAIRMAN. We will check with the State Department at the noon hour.

Senator MILLIKIN. It seems to me that might have some bearing on that language.

Senator GREEN. May I ask a question in that connection, Mr. Chairman.

The CHAIRMAN. Senator Green.

Senator GREEN. In regard to article 53, paragraph 2—

The term "enemy state" as used in paragraph 1 of this article applies to any states which during the Second World War has been an enemy of any signatory of the present Charter.

Suppose a nation, like Italy, becomes a member: Would that section still apply?

Mr. PASVOLSKY. Presumably when any one of these nations becomes a Member of the Organization, this exception would not longer apply to it.

Senator GREEN. But it still says that it applies to any state which has been an enemy.

Mr. PASVOLSKY. That is right.

Senator GREEN. You cannot change the fact that it has been an enemy.

Mr. PASVOLSKY. The question would be whether or not the exception under paragraph 1 would apply, not whether the definition would apply.

Senator GREEN. Well, would it?

Mr. PASVOLSKY. Presumably it would not, because a nation which joined the Organization would be on a basis of complete equality with all the other Members of the Organization.

Senator GREEN. Then, measures against that nation which did become a member later would come under that exception?

Mr. PASVOLSKY. I should say that this would mean that with respect to that particular nation the governments concerned would have agreed to hand over to the Security Council the function of seeing to it that that nation did not again become an aggressor.

Now, Mr. Chairman, in conjunction with the provisions of this chapter I would like to say a word about article 51 of the preceding chapter. That is the self-defense article which states that nothing in the Charter shall impair the inherent right of self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken all necessary measures.

Senator VANDENBERG. I think you left out three very important words—"individual or collective self-defense."

Mr. PASVOLSKY. I am just coming to that.

Senator VANDENBERG. All right.

Mr. PASVOLSKY. I wanted to say that the right of self-defense is defined as "individual or collective."

Senator VANDENBERG. Yes.

Mr. PASVOLSKY. That word "collective" relates in part to the regional arrangements that I have just described, but it relates also to any group action that may be taken for purposes of self-defense.

The effect of this provision in article 51, taken in conjunction with the provisions of chapter VIII, would certainly be, Senator Milliken, an answer to the question of the Monroe Doctrine. The Monroe Doctrine is completely safeguarded under these provisions.

Senator MILLIKEN. Mr. Chairman—

The CHAIRMAN. Senator Millikin.

Senator MILLIKIN. I should like to suggest to the witness that the Monroe Doctrine is not a regional arrangement, first. Second, I suggest that that Doctrine goes much further than self-defense against an actual act of aggression. It covers the imposition of a system, a foreign system, upon the governments of this hemisphere; and I should suggest that there should be some observations on the full scope of that Doctrine.

Mr. PASVOLSKY. The Monroe Doctrine, I think Senator Millikin will agree, is a doctrine of nonintervention. That is what the Monroe Doctrine says—that any intervention in the domestic affairs of any American territory in terms of an attempt to impose a political system or political systems would be considered by the United States a threat to itself. That is not the exact language, but that is the idea. Now the whole international Organization is based on the principle of nonintervention; so that as long as the Organization functions, the Monroe Doctrine does not need to come into play. It is only if the Organization should fail to function in the sense of maintaining international peace and security in terms of the stated principles and purposes of the Organization, that the Monroe Doctrine might have to be invoked. This contingency is covered by the provisions for self-defense, which are stated in article 51.

The Monroe Doctrine, as a result of the development of the inter-American system, has been gradually strengthened and extended. The Havana Conference of 1940 and the Mexico City Conference of 1945 have gone a long way toward establishing a system under which each American Republic regards an attack upon itself as an attack upon



every other American Republic. That type of action is covered by the phrase "collective self-defense."

Senator MILLIKIN. Doctor, is not the effect of these multilateral agreements simply the adoption by all of the countries of this hemisphere of the Monroe Doctrine each for itself?

Mr. PASVOLSKY. I think so.

Senator MILLIKIN. Is it your understanding that in entering into those multilateral engagements we abandoned the Monroe Doctrine as an instrument of our own?

Mr. PASVOLSKY. No, sir.

Senator MILLIKIN. Then let me suggest to you that this reservation of the right of self-defense against aggression might not necessarily cover the full scope of the Doctrine which was not only intended to prevent the occupation by foreign governments of lands in the southern part of this country, and later extended by President Roosevelt to the whole hemisphere, but also to systems of government. Where does the Monroe Doctrine retain its validity as to systems of government under the language of this Charter?

Mr. PASVOLSKY. I call your attention to the principle of the Charter which relates to the political independence and the territorial integrity of any state.

Senator MILLIKIN. You might point to that specifically.

Mr. PASVOLSKY. It is article 2, principle 4. [Reading.]

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

Senator MILLIKIN. Do you interpret that as a prohibition against propaganda in this hemisphere of foreign political systems?

Mr. PASVOLSKY. Senator, I should say that handling propaganda would be a matter that was up to the individual country itself.

Senator MILLIKIN. But if the propaganda were of a nature to threaten peace or to threaten the overthrow of governments in this hemisphere, would that come under the language that you are speaking of?

Mr. PASVOLSKY. If a state in this hemisphere considered such propaganda a threat to it, it would certainly be free to bring up that question, either before the world organization or before an inter-American organization, or in any other manner that it chose.

Senator MILLIKIN. If we were to reach our own conclusions that an attempt was being made to force foreign systems, whatever they might be, on the governments of this hemisphere, could we act independently to stop that?

Mr. PASVOLSKY. That would depend on what you mean by acting to stop that. What action would we undertake?

Senator MILLIKIN. Supposing that in the last resort we moved a force in to upset a situation that was accomplished by those methods?

Mr. PASVOLSKY. I should say that that would be intervention by us in the internal affairs of another country.

Senator MILLIKIN. And it would probably be considered a violation of the Charter?

Mr. PASVOLSKY. It would be considered a violation of our own established policy, a long-established policy.

Senator MILLIKIN. Then, in summary, would you say that the Monroe Doctrine is preserved to its full extent by this Charter, or that there has been some impairment or modification of it by this Charter?

Mr. PASVOLSKY. I would say that it is completely preserved.

Senator VANDENBERG. I do not find in the report to the President the statement made by the Secretary of State at San Francisco regarding the Act of Chapultepec and the purpose of the President of the United States to call an immediate conference to implement the Act of Chapultepec with a treaty. I should like very much to have that statement inserted in the record at this point, because I think it has a very important bearing upon the major importance which we all attach to the inter-American system at the San Francisco Conference.

The CHAIRMAN. Without objection, it will be inserted.  
(The document referred to is as follows:)

For the press, May 15, 1945, No. 25

Statement by Hon. Edward R. Stettinius, Jr., Secretary of State

As a result of discussions with a number of interested delegations, proposals will be made to clarify in the Charter the relationship of regional agencies and collective arrangements to the world organization.

These proposals will—

1. Recognize the paramount authority of the world organization in all enforcement action.

2. Recognize that the inherent right of self-defense, either individual or collective, remains unimpaired in case the Security Council does not maintain international peace and security and an armed attack against a member state occurs. Any measures of self-defense shall immediately be reported to the Security Council and shall in no way affect the authority and responsibility of the Council under the Charter to take at any time such action as it may deem necessary to maintain or restore international peace and security.

3. Make more clear that regional agencies will be looked to as an important way of settling local disputes by peaceful means.

The first point is already dealt with by the provision of the Dumbarton Oaks Proposals (ch. VIII, sec. C, par. 2) which provides that no enforcement action will be taken by regional agencies without the authorization of the Security Council. It is not proposed to change this language.

The second point will be dealt with by an addition to chapter VIII of a new section substantially as follows:

"Nothing in this Chapter impairs the inherent right of self-defense, either individual or collective, in the event that the Security Council does not maintain international peace and security and an armed attack against a member state occurs. Measures taken in the exercise of this right shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under this Charter to take at any time such action as it may deem necessary in order to maintain or restore international peace and security."

The third point would be dealt with by inclusion of a specific reference to regional agencies or arrangements in chapter VIII, section A, paragraph 3, describing the methods whereby parties to a dispute should, first of all, seek a peaceful solution by means of their own choice.

The United States delegation believes that proposals as above outlined if adopted by the Conference would, with the other relevant provisions of the projected Charter, make possible a useful and effective integration of regional systems of cooperation with the world system of international security.

This applies with particular significance to the long established inter-American system.

At Mexico City last March preliminary discussions took place regarding this problem, and the Act of Chapultepec envisaged the conclusion of an inter-

American treaty which would be integrated into and be consistent with the world organization. After the conclusion of the Conference at San Francisco, it is the intention of the United States Government to invite the other American Republics to undertake in the near future the negotiation of a treaty which, as provided for in the Act of Chapultepec itself, would be consistent with the Charter of the World organization and would support and strengthen that organization, while at the same time advancing the development of the historic system of inter-American cooperation. This would be another important step in carrying forward the good neighbor policy.

The CHAIRMAN. May I observe, in answer to Senator Millikin, that under my theory the Monroe Doctrine survives in its entirety, unless the Charter somewhere specifically limits it, and that the purpose of the Charter is to strengthen the Doctrine rather than to weaken it.

Mr. PASVOLSKY. Yes, sir.

The CHAIRMAN. Go ahead, Doctor.

Mr. PASVOLSKY. Senator, may I go now to chapters IX and X?

The CHAIRMAN. We will be very glad to have you do so.

Mr. PASVOLSKY. Chapters IX and X relate to international economic and social cooperation. They set out the importance, the very great importance, of the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations; and the importance from the point of view of the creation of such conditions of progress and development in economic, social, and related fields; in the solution of problems arising in those fields, in the promotion and encouragement of universal respect for and observance of human rights and fundamental freedoms. In all of these important and far-reaching fields the powers which are given to the Organization, as I said yesterday, are lodged in the General Assembly. Under the authority of the General Assembly they are lodged, to a certain extent, in a new and very important institution to be known as the Economic and Social Council.

The language of chapter IX is very strong and very far-reaching; and questions were raised in the discussion as to whether or not the language used could in any way be interpreted as meaning interference in the domestic affairs of the Member States. It was quite clear that the principle regarding domestic jurisdiction already inserted in the Charter would be governing.

However, in view of the importance of this particular question, the committee agreed to include in its records the following statement:

The members of Committee 3 of Commission II are in full agreement that nothing contained in chapter IX can be construed as giving authority to the Organization to intervene in the domestic affairs of Member States.

The reference to chapter IX is to chapter IX in the Dumbarton Oaks Proposals. That means a reference to chapters IX and X in the Charter.

The objective here is to build up a system of international cooperation in the promotion of all of these important matters. The powers given to the Assembly in the economic and social fields in these respects are in no way the powers of imposition; they are powers of recommendation; powers of coordination through recommendation.

There is one extremely important point in connection with this subject. As regards the maintenance of international peace and security, the effort by way of cooperative action is concentrated in the Security Council, in the Organization itself, and only to a rather

small extent in whatever regional bodies may be established for specific regional purposes. In the field of economic, social, and related problems the activities of cooperative action have to go far beyond the Organization. The field is so large and so complicated that it is necessary to set up important operating agencies in the various sections of the field. Some have been set up and some are in the process of being set up. Because of the complexity, the overlapping, and the intricate connection of all these problems, however, there is need for some central place through which the activities and the policies of these various specialized agencies can be coordinated into a coherent whole.

Senator AUSTIN. Doctor, would you illustrate those organizations already set up as including I. L. O., the Postal Union, and the contemplated organization of food and agriculture?

Mr. PASVOLSKY. Yes, sir. The I. L. O., the Food and Agriculture Organization, the financial agencies, perhaps the aviation agencies—these are all samples of efforts to create agencies of this sort.

Senator VANDENBERG. You have omitted one agency, Doctor, concerning which there has been considerable discussion. Will you say why the highly efficient and valuable international narcotics control is not specifically identified?

Mr. PASVOLSKY. The work of handling narcotics has been concentrated in the League of Nations. It will be one of the activities that will be in question when the transfer of the functions of the League of Nations to the new Organization takes place.

Senator VANDENBERG. And there is no question, is there, in your mind, that the existing narcotics control relationship will be transferred and continued in full force and effect and with all possible expansion under the new Organization?

Mr. PASVOLSKY. There is absolutely no doubt in my mind on that. There is ample power and ample desire to do that.

Senator VANDENBERG. And it is the purpose and aim, also?

Mr. PASVOLSKY. Yes, sir.

The coordination of these specialized agencies, the task of facilitating the creation of new agencies as they become necessary, the service of being a sort of economic general staff for the world—these are the principal functions in the field of economic and social cooperation which are being given to the new Organization.

One reason why the authority is given primarily to the General Assembly and, under its authority, to the Economic and Social Council is that these specialized agencies are widely representative bodies, and therefore it was thought that the task of coordinating their basic policies should be in the hands of the most representative body in the world, namely, the General Assembly. It alone would have the authority and the prestige to do that. Therefore there is a provision that the policies of the specialized agencies would be coordinated by the General Assembly. On the other hand, the Economic and Social Council, which is a smaller body, would, among its other functions, have the function of coordinating the activities of the various specialized agencies through consultation and recommendations.

The CHAIRMAN. If there are no questions, will you pass right along, Doctor?

Senator VANDENBERG. Mr. Chairman, if you will permit: Reverting to the question of narcotics control, since that has been a matter of considerable interest, and since the United States delegation was unanimous in its desire to have the present able work continued, I should like to ask that there be printed in the record at this point three paragraphs from page 122 of the report to the President dealing with the purpose to which I have referred, to have this work continued under the new Organization.

The CHAIRMAN. It is so ordered.

(The matter referred to is as follows:)

Another field in which the Conference anticipated that the Economic and Social Council would be concerned is the control of the traffic in and suppression of the abuses of opium and other dangerous drugs. In this connection the United States Delegate made the following statement:

"\* \* \* Experience has shown that drug control raises issues which can best be met not by an international health, economic, or social agency, but by the type of specialized agencies now functioning so successfully in this field. Everything possible should be done to safeguard the continued operation of these agencies and services.

"The United States Delegation wishes to go on record as hoping that the Organization will be entrusted with supervision over the execution of existing or future international agreements with regard to the control of the legitimate traffic in opium and other dangerous drugs, and the suppression of illicit traffic in and abuse of such drugs; that there shall be established an advisory body to advise directly the Economic and Social Council on these matters; and that the existing agencies be regarded as autonomous agencies to be related directly to the Economic and Social Council."

Mr. PASVOLSKY. Mr. Chairman, may I interrupt for a moment to say that I now have the information that a state of war has not existed between Poland and the Soviet Union at any time during this war.

The CHAIRMAN. No formal state of war?

Mr. PASVOLSKY. No state of war has existed.

The CHAIRMAN. That answers Senator Millikin.

Senator MILLIKIN. In your opinion, would the word "enemy" be construed technically as being one of the parties to a formally declared war?

Mr. PASVOLSKY. One of the parties in a state of war, certainly.

The CHAIRMAN. If, however, there are actual hostilities, regardless of whether there was a state of war or not, it would be an enemy state?

Mr. PASVOLSKY. It would be a state of war.

The CHAIRMAN. Go ahead, Doctor.

Mr. PASVOLSKY. We come next to another set of related chapters, the three chapters beginning with XI and going through XII and XIII. These chapters deal with the problems of non-self-governing territories.

Senator MILLIKIN. Before we get to those chapters, may I ask a question?

The CHAIRMAN. Senator Millikin.

Senator MILLIKIN. I notice several reiterations of the thought of the Charter that the Organization shall not interfere with domestic affairs of any country. How can you get into these social questions and economic questions without conducting investigations and making inquiries in the various countries?

Mr. PASVOLSKY. Senator, the Charter provides that the Assembly shall have the right to initiate or make studies in all of these economic or social fields. It is provided that the Economic and Social Council

through its commissions and its staff, would be assembling information in the fields that would be necessary for the performance of its duties. It is provided that the Economic and Social Council would arrange for reports from the specialized agencies, and presumably would arrange for receiving any kind of information that it might need. The Economic and Social Council is also given the power to make arrangements with the Member States for reports as to steps taken to give effect to recommendations.

Senator MILLIKIN. Might the activities of the Organization concern themselves with, for example, wage rates and working conditions in different countries?

Mr. PASVOLSKY. The question of what matters the Organization would be concerned with would depend upon whether or not they had international repercussions. This Organization is concerned with international problems. International problems may arise out of all sorts of circumstances.

Senator MILLIKIN. Could the Organization concern itself with tariff policies of the various countries?

Mr. PASVOLSKY. The Organization would of course consider questions that arose out of tariff or commercial policies. But it is very important to note here that the Economic and Social Council can make recommendations to governments generally, rather than to specific governments.

Senator MILLIKIN. Only to governments generally?

Mr. PASVOLSKY. Yes.

Senator MILLIKIN. The reports and recommendations naturally might refer to specific governments?

Mr. PASVOLSKY. Oh, they might refer to specific conditions, naturally.

Senator MILLIKIN. They would have to be built up out of investigations made of or in specific countries?

Mr. PASVOLSKY. Yes.

Senator MILLIKIN. Could such an Organization concern itself with various forms of discrimination which countries maintain for themselves, bloc currency, subsidies to merchant marine, and things of that kind?

Mr. PASVOLSKY. I should think that the Organization would wish to discuss and consider them. It might even make recommendations on any matters which affect international economic or social relations. The League of Nations did. The International Labor Office has done that. This new Organization being created will be doing a great deal of that.

Senator MILLIKIN. A recommendation along any of those lines, under the basic theory of the whole Organization, would have a powerful effect against an offending nation, would it not?

Mr. PASVOLSKY. The whole document is based on the assumption that recommendations by an agency of this sort would have considerable effect.

Senator MILLIKIN. Let me invite your attention, Doctor, to the fact that we are relatively a "have" nation, in a world of "have not" nations. Might we not find a great number of recommendations focused against us that could finally engender a lot of ill will and might lead to serious difficulties, assuming we did not care to correct them under the recommendations?

Mr. PASVOLSKY. Well, I do not think that there would be any more ill will engendered by the fact that a discussion of that sort takes place. Recommendations would be made to nations in general that certain practices should not be tolerated.

Senator MILLIKIN. Are you not providing means whereby complaints may be focused against ourselves in an official way?

Mr. PASVOLSKY. Complaints can be made at any time and in any way. What is important is that we are providing here a mechanism by means of which maladjustments can be corrected and, therefore, fewer complaints made.

Senator MILLIKIN. Would the investigation of racial discriminations be within the jurisdiction of this body?

Mr. PASVOLSKY. Insofar, I imagine, as the Organization takes over the function of making studies and recommendations on human rights, it may wish to make studies in those fields and make pronouncements.

Senator VANDENBERG. At that point I wish you would reemphasize what you read from the Commission Report specifically applying the exemption of domestic matters to the Social and Economic Council.

Mr. PASVOLSKY. I will read that paragraph again.

Senator VANDENBERG. Yes, please.

Mr. PASVOLSKY (reading):

The members of Committee 3 of Commission II are in full agreement that nothing contained in chapter IX can be construed as giving authority to the Organization to intervene in the domestic affairs of Member states.

The CHAIRMAN. And, furthermore, whether they do involves no compulsion whatever, but is in the nature of recommendations to the States, and the States are perfectly free to take such recommendations or reject them.

Mr. PASVOLSKY. Quite right.

Senator MILLIKIN. Is there any other international aspect to a labor problem or a racial problem or a religious problem that does not originate domestically?

The CHAIRMAN. Senator, I do not want to intervene, but it seems to me that you are getting far afield and are getting into an argument with the witness.

Senator MILLIKIN. I do not want to argue.

The CHAIRMAN. I am just throwing out that word of caution.

Senator MILLIKIN. I will accept the chairman's ruling.

The CHAIRMAN. I will not rule. I will leave it up to you.

Senator MILLIKIN. I will withdraw the question.

The CHAIRMAN. Go ahead, if you like; but Dr. Pasvolsky is trying to explain to us what the Charter says and what it means, rather than testifying as to what may happen in some contingency.

I do not want to put any limitation on Senators; they can ask anything on earth. The only consideration I had in mind was that we are trying to speed this matter, and I hope to conclude with Dr. Pasvolsky sometime during the day.

Senator MILLIKIN. I will simply repeat my question.

This Organization, you said, concerns itself with the international aspects of these various matters. Is there any international aspect of any of these matters that operates entirely within its own vacuum that does not originate within domestic jurisdictions?

Mr. PASVOLSKY. Well, Senator, I suppose we can say that there is no such thing as an international problem that is not related to national problems, because the word "international" itself means that there are nations involved. What domestic jurisdiction relates to here, I should say, as it does in all of these matters, is that there are certain matters which are handled internally by nations which do not affect other nations or may not affect other nations. On the other hand, there are certainly many matters handled internally which do affect other nations and which by international law are considered to be of concern to other nations.

Senator MILLIKIN. For example, let me ask you if this would be true. It is conceivable that there are racial questions on the southern shores of the Mediterranean that might have very explosive effects under some circumstances; but they originate locally, do they not, Doctor?

Mr. PASVOLSKY. Yes.

Senator MILLIKIN. And because they might have explosive effects, this Organization might concern itself with them; is that correct?

Mr. PASVOLSKY. It might, if somebody brings them to the attention of the Organization.

Senator MILLIKIN. And by the same token, am I correct in this, that in any racial matter, any of these matters we are talking about, that originate in one country domestically and that has the possibility of making international trouble, might be subject to the investigation and recommendations of the Organization?

Mr. PASVOLSKY. I should think so, because the Organization is created for that.

Senator MILLIKIN. Mr. Chairman, you have been very courteous to me, and I am perfectly willing to abide your ruling.

The CHAIRMAN. I shall not make any ruling.

Senator BARKLEY. Is it not true that almost every problem that concerns international relations must originate somewhere, and that somewhere usually is within the domestic boundaries of one nation and may leap over into another nation and create an international situation?

Mr. PASVOLSKY. Of course.

Senator BARKLEY. Not only economically but from every other standpoint?

Mr. PASVOLSKY. In every respect, of course.

The CHAIRMAN. Proceed, Doctor, with all due speed.

Mr. PASVOLSKY. Chapters XI, XII, and XIII relate to something that is again left to future determination rather than to immediate action.

Chapter XI is a declaration by those Members of the United Nations which may assume responsibility for the administration of territories whose peoples have not attained the full measure of self-government. They recognize certain principles that ought to govern their relations to such peoples.

Chapters XII and XIII deal with the fact that as a result of the last war there were certain territories that were detached from Germany and Turkey and which became international wards. That is, they were not attached through ties of political sovereignty to any individual nation.



It is also recognized that some such similar territories may be detached, as a result of this war, from the enemy states. Therefore, there is a need for providing for a possible international trusteeship system which would relate to those types of territories, and also, as a third category, to any territory that might be placed voluntarily under the trusteeship system.

The precise territories which would be placed under a system like this, which would come from the three categories I have just mentioned, will be determined later on by agreement among the countries concerned. Those agreements would then be subject to approval by the Organization, if the Organization is to assume the functions which are indicated here.

These chapters set up a system, including the Trusteeship Council, which makes a very realistic and clear distinction between the strategic considerations and humanitarian considerations involved. The system places for the future within the competence of the General Assembly all matters not relating to strategic problems, and places within the competence of the Security Council all matters relating to security problems of strategic areas.

The CHAIRMAN. Doctor, if it will not bother you, I would like to intervene right there with a short statement and a couple of letters to put into the record. I think it will help you in your discussion.

I would like to advise the committee, if it is not already advised, that in the consideration of this trusteeship matter we had the constant counsel and advice of representatives of the War and Navy Departments who were at San Francisco. We had a couple of generals and a couple of admirals and their staffs.

I have here and I ask to have inserted in the record a letter from Secretary of War Stimson which sets forth the attitude of his Department. It reads as follows [reading]:

WAR DEPARTMENT,  
Washington, July 6, 1945.

HON. TOM CONNALLY,

*Chairman, Senate Committee on Foreign Relations,  
Washington, D. C.*

DEAR SENATOR CONNALLY: The War Department, through the military advisers at the United Nations Conference on International Organization in San Francisco, has carefully followed the formulation of the Charter of the United Nations and has examined the text of the Charter as set forth in Document No. 1191, G/128, dated June 25, 1945, of the United Nations Conference on International Organization, which the Department of State advises is the text now being considered by the Committee on Foreign Relations.

The War Department is of the opinion that the military and strategic implications of this Charter as a whole are in accordance with the military interests of the United States.

Very sincerely yours,

HENRY L. STIMSON, *Secretary of War.*

I have also here a letter from the Secretary of the Navy at somewhat greater length, which is as follows [reading]:

THE SECRETARY OF THE NAVY,  
Washington, July 9, 1945.

HON. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee,  
United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: The Secretary of State has suggested that it would be appropriate at this time for me to communicate to you the views of the Navy Department concerning the proposed Charter of the United Nations International Organization which is now pending before your committee.

A draft text of the Charter, which is substantially the same as the one pending before your committee, was submitted by the Secretary of War and the Secretary of Navy to the Joint Chiefs of Staff with the request that they furnish the Secretaries with a recommendation concerning the military and strategic implications of the Charter. In response thereto, the Joint Chiefs of Staff stated the following:

"The Joint Chiefs of Staff have examined the enclosed draft text of the Charter of the United Nations International Organization as furnished them by the military advisers at the San Francisco Conference. They are of the opinion that the military and strategic implications of this draft charter as a whole are in accord with the military interests of the United States."

As I have heretofore indicated to the Secretary of State, I concur in this recommendation of the Joint Chiefs of Staff.

In the Charter which you have before you, provision is made at various points for the negotiation of future agreements. To my mind, it is most important that whenever such agreements involve matters of military or strategic interest—such as placing of territory in trusteeship, the composition and command of the armed forces to be made available to the Security Council, regional arrangements, plans for the limitation of armaments, and the like—the War and Navy Departments should be actively consulted before any definitive action by the Government is determined upon.

A further specific comment concerning the Charter, which I believe to be of sufficient importance to warrant calling it to your attention, has to do with the chapter on the trusteeship system. This chapter has been a matter of particular concern to the Navy because of our recognition of the fact that undivided control of certain strategic areas in the Pacific wrested from the Japanese by our armed forces in this war, is essential to the security of this country. Our agreement that this Charter is in accord with the military interest of this country is conditioned by our understanding that the United States is not committed by this charter or any provision thereof to place under trusteeship any territory of any character, and that if this country hereafter determines to place any territory under trusteeship this will be done only on such terms as it may then voluntarily agree to.

Sincerely yours,

JAMES FORRESTAL.

Senator JOHNSON of California. What is it he says about "as a whole"?

The CHAIRMAN. I am quoting, now, from the Joint Chiefs of Staff [reading]:

The Joint Chiefs of Staff have examined the enclosed draft text of the Charter of the United Nations International Organization as furnished them by the military advisers at the San Francisco Conference. They are of the opinion that the military and strategic implications of this draft charter as a whole are in accord with the military interests of the United States.

Senator JOHNSON of California. Is there any other part of it that is in accord with anything?

The CHAIRMAN. "As a whole," I think, would cover it all.

Senator JOHNSON of California. That would mean who would select the soldiers who would go out and fight this war?

The CHAIRMAN. The United States would have to make the primary selection by making an agreement with the Security Council as to the quotas, and so forth and so on.

Senator JOHNSON of California. You mean, the agreement that is provided by the Charter?

The CHAIRMAN. An agreement that is to be made under the Charter whenever that matter comes up. It has to be ratified by the Senate and by all the nations that make such agreements.

Senator JOHNSON of California. I am doubtful about the phraseology of that—"as a whole".

The CHAIRMAN. It is spelled w-h-o-l-e.

Senator JOHNSON of California. Yes; I understand that.

The CHAIRMAN. We are not getting into a hole. This refers particularly to the trusteeship. It does not refer to the general activities of the Council.

Senator JOHNSON of California. Who is to determine that "whole"?

The CHAIRMAN. Those are the opinions of the Secretaries of War and Navy that I was quoting.

Senator JOHNSON of California. Are you in accord with them?

The CHAIRMAN. I think so. We signed the Charter on the theory that our interests in the Pacific and elsewhere were amply protected. The first thing to note is that no territory can be placed under trusteeship without the consent of the nations affected. If we are in possession of an island in the Pacific our interests are sure to be affected, and it cannot be placed under trusteeship except with our consent. When territories are so placed the conditions under which they are placed under the trusteeship must be agreed to by the affected nations. In short, it was our attitude that if we are in possession of an island which we have conquered from Japan at the cost of blood and treasure we can remain in possession of it, if it is within a strategic area, until we consent to have it go under trusteeship; and when we do agree that it go under the trusteeship, we have the right to stipulate the terms upon which it will go there.

Senator JOHNSON of California. And if those terms are satisfactory to everybody, they would be adopted, would they not?

The CHAIRMAN. Yes.

Senator JOHNSON of California. If they were not satisfactory to everybody, what would become of it?

The CHAIRMAN. It would not be everybody; it would be those nations that have particular interest or claim upon that particular area.

Senator JOHNSON of California. We have very serious claims concerning lands which, at the great cost of blood, we have taken from Japan.

The CHAIRMAN. Under our conception, all we have to do is to hold on to them until such time as we need to give them up. I do not think we would want to give them up if they are in strategic areas. If we did, we would give them up with strings on them which would guarantee—

Senator JOHNSON of California. Who would determine the strings?

The CHAIRMAN. We would—the United States.

Senator JOHNSON of California. You would determine them in accord with our views?

The CHAIRMAN. Yes; absolutely.

Senator JOHNSON of California. And we would keep any lands we have taken or that our troops have taken, with the loss of a million men?

The CHAIRMAN. The Senator has stated my views correctly. It is conceivable that there might be some territories within a strategic area, which would be large enough so that we might retain those portions necessary for military and naval purposes and yet put the other portions where the population resided under some qualified trusteeship.

Senator JOHNSON of California. You and I were agreeing beautifully, and now you fix on some period in the future.

The CHAIRMAN. We would have to agree to the terms even then. I love to be in agreement with the Senator, but I find it quite difficult sometimes.

Senator JOHNSON of California. Often.

The CHAIRMAN. I was very happy when we found ourselves in complete agreement a moment ago. If it is satisfactory, I will withdraw anything that is not in agreement.

Senator JOHNSON of California. You cannot have great faith in your views if you are willing to withdraw them.

The CHAIRMAN. We would have to consent to the terms under which such territories would go in trusteeship, which means that we keep the control in our hands.

Senator JOHNSON of California. That is it, exactly.

The CHAIRMAN. Proceed, Dr. Pasvolsky.

Mr. PASVOLSKY. I think that what has been said covers the main points.

Senator LA FOLLETTE. Doctor, will you tell me how you envision the process by which subsequent agreements mentioned in paragraph 2 of article 77 would be arrived at? Would that be through the functioning of the Organization, or would it be as a result of individual agreements made perhaps bilaterally between nations that might be interested in particular territories?

Senator JOHNSON of California. Will you read the article to which you refer?

Senator LA FOLLETTE. Paragraph 2 of article 77 says that [reading]:

It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Mr. PASVOLSKY. Senator, there would be agreements concluded among the states directly concerned.

The CHAIRMAN. Have you any other questions, Senator?

Senator LA FOLLETTE. No.

The CHAIRMAN. Proceed, Doctor.

Senator GREEN. May I ask a question in that connection?

The CHAIRMAN. Senator Green.

Senator GREEN. In article 75 it speaks of territories which may be placed under international authority by subsequent individual agreements. Does that mean agreements between individual nations and the Organization, or between different individual nations?

Mr. PASVOLSKY. The word "individual" here, Senator, applies to the territory. That is, there will be an agreement covering each territory, and the agreements would be concluded among the states directly concerned.

Senator GREEN. An agreement between the individual nations and the Organization?

Mr. PASVOLSKY. There would be agreements concluded between the individual nations, subject to approval by the Organization, if the Organization is to take over the function. The final arrangement would be an agreement approved by the Organization.

Senator GREEN. And all the individual nations affected?

Mr. PASVOLSKY. Yes, sir.

The CHAIRMAN. Proceed.

Mr. PASVOLSKY. Chapter XIV relates to the International Court of Justice. May I suggest that we defer that?

The CHAIRMAN. Mr. Hackworth, who was in charge of that matter under our general supervision, is to be a witness and will be called later. I suggest that it might be better to hear him first on that, rather than Dr. Pasvolsky, if that is agreeable to the committee.

Without objection, you may pass on, Doctor.

Mr. PASVOLSKY. Chapter XV relates to the Secretariat. The Secretariat of this proposed Organization will be a very important affair, more important than that was the case with the League of Nations. The Secretary General will not only be the chief administrative officer of the Organization—that is, he will be responsible for the management of the Organization—but he will also act in the capacity of Secretary General in all meetings of the General Assembly and of the three Councils established under the Organization. There will be a unified control.

In addition to that, the Secretary General is given the right to bring to the attention of the Security Council any matters which in his opinion may threaten the maintenance of international peace and security. That is a very important political function which the Secretary General of the League did not possess.

The Secretary General will be appointed by the General Assembly on the recommendation of the Security Council. As the chief administrative officer of the Organization he will be responsible for providing the necessary staff; that is, he would appoint such a staff, but under regulations to be established by the General Assembly.

Senator BARKLEY. If the Secretary General should be nominated and elected by the Assembly on the recommendation of the Security Council, would that mean that the General Assembly could reject a recommendation by the Security Council, in which event the Security Council would be required to suggest somebody else?

Mr. PASVOLSKY. That is right, Senator.

Then there are provisions here which make possible the eventual construction of an international civil service that would be loyal to the Organization, would not be under the orders of individual governments, and would be employed on the basis of competence and ability.

Those are the provisions for the Secretariat. Obviously, when the Organization is established, the rules and regulations will amplify, as usual, the operations of the Secretariat and of the Secretary General.

The CHAIRMAN. May I observe right there that originally it was provided that there should be four assistant secretaries general. There was some complaint about that, on the ground that the permanent members of the Security Council would each control one of these deputy secretaries general and thus exercise too much control over the Secretariat of the Organization. So we changed that provision and did not designate any specific number. Nor did we designate them as assistant secretaries general, but left it to the Secretary General to appoint his staff under the general regulations prescribed in the Charter.

Senator GEORGE. Doctor, may I ask if there is any provision in the Charter for the removal of the Secretary General?

Mr. PASVOLSKY. No, Senator.

Senator GEORGE. Is he elected or selected for any specified term?

Mr. PASVOLSKY. That is left open now and will be determined by the Organization itself.

Senator GEORGE. By the General Assembly?

Mr. PASLOVSKY. Yes, sir. The General Assembly will lay down the rules.

The CHAIRMAN. Under the general authority, though, of the Security Council, would they not have power to remove him at any time?

Mr. PASVOLSKY. I doubt it, as long as there is no provision for removal. There could be a regulation written which would provide for removal, I suppose.

Senator GEORGE. The General Assembly, I suppose, could do that. I was simply asking whether there were any express provisions made for removal or for termination of the tenure of office. The Charter contemplates him as a continuing officer?

Mr. PASLOVSKY. That is right, but not necessarily as an officer who will continue indefinitely.

Senator GEORGE. I understand. He would still be subject to the general control of the governing body?

Mr. PASVOLSKY. Yes, sir.

The CHAIRMAN. At this point I would like to say that originally his term was limited. He could be reelected, but on account of the desire for continuity we changed that fixed term, thinking it would tend more to harmony in the Organization if he were a permanent officer.

The CHAIRMAN. All right, Doctor, you may proceed.

Mr. PASVOLSKY. Senator, the next chapter, chapter XVI, relates to a series of miscellaneous provisions, some of which are of very great importance.

First of all, there is a provision that every treaty entered into by any Member of the United Nations after the present Charter comes into force must be registered with the Secretariat and must be published by the Secretariat.

Senator GEORGE. It says "every international agreement."

Mr. PASVOLSKY. Yes, sir.

Senator GEORGE. Does that contemplate something less than a treaty? An executive agreement, for instance?

Mr. PASVOLSKY. Yes, it contemplates that all agreements which are of any importance should be registered.

The second paragraph states that a treaty or an agreement which has not been registered in accordance with the provisions of paragraph 1 may not be invoked before any organ of the United Nations. That is the sanction against nonregistration.

Senator BURTON. As I understand it, it has no application to agreements or treaties made before this Charter comes into effect? They will not be registered anywhere?

Mr. PASVOLSKY. There is no obligation to register those treaties or agreements. But presumably they will be registered.

Senator BURTON. But it is contemplated that they will be registered all at the same place?

Mr. PASVOLSKY. Yes. Presumably the whole League of Nations' registration would be taken over. Agreements, as you know, were

registered with the League. That is one of the problems in connection with the possible transfer of certain activities and assets of the League.

The next article provides that if there is a conflict between the obligations of the Members of the United Nations under this Charter and their obligations under any other international agreements, their obligations under this Charter shall prevail. That of course is self-evident and of very great importance.

The next article provides that the—

Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

This provision relates to the type of agreements the Organization may enter into, whether or not it can purchase supplies, and so on. This provision is left flexible in order to make it possible to require the minimum of legal capacity for those purposes, rather than to try to expand it.

Finally, the last article of this chapter provides for the extension of privileges and immunities to the Organization by the Members in their territories. That is customary for an organization of this character, but just what kind of privileges and immunities would be extended would be a matter for future determination. The General Assembly is given the power to make recommendations with a view to determining the details of the application of this provision.

Senator MILLIKIN. In connection with this immunity, I believe that the subject of investigations has already been touched upon and you said you were going to come back to it. I hoped you would come back to it and tell us the powers of the Council and of the Assembly with reference to investigations.

The CHAIRMAN. The Economic and Social Council?

Senator MILLIKIN. Senator Thomas yesterday touched upon the subject and you said you would come back to it.

Mr. PASVOLSKY. You see, the word "investigation" is not mentioned in connection with the Assembly. The word "investigation" is mentioned in connection with the Security Council, and it is mentioned there in the terms of a specific objective—that is, the Council has the power to investigate a dispute or situation in order to determine whether or not its continuance is likely to endanger the maintenance of international peace and security. The Assembly is given the right to make studies, to initiate studies, and therefore presumably to investigate in a technical sense the matters which come up before it.

I suppose your question relates to how much the Organization can investigate inside of a country?

Senator MILLIKIN. That is right.

Mr. PASVOLSKY. Obviously it can do what the governments themselves are willing for it to do.

Senator MILLIKIN. Under the Charter, is it intended that the government shall allow them to pursue their investigations wherever their investigations may take them?

Mr. PASVOLSKY. I should think that that would depend upon the procedure and upon the circumstances of the time. I do not think there is a blanket authorization such as you suggest implied anywhere.

Senator MILLIKIN. Assuming any Member nation that did not want

to be investigated, could it deny the right of investigation without violating the Charter?

Mr. PASVOLSKY. I do not know how to answer that question, Senator, because I think the case would rest on the reason why a country opposes the investigation.

Senator MILLIKIN. Then each nation, according to your answer, would be the judge as to whether an investigation shall be carried on within its borders?

Mr. PASVOLSKY. If an investigation is carried on for a purpose which is within the province of the particular organ of the Organization, I should think that a country which interposed difficulties in the conduct of that investigation would not be considered as living up to its obligation under the Charter.

Senator MILLIKIN. Let me put it to you this way: Will each country have the right to question in an effective way and be the judge itself as to whether or not an investigation shall be had within its borders?

Mr. PASVOLSKY. Well, Senator, I should say that that would depend upon the circumstances of each particular case.

Senator MILLIKIN. Who would judge the circumstances?

Mr. PASVOLSKY. The circumstances would have to be judged as a part of the relationship of each Member state to the Organization. After all, the Organization will have the right to judge that a particular country is obstructing it in the performance of its duties. Now, the Organization may decide that a country is perfectly justified in not permitting an investigation of a certain character within its borders, or it may decide otherwise.

Senator MILLIKIN. I am speaking in terms of right under the Charter. Would any nation have the right to block an investigation which had been ordered by either the Assembly or by the Council?

Senator AUSTIN. Mr. Chairman, may I call the witness' attention to chapter I, article 2, paragraph 5, and ask him if that was intended by the Conference to cover this point?

Mr. PASVOLSKY. The first part of that sentence reads:

All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain—  
et cetera.

Senator MILLIKIN. Then it would be a violation of the Charter if any nation did not permit investigations to be made within its borders that had been ordered by the Assembly or the Council; is that correct?

Mr. PASVOLSKY. It would be judged by the Organization itself as to whether or not such an action constitutes failure to live up to the commitment to give every assistance in any action taken in accordance with this Charter.

The CHAIRMAN. Isn't it a fact that we are constantly sending missions abroad to study all of those social and economic questions now—agriculture, health, labor, and many others?

Mr. PASVOLSKY. Of course we are.

The CHAIRMAN. And other nations are sending them here without any molestation or without any objection on our part? If they undertook activities that would be in violation of our domestic laws they could be ousted. If we did not want them to come in we could refuse them passports. But as long as the investigations are within the terms of the Charter, and they behave themselves, I do not see that we are en-



larging the authority over what we possess now. We are always sending groups abroad—Congressmen, Senators, and others, to take care of the war situation, to look after the UNRRA and all that sort of business.

I suggest that we had better recess now until 2 o'clock.

(Whereupon, at 12:40 p. m., the committee recessed until 2 p. m.)

AFTER RECESS

(The recess having expired, the committee reconvened at 2 p. m.)

The CHAIRMAN. The committee will come to order.

**STATEMENT BY LEO PASVOLSKY, SPECIAL ASSISTANT TO THE SECRETARY OF STATE FOR INTERNATIONAL ORGANIZATION AND SECURITY AFFAIRS—Resumed**

Senator LA FOLLETTE. Mr. Chairman, could I ask one question before the doctor proceeds?

The CHAIRMAN. Certainly.

Senator LA FOLLETTE. This morning I asked you about paragraph 2 of article 77, and as I understood your answer, it was to the effect that these territories which might be brought under the trusteeship system, that it would be brought about as the result of agreements entered into by the nations concerned and would not be taken up by the organization de novo. Now, I wanted also to ask you one question with relation to that, which I neglected to ask, and that is in relation to article 79 which says [reading]:

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power—

et cetera.

How is it to be determined whether a state is directly concerned in any of these trusteeship problems?

Mr. PASVOLSKY. I imagine that would be determined by negotiations among the states which claimed to be concerned.

Senator LA FOLLETTE. Could any state come in and claim that it was concerned, under this language?

Mr. PASVOLSKY. I imagine any state could claim that it is concerned, but there are certain guiding principles with respect to the particular categories with which we are dealing here. One category is formed by the mandates. The states concerned there are clearly the principal allied and associated powers of the last war, with the enemy states in this war subtracted.

Senator LA FOLLETTE. Outside of that category, take some of the territories which were not under the mandate system of the League. How would it be determined as to which states were directly concerned?

Mr. PASVOLSKY. There would be only two other categories in addition to the mandates. One would be the territories detached from the enemy in the course of this war. And the states directly concerned would be determined by agreement among the United Nations or the nations at war with the particular enemy.

Senator LA FOLLETTE. You mean then that it would come up, perhaps, in the Assembly, or would that be a matter of negotiation outside of the United Nations organization?

Mr. PASVOLSKY. That would be entirely outside of the Organization.

Senator LA FOLLETTE. So that if countries A and B claimed a direct interest, and country C claimed it, it would be a question of negotiation between the countries A and B and C?

Mr. PASVOLSKY. That is right.

The CHAIRMAN. All right, Doctor, proceed.

Mr. PASVOLSKY. We had reached chapter XVII this morning, Mr. Chairman, the chapter entitled "Transitional Security Arrangements."

There are two articles in this chapter. Article 106 relates to a situation which is bound to exist after the Organization comes into effect. Once the Organization is established, the Security Council will be in a position to exercise its functions with the exception of the functions for the exercise of which it would have to have armed forces and facilities at its disposal. Since the agreements by which these armed forces and facilities would be placed at the disposal of the Security Council will be negotiated after the Charter comes into effect and the Organization is established, there will be a gap, a period during which the Council will not be able to exercise those functions.

Article 106 provides that during that period, the four signatories to the Moscow declaration of October 30, 1943, and France, will continue to act in accordance with the provisions of paragraph 5 of that declaration—that is, they would consult with one another, and as occasion requires with other Members of the United Nations, with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

This is the arrangement for filling that interval, that gap, which will exist between the time of the Organization coming into effect, and the time when the Security Council has at its disposal sufficient forces to exercise its responsibilities under the enforcement provisions.

The next article, article 107, relates to the situation which we have already discussed this morning—that is the fact that the handling of the enemy states will be in the hands of the governments which have the responsibility for action in that field as the result of the war. And in accordance with the article which we touched on this morning, this situation will continue until this phase of security work is turned over by the governments concerned to the Organization and the Security Council becomes responsible for it.

Senator MILLIKIN. May I ask a question there?

The CHAIRMAN. Senator Millikin, yes.

Senator MILLIKIN. I think we touched on much the same thing earlier today, but I would like to ask you, Doctor, whether the Russian-Polish relationship is affected in any way by article 107?

Mr. PASVOLSKY. No, sir.

The CHAIRMAN. Proceed, Doctor.

Mr. PASVOLSKY. The next chapter, chapter XVIII, relates to amendments. It is in two parts.

There is the regular amendment process described in article 108. Under that arrangement, amendments to the Charter will have to be adopted by a vote of two-thirds of the members of the General As-

sembly. Then these amendments would be submitted for ratification to all the Members of the Organization, and amendments would come into force when they had been ratified by two-thirds of the Members of the United Nations, with all of the permanent members of the Security Council included in that number. That is the regular amendment process.

Now, under the terms of article 109—

Senator MILLIKIN (interposing). Mr. Chairman, may I ask a question?

The CHAIRMAN. Senator Millikin.

Senator MILLIKIN. Yesterday the witness said that he would discuss withdrawal when he got to the subject of amendments. I wonder if he would care to discuss the subject any further?

The CHAIRMAN. When he finishes on amendments.

Senator MILLIKIN. He had finished, had he not?

The CHAIRMAN. I do not understand that he had.

Mr. PASVOLSKY. There is a second part to this chapter.

The CHAIRMAN. As soon as he gets through that, we will take up the question of withdrawal, if you like.

Mr. PASVOLSKY. Article 109 provides for the holding of a General Conference at some future date for the purpose of reviewing the present Charter and its operations, and for the purpose, therefore, of determining whether or not any alterations in the Charter should be made. It provides in a sense for a more generalized review from the point of view of possible amendments.

Such a General Conference would be held at a date and a place to be fixed by a two-third vote of the members of the General Assembly and by a vote of the Security Council, the Council vote being taken by any seven members. Unanimity of the permanent members of the Security Council is not required for this vote.

Any recommendations for alterations in the Charter that might come out of this Conference must be made by a two-thirds vote of the Conference, and must be submitted for ratification to the Member States. They would go into effect just as would ordinary amendments when ratified in accordance with their respective constitutional processes, by two-thirds of the Members of the United Nations including all the permanent members of the Security Council.

This particular article was the subject of a great deal of discussion at the conference. There were some countries that wanted to fix a definite date on which a conference of this sort would take place. There were other delegations that thought that that would be too limiting, that the Assembly and the Council ought to be left free to determine a date and place.

As a result of that discussion, there emerged the idea which is embodied in paragraph 3 of article 109. There a provision is made that if a general conference of this sort has not been held before the tenth annual session of the General Assembly, the proposal to call such a conference shall be placed on the agenda of that session, and if a majority of the General Assembly—a simple majority in this case rather than a two-thirds majority—and any seven members of the Security Council are in favor of holding such a conference, the conference should be held at a time and place to be fixed by the General Assembly.

These are the two methods by which the Charter can be amended.

When we discussed yesterday the question of withdrawal from the Organization, I said that the question of withdrawal came up particularly in connection with the amendment process, because under these amendment provisions an amendment, whether resulting from the regular amendment process—that is action by the General Assembly—or by the action of the General Conference, would go into effect when ratified by two-thirds of the Member States, including the permanent members of the Security Council. There would be then one-third, at most one-third, of the Member States who might be bound by the amendment whether they ratified it or not. I mean, if they did not ratify it, they would still be bound by it.

So the question arose as to whether or not such states should be bound by an amendment irrespective of how that amendment affects them or their relationship to the Organization. It was in connection with that issue that the withdrawal question arose.

I read yesterday, Mr. Chairman, the statement on withdrawal which was incorporated in the Report of the Conference, and in that statement you recall there was a special reference made to the connection between withdrawal and amendment. Perhaps I ought to read that statement again, or a part of it.

The CHAIRMAN. Very well.

Senator WHITE. What page is that on?

Mr. PASVOLSKY. That is on page 48 of the report to the President. The statement was as follows [reading]:

The Committee adopts the view that the Charter should not make express provision either to permit or to prohibit withdrawal from the Organization. The Committee deems that the highest duty of the nations which will become Members is to continue their cooperation within the Organization for the preservation of international peace and security. If, however, a Member because of exceptional circumstances feels constrained to withdraw, and leave the burden of maintaining international peace and security on the other Members, it is not the purpose of the Organization to compel that Member to continue its cooperation in the Organization.

It is obvious, particularly, that withdrawals or some other forms of dissolution of the Organization would become inevitable if, deceiving the hopes of humanity, the Organization was revealed to be unable to maintain peace or could do so only at the expense of law and justice.

Nor would a Member be bound to remain in the Organization if its rights and obligations as such were changed by Charter amendment in which it has not concurred and which it finds itself unable to accept, or if an amendment duly accepted by the necessary majority in the Assembly or in a general conference fails to secure the ratification necessary to bring such amendment into effect.

It is for these considerations that the Committee has decided to abstain from recommending insertion in the Charter of a formal clause specifically forbidding or permitting withdrawal.

I think it is clear from that language that since the possibility of withdrawal is not prohibited in the Charter, the interpretation of withdrawal given here yesterday is the complete answer to the question of withdrawal.

The CHAIRMAN. Any questions, Senator Millikin?

Senator MILLIKIN. Let us assume, Doctor, that the character of one of the principal powers changed. Let us assume, first, that a principal power became annexed to one of the other principal powers, or came under the political domination of one of the other political powers—

would that be such a radical change in the framework of the Charter as to warrant withdrawal?

Mr. PASVOLSKY. Senator, I should think that a situation like that if it arises, would be a situation which would have to be faced at the time in the light of the circumstances at the time.

Senator MILLIKIN. I mean, it is the well-known rule in a contract, and I think it is also—I do not know whether it is a rule in treaties—but in contract law, if the parties with whom you enter upon a contract die and provisions are not made for succession, the contract becomes of no effect. Do you not think or could you not say right now that if one of the principal parties disappeared and became a part of some other principal government that that would be a radical circumstance and a radical change so important as to warrant withdrawal?

Mr. PASVOLSKY. Senator, wouldn't that be a question of whether or not, as a result of such a development the Organization could continue to function for the purpose for which it was created? That is, it is an abstract question as you state it.

Senator MILLIKIN. It seems to me it is a question of interpretation of an agreement. A certain group of people under the circumstances that confront them at the time enter into an agreement. Then the group changes. Is that a situation which makes a sufficient change in the contract to warrant the declaration of a breach of it or to withdraw from it?

Mr. PASVOLSKY. Senator, it seems to me that that would depend on the decision of the particular state as to whether it considers that situation an exceptional circumstance within the meaning of the interpretation, so that it feels constrained to withdraw—whether a nation considers that as a sufficient reason for it to withdraw.

Senator MILLIKIN. And if concluded to withdraw, would you think it would be subject to censure?

Mr. PASVOLSKY. Senator, there is no sanction provided for withdrawal.

Senator MILLIKIN. I agree with you. But there is a distinction between doing something out of sheer power and doing it as a matter of right. We can always withdraw in the exercise of our sheer power. The other class of withdrawal goes to what might be called whether you have a right to withdraw just as you have a right to pull out of a contract where the subject matter is destroyed or where a part of the parties no longer exist, or where there has been a breach of the contract, and so forth and so on. I am not talking about our sheer power to do something, but I am wondering whether under those circumstances we could withdraw without getting ourselves into a justly censurable position.

Mr. PASVOLSKY. Senator, don't you think that would depend upon the reason for which we withdrew and the circumstances at the time?

Senator MILLIKIN. I stipulated an hypothesis that would give a reason.

Mr. PASVOLSKY. It is a little difficult to answer definitely a question like that, but I should think that the language of this statement which I read meets the situation which you have in mind.

Senator MILLIKIN. Now, we go into this arrangement and in going into it we weigh the character of our principal associates, and we

consider, I assume, their systems of government. Would your answer be the same if there were a radical change in the system of government of any of the principal powers or permanent members?

Mr. PASVOLSKY. Senator, I think my answer would be that whatever the circumstances, whatever the reasons that are adduced by a state which decides to withdraw, it is the judge for itself as to whether those reasons are good and proper. The rest of the nations are clearly entitled to have their judgment as to whether the withdrawing nation acts in the proper spirit and under proper circumstances and with proper justification. The statement is quite clear that it is not the purpose of the Organization to compel that member to continue its cooperation in the Organization.

Senator MILLIKIN. I think the statement that you read from carries the same idea, but if there should be a general frustration of the specified principles and purposes of the Organization, I assume that that would be a justifiable reason for withdrawing.

Mr. PASVOLSKY. That, Senator, is also in the statement.

Senator MILLIKIN. Thank you very much.

Senator BARKLEY. Let me ask you this question in connection with that: Suppose that some nation which is now a monarchy and living under the monarchical form of government, and which is part of the Charter, should cease to be a monarchy and become a republic. That would be a change in the form of government but that would not be a justifiable reason for any other nation withdrawing, would it?

Mr. PASVOLSKY. I would not think so, provided the nation continues to behave, internationally.

Senator BARKLEY. It would still be subject to the provisions of this Charter.

Mr. PASVOLSKY. Surely.

Senator BARKLEY. If one nation gobbles up another and thereby brings about an absorption, that would be in violation of the Charter?

Mr. PASVOLSKY. Very definitely.

Senator BARKLEY. And the Council would be supposed to have prevented that in advance. But suppose two nations regardless of their form of government, and which are parties to this Charter, voluntarily entered into an agreement to consolidate and become one nation, that would not be such a change or breach of the original contract involving this Charter as to justify of itself alone the withdrawal of any other nation which is a party to the agreement, would it?

Mr. PASVOLSKY. That would depend upon the circumstances—

Senator BARKLEY (interposing). It is difficult to present hypothetical cases which would or would not present justification for withdrawal.

Mr. PASVOLSKY. Exactly, Senator, because it all has to be judged in the light of the circumstances at the time and the effect of the action by the nation.

Senator BARKLEY. And under the Charter, there would be no prohibition but it would be a matter for the nation desiring the withdrawal to determine for itself?

Mr. PASVOLSKY. That is right.

Senator BARKLEY. No resolution or action that the Council or the Assembly could take could prevent its withdrawal?

Mr. PASVOLSKY. That would be my view.

Senator WHITE. Mr. Chairman, I would like to ask a question on this matter of withdrawal.

The CHAIRMAN. Senator White.

Senator WHITE. This question of withdrawal interests me somewhat, because I assume that this Charter is in the nature of a treaty or it would not be here for ratification. I had already supposed that treaties of the United States were either limited in their time by the terms of the instrument, or that there was provision in them for denunciation or withdrawal by other means. Here we have no limitation of time on the instrument, with no provision for withdrawal and no provision for denunciation. What I want to ask you is, is there precedent in our diplomatic experience for the omission of these rights of withdrawal or denunciation and of the writing of an instrument without limitation of time?

Mr. PASVOLSKY. Mr. Chairman and Senator White, I wonder if that would not be a more appropriate question to address to Mr. Hackworth who is our specialist on treaty history? Would you wait, Senator, to ask him that question?

Senator WHITE. I don't care who answers it, so long as it is answered.

Mr. PASVOLSKY. He would be better qualified to answer it than I.

Senator WHITE. If there are precedents for an instrument of this character, which as I say has no limitation of time, and has no provision for denunciation and no provision for withdrawal of the signatory nation, I thought it would be interesting and perhaps of value to have it now.

Mr. PASVOLSKY. Yes, indeed.

Senator AUSTIN. Would it not be necessary to test the justification by the purposes and principles set forth in Chapter I?

Mr. PASVOLSKY. Senator, if the Organization was confronted with an act of withdrawal it would certainly look at the behavior of the withdrawing nation in terms of the purposes and principles of chapter I.

Senator WHITE. Mr. Chairman, may I jump to another article and ask just one question?

The CHAIRMAN. Certainly.

Senator WHITE. Article 96 authorizes the Council to call upon the Court for advisory opinions. What I want to know is whether it was within the discretion of the Court to render an opinion when asked by the Council or whether it was mandatory?

Mr. PASVOLSKY. Senator, this is again a question which I hope you will address to Mr. Hackworth, because I did not discuss this chapter. I left it to Mr. Hackworth to discuss; he is much better qualified than I am for that.

Senator THOMAS of Utah. Mr. Chairman, may I ask a question in pure theory, but I sometime think that the reasons for writing the way in which it is written are quite as important as the writing itself. What is the theory behind the creation of the very harsh or hard amending power? As I read article 108 it would be impossible to amend excepting by special convention, that Charter, without the consent of the United States for example.

The CHAIRMAN. That is right.

Senator THOMAS of Utah. What is the theory of making the amending powers hard?

Mr. PASVOLSKY. It is the same theory that underlies the voting procedure on the Security Council which is itself related to the type of responsibility which is to be assumed by the permanent members of the Council. That is, in the final analysis it is their power that has to be relied upon for the performance of the functions of the Organization. It is inconceivable that, having accepted this Charter and the obligations which it imposes, the permanent members of the Security Council with the special obligation and responsibility laid upon them, could consent to having the Charter altered in such a way as to alter their obligations and their responsibilities without their concurrence.

The CHAIRMAN. May I interject right there? I think Senator Vandenberg will join me in this view. I was on the committee that handled this matter and offered the amendment which was adopted providing for the calling of a constitutional convention to reexamine the Charter at a later date. We took the view that the United States Senate would very reluctantly ratify the Charter if it were to set up an organization with the power, through the amending process, to increase our responsibilities and lay upon us heavier duties when a sum of those votes require to amend the Charter would be nations that would not be primarily responsible for the preservation of peace, and if the peace were breached would not bear any heavy burdens in preserving the peace or in making war. We thought we could hear the eloquent voices of Senators lifted in protest, at tying ourselves to this Organization endowed with authority to adopt amendments to send our boys to war when we do not want them to go and to do this and that and the other—we did not agree to do that. We wanted to have it like it is; an organization that could not increase our obligations, that could not add obligations that we know not of without the consent of the United States. That is one of the justifications, Senator Thomas.

Senator VANDENBERG. I think that is an understatement. I think we thought the Senate would not only be reluctant but that it would not do it.

The CHAIRMAN. You agree with me that you heard eloquent voices raised in protest on the floor of the Senate. I have heard echoes of that even this morning.

All right, Doctor, is there something else?

Mr. PASVOLSKY. Yes, sir; there is one more chapter, which deals with the procedure for the ratification of the Charter and the process by which the Charter would come into effect. These provisions are in article 110.

There is a provision, of course, that the Charter shall be ratified by the signatory states in accordance with their respective constitutional processes. The ratifications shall be deposited with the Government of the United States, and the Government of the United States as the custodian of the ratifications shall notify all the signatory states of each deposit of ratification, and, when the Secretary General of the Organization is appointed, shall notify him.

Now, the present Charter will come into force when there has been deposited with the Government of the United States the ratifications of the five nations which are to become the permanent members of the



Security Council, and of a majority of the other signatory states. That would mean that if there are to be 51—there will be 51 signatories—the Charter will come into effect when it has been ratified by the 5 powers that are to become the permanent members and by a majority of the remaining 46 which means 24. In other words, the Charter will have to be ratified by 29 nations before it comes into force. When it comes into force, the Organization presumably comes into existence.

Senator BARKLEY. Which is the fifty-first?

Mr. PASVOLSKY. Poland.

When the Charter comes into force, the nations which have ratified it, that is these 29 nations, become original Members of the Organization. The other signatories, as they ratify the Charter after the Charter comes into force and deposit their ratifications as provided, then also will become original members, and will be included in the number of original members.

That is the process by which the Charter is to come into force and the Organization is to be established.

Finally, there is one more article in this chapter, and that is the article that provides that the Charter shall be prepared in five languages and that all of these texts shall be equally authentic, that these texts shall be deposited in the archives of the Government of the United States, and that duly certified copies shall be transmitted by the Government of the United States to the governments of the other signatory states.

That, Mr. Chairman, concludes the provisions of the Charter.

The CHAIRMAN. Dr. Pasvolsky, I want to thank you on behalf of myself and the committee for your very careful and meticulous and thorough presentation of the Charter and its various provisions. We all know how long you have labored on this matter. We realize your service at Dumbarton Oaks, and your very great service at San Francisco, in which you not only were the adviser to the delegation at the Conference, but served as Chairman of the Coordination Committee which had to integrate the entire Charter, and where there were conflicts, eliminate them and draft the proper language.

I want to pay you this tribute to your efficiency and your ability and your industry and energy in performing all of these duties.

Mr. PASVOLSKY. Thank you.

The CHAIRMAN. Thank you for your presence here.

Does any other Senator have any observation or question?

(No response.)

The CHAIRMAN. You expressed some desire to put the names of some of your assistants who helped you in the record. You can get a list of them and put them in the record. I see a number of your staff and assistants who rendered very fine service at San Francisco.

(With Dr. Pasvolsky, in addition to Alger Hiss:)

Mr. Harley A. Notter, Adviser, Office of Special Political Affairs, Department of State.

Mr. Benjamin Gerig, Chief, Division of Dependent Area Affairs; Associate Chief, Division of International Organization Affairs, Department of State.

Mr. Joseph E. Johnson, Acting Chief, Division of International Security Affairs, Department of State.

Mr. Donald C. Blaisdell, Associate Chief, Division of International Security Affairs, Department of State.

Miss Dorothy Fosdick, Division of International Organization Affairs, Department of State.

Mr. Hayden Raynor, special assistant to the Secretary of State.

Mr. Adlai Stevenson, special assistant to the Secretary of State.

Mr. Edward G. Miller, Jr., legislative assistant to Assistant Secretary Acheson.

The CHAIRMAN. The next witness is Mr. Green Hackworth, legal adviser of the State Department.

Mr. Hackworth was at San Francisco, where he rendered very fine service. I was a member of the committee that had jurisdiction over the Court, but Mr. Hackworth did all the work. I attended a good many meetings, but I soon saw that he knew what he was doing, and I was not very active on the details until he got through with his work for the final approval.

Mr. Hackworth, we want you to testify particularly on the World Court, the International Court of Justice.

#### STATEMENT OF GREEN H. HACKWORTH, LEGAL ADVISER, DEPARTMENT OF STATE

Mr. HACKWORTH. Mr. Chairman and gentlemen of the committee, the Court is treated of in chapter XIV of the Charter, articles 92 to 96, inclusive.

Chapter XIV follows very closely chapter VII in the Dumbarton Oaks proposals.

Article 92 of the Charter states that the International Court of Justice shall be the principal judicial organ of the International Organization. That is a repetition of a similar provision in the Dumbarton Oaks proposals; it also states that the Statute shall be attached to and be a part of the Charter.

Article 93 states that the Members of the United Nations shall ipso facto be parties to the Statute of the Court.

Senator BURTON. Could I ask one question before he leaves article 92?

The CHAIRMAN. Yes.

Senator BURTON. As I understand article 92 it says that the Court shall function in accordance with the annexed Statute which is based on the permanent Statute of the International Court of Justice and forms an integral part of the present Charter. Does that mean that when we ratify the treaty, that we automatically include in it the Statute which is a separate document annexed to it and we take no separate action as to that order?

Mr. HACKWORTH. That is correct.

Senator BURTON. It is just as much a part of the Charter as though it were article 112?

Mr. HACKWORTH. Precisely so.

Article 94 of the Charter is new as regards the Dumbarton Oaks proposals. It provides that each Member of the United Nations undertakes to comply with the decisions of the Court.

It also provides that if any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Those provisions were incorporated at San Francisco at the instance of certain countries who felt that there should be some provision in the Charter indicating rather clearly that the decisions of the Court would be carried out.

Those who opposed the incorporation of these provisions called attention to the fact that in no case had the decisions of the existing Court been ignored by the parties to the cases before it, that it was not necessary to incorporate such a provision in the Charter. Yet there seemed to be no particular objection to having such a provision, and because of the insistence of these countries, it was incorporated.

Senator BURTON. Perhaps you were here this morning when Mr. Pasvolsky testified on the matter of enforcing the decisions of the Charter or the decisions of the Court. As I understood him, under article 94, when we call upon the Security Council to take measures to give effect to the judgment of the Court, I understood him to say that that was limited to article 39, and therefore when the Security Council is called in to act as a sheriff, as I suggested this morning, it must necessarily reach a decision before it acts that the case is one which involves a threat to the peace or a breach of the peace or active aggression or something of that sort endangering the maintenance of international peace and security, before it acts; and therefore it is optional with the Security Council as to whether it will carry out a decision of the Court, and that depends primarily upon whether it is one which threatens the peace of the world.

Mr. HACKWORTH. I did not hear Dr. Pasvolsky's testimony this morning, but I think that this statement is absolutely correct, and I say that for the reason that when these provisions were under consideration in the Technical Committee, it was pointed out to the members of the committee that Committee 1 of Commission IV—which was the body having this under consideration—that that Committee had no authority to deal with the powers and duties of the Council, that those matters would be handled by another Committee; so that in order to make sure that Committee 1 of Commission IV was not trying to increase the powers or the responsibilities of the Council, there was incorporated in paragraph 2 of article 94 the statement that the Security Council may, if it deems necessary, make recommendations or decide upon measures to be taken.

In order to determine what the Council may do, it is necessary to look to the chapter with respect to the Council and to the chapter regarding peaceful settlement or settlement by virtue of other means. It was definitely understood by the whole committee as well as by the Commission—Commission IV—that there was no intention to increase the duties of the Council under article 94, and that all that was intended by these provisions was to show that the states expected that the decisions of the Court would be complied with, and that if they were not complied with, the complaining party would have a right to bring the matter to the attention of the Council for whatever that might be worth, but the Council would be entirely free to do what it might see fit.

Senator BURTON. And finally, the Council in making that decision, would have to have a majority of the seven, in which all the permanent members concurred, is that correct?

Mr. HACKWORTH. I think that that is correct.

The **CHAIRMAN**. In other words, your contention is that there was no desire or intention to increase the jurisdiction of the Council?

**Mr. HACKWORTH**. That is absolutely correct, Mr. Chairman.

The **CHAIRMAN**. Go ahead.

**Mr. HACKWORTH**. Article 95 of this same chapter contains a provision that nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

It was not necessary to incorporate that provision, but it was thought to be desirable for the reason that it was not intended that this Court should be the only tribunal to which states had a right to go for the settlement of their differences. Arbitral tribunals are referred to in the chapter on peaceful settlements, and this article is merely to make it abundantly clear that the Court was not to be regarded as the only tribunal open to Members of the United Nations.

**Senator WHITE**. May I ask a question there?

The **CHAIRMAN**. Senator White.

**Senator WHITE**. Will these other tribunals to which a Member is authorized to turn, will its decisions be of equal authority with the Court made a part of this Charter?

**Mr. HACKWORTH**. I think that if the parties agreed to accept the decision of an arbitral tribunal, that decision would be of equal validity for that purpose, with the decision of the Court.

**Senator WHITE**. Isn't there a danger then instead of getting a codification or unification of decision, that you are inviting diversity of court judgments?

**Mr. HACKWORTH**. May I ask you to repeat that question, please, Senator?

**Senator WHITE**. I don't know whether I can or not, but it is not possible that if you have two or more bodies having equal authority, that instead of getting a unification of decisions and a stabilization of judicial opinion, you are inviting differences of interpretation and differences of decision and of opinion?

**Mr. HACKWORTH**. There is no doubt about that, but I don't know of any way to escape the result. We have the same situation here in this country with respect to our own domestic tribunals. The decisions of the courts of one State may differ from those of the courts of another State.

**Senator BARKLEY**. This provision might contemplate resort of tribunals that are not in existence. If two states are disputing about something they can agree to set up a tribunal between them or a board of arbitration between them, they are not prevented from doing so. That is not a permanent tribunal set up for general purposes. They might resort to some other tribunal in existence, but they might even agree between themselves to set up an arbitration board or call in some high officer of another nation to mediate between them. This is intended not to prevent that, isn't it?

**Mr. HACKWORTH**. Absolutely. That is exactly what was in mind, Senator. As you will note, the last part of article 95 speaks of tribunals by virtue of agreements already in existence or which may be concluded in the future. The thing that you have in mind was in contemplation.

Senator BARKLEY. A tribunal might be set up for one purpose only and cease to exist when it has accomplished its objective?

Mr. HACKWORTH. That is correct.

Senator THOMAS. As I understand your answer, then, those agreements, which the various nations now have with other nations settling disputes between each other, are in no way interfered with?

Mr. HACKWORTH. That is correct; not at all.

Senator THOMAS. Then does this provision also guarantee us that as long as States have worked out some arrangement by themselves for the settlement of their differences, and those arrangements are moving along all right, the Charter in no way interferes with those arrangements?

Mr. HACKWORTH. Not in the slightest degree.

Senator THOMAS. Then all that has been done so far toward bringing about the machinery for the settlement of disputes between nations remains exactly in the place where it is today?

Mr. HACKWORTH. Precisely in the same status.

Senator HAWKES. Suppose nations have agreed upon a manner of settling their disputes, and that is permissible under this document, and there was substantial delay which would cause a question of doubt as to whether it was interfering with the peace and security of the world, would the Security Council then have the right to reach in there and take that state into their own court?

Mr. HACKWORTH. No, the Security Council has no right whatsoever to throw litigants into the court.

Senator HAWKES. Even if it threatens peace, it would not have that right?

Mr. HACKWORTH. No.

Senator HAWKES. Or the security of the world?

Mr. HACKWORTH. No, not even in that situation. All that the Security Council can do with respect to the Court is to request an advisory opinion on some question pending before the Council. It can not require states to go into the court. It may make recommendations, but the states are not obliged to follow the recommendations of the Council in that respect.

If because of failure to follow the recommendation of the Council, peace is threatened, then the Council has the right to take such action as is authorized by the Charter.

Senator HAWKES. You understand what I mean. Is there any way to take a case in, which threatens the peace and security of the world?

Mr. HACKWORTH. There is no way by which the Council can force states into the court.

Senator BURTON. There isn't anything the Court can do, is there, under this Charter, to interfere with the preservation of peace and the prevention of war for which we are setting up this security process? Suppose the Court has a case and it has taken a long enough time on that case so that there developed a threat to international security and peace. The decision by the Court of the judicial question can not interfere, can it, with the maintenance of peace by the Security Council?

Mr. HACKWORTH. The Court has no authority to interfere in any way with the action of the Council.

Senator BURTON. But the Council can act notwithstanding there is pending an issue in the Court?

Mr. HACKWORTH. Oh, yes, quite so.

Senator HAWKES. That is not the point I am talking about. I am talking about a case that is not going before the Court, a case that is being handled by some method devised by the nations which you say is presumably under this Charter. I am talking about if that case were being delayed to the point where it threatened the peace and security of the world, isn't there some way to reach in there and take that case to a point where it will be decided?

Mr. HACKWORTH. There is no way whatsoever by which the Council can force litigants into the Court.

I might elaborate on that just a little in this sense; that the jurisdiction of the Court is optional with the states or the parties to a dispute. Those states may go into the Court or they may not. There is a provision in article 36, known as the optional clause, under which states may agree to accept compulsory jurisdiction of the Court, and a very large number of states have agreed to that; so that in a case of a dispute between two countries which have agreed to accept compulsory jurisdiction of the Court, any one of those states can force the other into the Court, but until compulsory jurisdiction under the optional clause has been accepted, or the parties have agreed to submit to the Court, no state may be forced into Court by any other state or by the Council.

Senator HAWKES. Thank you very much.

Senator THOMAS of Utah. I wonder if you will turn to article 36 so that the record will be clear in answer to Senator Hawkes' question and elaborate on the second paragraph of that article?

Mr. HACKWORTH. The second paragraph of the article says that the states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning the four categories of cases mentioned in the article. Unless a state has accepted compulsory jurisdiction, it goes into Court only by its own free will, by agreement in advance with the other party to the dispute to allow the Court to determine the question. If it has accepted compulsory jurisdiction, then it may be haled into court by the other party to the dispute just as you may bring a suit against me in a court in the District of Columbia. I have no choice; you can sue me and I must answer. But under this Statute, if you were a state you could not sue me—another state—unless I agreed with you to go to the Court, or unless I accepted compulsory jurisdiction under the optional clause.

Senator BURTON. I am interested in the statement which Mr. Hackworth made with regard to the compulsory jurisdiction, but the next question arises: What about the codification of the law in which the decision shall be made, and I wanted to refer you to article 13, in which it makes the interesting statement that [reading]:

The General Assembly shall initiate studies and make recommendations for the purpose of—

a. Promoting international cooperation in the political field and encouraging the progressive development of international law and its codification.

What would be the process by which there can be international law codified in view of these provisions?

Mr. HACKWORTH. I suppose that the Assembly might follow the procedure followed by the League of Nations which in 1927 undertook the codification of three topics of international law; namely, the responsibility of states toward aliens; territorial waters; and nationality. In that situation, the League of Nations sent out questionnaires to all the states setting out a series of questions and asking for replies. Those replies were submitted, were considered by a special committee set up by the League, and bases of discussion of these three subjects were prepared. A conference was convened at The Hague in 1930 at which time these three subjects were discussed by three separate committees. As a matter of fact, nothing of a substantial nature resulted, but that, Senator, I think will indicate the procedure which might conceivably be followed by the Assembly.

Senator BURTON. The thing I was essentially interested in is, assuming for the moment that they did get together and make a recommendation on these three or more subjects, how was that made effective and binding on the Court?

Mr. HACKWORTH. Only by the treaty process, which in our case would have to have the approval of the Senate.

Senator BURTON. It would have to be done by a multilateral treaty and it would not be through action of the United Nations?

Mr. HACKWORTH. That is correct.

The CHAIRMAN. Proceed.

Mr. HACKWORTH. The last article of chapter XIV, has to do with advisory opinions. It provides that the General Assembly and the Security Council may request of the Court advisory opinions on any legal question.

Then there is a second paragraph which is new; that is to say, it was not in the Dumbarton Oaks proposals. It reads:

Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

There was a demand on the part of a number of states that organs of the international organization should have free access to the Court for advisory opinions. There was opposition to such a broad provision on various grounds, including that of cluttering the Court up with a lot of miscellaneous questions which ought to be decided administratively or otherwise, and also that to allow all of these organs to go into the Court at their will, might tend to cheapen the effectiveness of the Court. A compromise was reached that these organs should be allowed to go into Court for advice if they were authorized by the General Assembly to do so. It was thought that that sufficiently safeguarded the situation from the point of view of the Court and from the point of view of the organizations.

Senator THOMAS of Utah. From the standpoint of advisory opinion, this provision is broader than the advisory-opinion provision under the League and under the League Court, isn't it?

Mr. HACKWORTH. That is correct. Under article 14 of the Covenant of the League, and under the Statute of the Court created pursuant to that article, only the Assembly of the League and the Council could request advisory opinions. This elaborates upon that slightly.

Senator AUSTIN. May I ask a question there, Mr. Chairman?

The CHAIRMAN. Senator Austin.

Senator AUSTIN. Can the Court protect itself under this Charter against a great volume of advisory opinions by some method of citing briefly precedents, or by refusing to grant the opinions?

Mr. HACKWORTH. Article 65 of the Statute of the Court states that the Court may give an advisory opinion—not that it shall give it. The Court is given complete discretion to give advisory opinions or not as it may see fit, and that applies not only to requests from the Security Council and from the Assembly but to requests from these other organs.

Senator WHITE. May I call attention to the fact that the language of the article is that the Council may request the Court to give advisory opinion, but it does not indicate to me whether there is an obligation on the Court to render an advisory opinion or whether the Court in its discretion may stand up and say no, it will not issue an advisory opinion. My own view about it is that it ought not to be mandatory on the Court to render advisory opinion, but that it should rest in the sound discretion of the Court. That is my view of what the rule should be, and I was not clear what was intended here.

Mr. HACKWORTH. Your view, Senator, is precisely in accord with the view of the Technical Committee that prepared this draft, namely, first, that it should be discretionary with the Council and the Assembly to request an opinion, and, secondly, that it should be discretionary with the Court to give or not to give an opinion.

Senator GEORGE. That would be an inherent power anyway, would it not?

Mr. HACKWORTH. That is probably true, Senator.

The CHAIRMAN. The language is clear that the Court “may.” It does not say it “shall,” and “may” does not mean “shall.”

Mr. HACKWORTH. That language was discussed and very carefully drafted in order to avoid tying the hands of the Court.

The CHAIRMAN. You may proceed.

Mr. HACKWORTH. The Dumbarton Oaks proposals provided, as I stated a moment ago, that there should be an international court which should constitute one of the principal organs of the international organization, that the Statute should be part of the Charter, and that all Members of the organization should ipso facto become parties to the Statute, but no effort was made at Dumbarton Oaks to draft a statute. That matter was left open; but in April 1945 the four sponsoring powers sent out invitations to all the United Nations to send representatives to Washington for the purpose of preparing a draft of a Statute to be submitted to the Conference at San Francisco. Forty-four nations responded to that invitation, and their representatives met in Washington from April 9 to April 20, both inclusive, and prepared for submission to the San Francisco Conference a draft of a Statute. The committee took as the basis for its work the present Statute of the Permanent Court of International Justice. It made numerous changes and many improvements, including a provision for amendment which was not contained in the existing Statute, and submitted this draft, together with an elaborate report, to the San Francisco Conference.

Senator BURTON. Could I ask just one question there? I think it is clear in the record, but you have just made reference to the present Statute of the Permanent Court of International Justice. There is a Statute now.



Mr. HACKWORTH. Yes.

Senator BURTON. But when we find all through this Statute language such as we find in the first article—

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter—

does that mean this new Statute and not the present Statute that is now in existence?

Mr. HACKWORTH. That is correct.

As I was saying a moment ago, the Committee of Jurists which met in Washington revised the existing Statute to conform to the pattern of the new organization, but there were three questions on which the committee did not undertake to come to decisions. One of these questions had to do with whether or not the Permanent Court of International Justice should be continued, or whether a new Court should be created. It was thought by the Committee of Jurists that this was primarily a political question and it was left open to be decided at San Francisco.

The second question had to do with the nomination of judges and again that was largely political. The Committee prepared alternative drafts on that question. One followed the present Statute of the Permanent Court, namely, that the nominations should be made by the national groups of the Permanent Court of Arbitration under the 1907 Hague Convention. The other draft provided that the nominations should be made by the governments directly. Those alternative drafts were submitted to the San Francisco Conference.

The third question related to compulsory jurisdiction of the Court. The committee was rather closely divided on that question, many of the representatives feeling that the Court should have compulsory jurisdiction, and that it should not be optional with the States as to whether they should go before the Court.

Again, alternative drafts were prepared by the Committee of Jurists and submitted to the San Francisco Conference.

At the San Francisco Conference, the first question, as to whether the present Court should be continued, was debated at length, and it was finally decided that it would be better to create a new Court. Some of the reasons back of that conclusion were that there were a number of states, 16 in all, parties to the present Statute of the Court, which were not represented at San Francisco. Some of these states were neutrals and some were enemies. As to enemies it was not thought that any difficulty would exist, since that matter could be taken care of in the peace treaties, but as to the neutrals a different situation obtained. The Dumbarton Oaks proposals provided that states not members of the United Nations should be allowed to adhere to the Statute under such conditions as the Security Council and the General Assembly might determine.

As a net result of the discussions in San Francisco, it was decided that a new Court would be fraught with fewer difficulties than would the continuance of the present Court.

On the nomination of judges it was felt that to allow the nominations to be made by the national groups of states parties to The Hague Convention of 1907 would be more likely to keep the nomina-

tions free from political considerations, and little difficulty was experienced in adopting that procedure.

The CHAIRMAN. Mr. Hackworth, would you suspend for just a moment?

Members of the Committee and ladies and gentlemen, we have some distinguished guests who have honored the committee with their presence, and I would like to present Mr. John Sofianopoulos, the Foreign Minister of Greece and chairman of the Greek delegation at San Francisco.

I desire to present also Dr. C. Goulimis, a member of the Greek delegation and councillor to the delegation at the San Francisco Conference. [Applause.]

The CHAIRMAN. Now, Mr. Hackworth, you may proceed.

Mr. HACKWORTH. On the question of compulsory jurisdiction, there was a sharp division of view among representatives of the countries represented at San Francisco. Many of the countries, particularly the smaller ones, and at least one of the larger countries, favored compulsory jurisdiction; other countries, even some that had accepted compulsory jurisdiction under the optional clause of the existing Statute, opposed compulsory jurisdiction, and one important state made the categorical statement that compulsory jurisdiction would not be acceptable.

After much discussion in the committee and after the appointment of a subcommittee which went into the matter with great care, it was decided to retain the optional clause in article 36.

Senator AUSTIN. Were there any states that did favor compulsory jurisdiction as to a category of questions?

Mr. HACKWORTH. Many states—I should say that a majority of the states represented at San Francisco—were willing to accept compulsory jurisdiction in all cases specified in article 36, those four categories of cases.

Senator AUSTIN. Did the Conference contemplate the possibility that many states would exercise the option?

Mr. HACKWORTH. That was the principal argument against outright compulsory jurisdiction—that many states, some 40 as I recall under the present Statute, had accepted compulsory jurisdiction, and that it was to be supposed that under the new Statute, states would do likewise. It was argued there that states that had accepted compulsory jurisdiction under the present Court would no longer be bound by their acceptance if a new Court were set up. That was taken care of by a provision in the Statute in article 36, that those states which had accepted compulsory jurisdiction for the Permanent Court of International Justice would now substitute the proposed International Court under the same terms.

The particular provision, Senator Austin, contained in paragraph 5 of article 36, is very short. It reads:

Declarations made under article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed as between the parties to the present Statute to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

Now, Mr. Chairman, I shall try to be brief, but I think that it might be of interest to call attention to a few other outstanding features of the Statute.

First, that the Court is to be composed of 15 judges as provided for in article 3 of the Statute.

Second, that the judges are to be elected for terms of 9 years—that is in article 13—and that whereas under the present Statute of the Permanent Court, the terms of all of the judges expire at one and the same time and an entirely new Court is to be elected, under the Statute as amended, only one-third of the judges will go out of office each 3 years, so that you will have a continuing Court, two-thirds of the members of which will be familiar with pending cases and will have had experience in the work of the Court. We think that that is a considerable improvement over the present Statute.

Senator BARKLEY. In articles 5 and 6 there seems to be a provision with reference to the selection of these judges that sounds a little inconsistent on the surface, although I suppose it is not. It provides for the nomination of candidates by the respective groups of nations, and it says in subsection 2 of article 5 that no group may nominate more than four persons, not more than one of whom shall be of their own nationality. Does that mean that if the United States needs to nominate four persons, it could only nominate two of them from the United States?

Mr. HACKWORTH. Yes; two people for the same vacancy.

Senator BARKLEY. For the same vacancy?

Mr. HACKWORTH. Yes.

Senator BARKLEY. In the next sentence it says in no case may the number of candidates nominated by a group be more than double the number of seats to be filled. In other words, if there is only one seat to be filled if there were a vacancy—there would be more than one seat every 3 years, of course—there would be five seats—

Mr. HACKWORTH. Yes.

Senator BARKLEY (continuing). When these expirations take place one-third at a time?

Mr. HACKWORTH. Yes.

Senator BARKLEY. But in the case of a vacancy it would only mean the election of one person, you feel that as to that vacancy, where in one place it says there that you may nominate four persons and it says in the next sentence that you can nominate twice as many as there are vacancies to be filled; do you feel that there is any inconsistency there?

Mr. HACKWORTH. I don't think there is. The Statute was prepared before the Court was created, and consequently the whole Court was in the first instance?

Senator BARKLEY (interposing). The whole Court was to be selected in the first instance—

Mr. HACKWORTH. Yes; and in that first instance only four candidates could be put up by any national group, not more than two of those candidates could be of the nationality of that group. After the Court is once made up and a single vacancy occurs, then the national groups can only nominate two for that particular vacancy.

Senator BARKLEY. I see.

The CHAIRMAN. Now, go ahead.

Mr. HACKWORTH. The compensation of the judges of the Court has not been taken care of in the Statute or in the Charter except that it is provided that the Assembly shall fix the compensation (article 32 of the Statute).

The Court is to give its decisions in accordance with international laws. It may apply (a) international conventions, general or particular, establishing rules expressly recognized by the contesting states; (b) international custom as evidence of general practice accepted as law; (c) general principles of law recognized by civilized nations; and (d) subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

Senator THOMAS of Utah. What article are you reading from?

Mr. HACKWORTH. Article 38.

Then, paragraph 2 of article 38 states that—

This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono* if the parties agree thereto.

In other words, the Court may apply the principles of equity in any case where the parties to the case agree to have those principles applied.

Another feature to which I think I should call attention is the fact that articles 26 and 29 of the Statute make provision for the creation by the Court of special chambers to pass upon particular categories of cases, also a chamber of summary procedure consisting of five judges, which may be used if the parties to a dispute request it.

It is also important to bear in mind at this point that this Statute, contrary to the existing Statute, provides that the Court may hold hearings and render decisions elsewhere than at the seat of the Court, and that the special chambers may likewise hold hearings other than at the seat of the Court (arts. 22 and 28).

This would permit the Court and the chambers which it is authorized to create to repair to the place where the conflict exists, and there hold hearings in the light of the local situation.

We think that that is a considerable improvement, that it will bring the Court closer to the people, and enable it to gain a better understanding of local conditions.

The procedure of the Court is covered in chapter III, articles 39 to 64. Those are largely the existing provisions with respect to the procedure to be followed by the Court and by the litigant parties, and I take it that the committee would not desire that I should take up its time in going into those articles.

The question of advisory opinions has already been mentioned and I need not go into that matter again.

We now come to two new articles, namely, articles 69 and 70.

Senator AUSTIN. Mr. Chairman, before leaving this subject, may I ask whether the number of judges on the bench would be increased by the use of the power under article 31, paragraph 3, providing for the supplying of a judge where no judge of the nationality of the parties is on the bench?

Mr. HACKWORTH. The number of judges on the bench—that is, on the main Court—would not be increased, but the number of judges functioning at a particular time would be increased by the appointment of these *ad hoc* judges. They would be appointed only for the particular case, and as soon as that case was disposed of they would go out of office.

Senator BURTON. Before reaching the end—you are about to consider the last section, as I understand you?

Mr. HACKWORTH. Yes.

Senator BURTON. Could you just refer back to article 36 in that fifth section which referred to the fact that declarations made under article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed as between the parties to the present Statute to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms?

Could you in a few words give the history of the relation of the history of the United States toward the Statute, and what, if any, position we have taken with regard to becoming a member of that Statute?

Mr. HACKWORTH. The United States has not taken a position on that—I mean the Senate of the United States has not taken a position. In 1926 the Senate, by a resolution, indicated five conditions under which this Government might be willing to adhere to the Statute, but the question of compulsory jurisdiction, as I recall it, was not involved in any one of those conditions. Compulsory jurisdiction was entirely optional under the Statute, and we could accept it or not as we might see fit. We did, however, as I say, indicate five conditions under which we would be willing to adhere to the Statute.

Senator BURTON. As far as the United States is concerned at the present time, of course, it approaches that perfectly freely and may enter into that or not enter into that Statute for compulsory jurisdiction without regard to what it does after becoming a Member of the United Nations?

Mr. HACKWORTH. That is correct.

Senator GREEN. Let me go back a little. In article 10, section 3, there is a provision as follows:

In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

And in article 12, section 4, there is the same language:

In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

Does that mean the eldest in point of years or is it as in the Senate, where it means the length of service or seniority, unfortunately?

Mr. HACKWORTH. I had not given special thought to that, Senator, but I had supposed that the "eldest judge" means the eldest in point of view of years rather than in point of view of service.

Senator GREEN. I wanted to get an expression of opinion as to whether that point had been considered of opinion as to whether that point had been considered or not.

Mr. HACKWORTH. I think that by "eldest judge" is meant the age.

Senator BARKLEY. In dealing with those matters in the courts of the United States, the term "senior judge" is used.

Mr. HACKWORTH. Yes.

Senator BARKLEY. That means in the United States, senior in service.

Mr. HACKWORTH. That is correct.

Senator GREEN. Eldest in service would seem to be more appropriate.

MR. HACKWORTH. I take it, as Senator Barkley has said, that if we wanted to determine on the basis of the service we would use the word "senior."

Senator GREEN. It is used in five different languages, so there may not be that fine distinction in all of them.

Senator BARKLEY. There may be more than one judge of equal seniority in service, so that you would not have an eldest judge in point of service.

Senator GREEN. There might be twins, also.

Senator BARKLEY. There may be three or five born at the same time.

MR. HACKWORTH. That is true, because under the present Statute they are all elected at the same time, so you would not have any seniority, but they would all have equal seniority.

This term is carried over from the existing statute without change.

Senator GREEN. Well, it is relatively a minor matter.

Senator BURTON. Just on that point I would like to interrupt. I think it throws a little light on the question that the Senator from Rhode Island raises, this issue being determined under article 10 which deals with the election of a man to the bench, and, therefore, under those circumstances there might neither of them have had any length of service and it is relegated necessarily to the eldest in point of age.

Senator GREEN. The other question I wanted to ask about was really to ask you to express your views as to how far reservations can go without nullifying the effect of the ratification.

MR. HACKWORTH. You mean reservations generally with respect to a treaty?

Senator GREEN. Yes. Reference has been made here once or twice to reservations to the proposed Charter. There is a limit beyond which reservations cannot go either in amplification or restriction, without nullifying the effect of the ratification of the Charter itself.

MR. HACKWORTH. Yes.

Senator GREEN. What principles apply there?

MR. HACKWORTH. Of course, any reservation in order to be effective must be accepted by the other parties to the agreement, so that if it were thought that the reservation would emasculate, so to speak, an agreement, presumably the other parties to the agreement would refuse to accept the reservation.

Speaking generally, I should say that reservations should be reasonable and certainly they must be accepted by the other parties to be effective.

Senator GREEN. In other words, how far is it safe to go in adopting reservations under those conditions?

MR. HACKWORTH. It is safe to go just as far as you feel like going, but if you want to be sure to become a party to the instrument, you would have to move with considerable caution lest the other parties should refuse to accept the reservations.

Senator GREEN. I understand all that, but the point is how far one can take reasonable risks in accepting reservations.

MR. HACKWORTH. If I were anxious to become a party to the document, I would be rather chary about making reservations. I would make only such reservations as seemed to be absolutely necessary for my own purposes.

Senator GREEN. In other words, it would be reasonable to adopt the principle that any reservation might jeopardize the whole instrument?

Mr. HACKWORTH. That is absolutely correct. In 1913 we ratified, with a reservation, the International Sanitary Convention, of which the Government of France was the depositary. The Governments of France and Italy objected to the reservation. The Convention did not become operative until 1920, when the various signatories deposited their ratifications and a procès-verbal was drawn up acknowledging the reservation. You encounter that risk.

Senator GREEN. In other words, the only safe way is to refuse to accept any reservations that run the risk of changing the Charter.

Mr. HACKWORTH. I think that reservations should be considered with very great care and should not be made too lightly.

Senator GREEN. Thank you.

Senator TUNNELL. Mr. Chairman, I see in article 55 that the President or the judge who acts in his place shall have the casting vote if there is an equality of votes. That means that that particular judge has two votes in that instance, does it not?

Mr. HACKWORTH. It might mean that, yes. If the Court is divided equally, he decides.

Senator TUNNELL. He votes again?

Mr. HACKWORTH. He votes again.

Senator BARKLEY. It could not happen that there would be a tie with a Court of 15 members. There would be a majority one way or the other.

Senator TUNNELL. If that one did not vote.

Mr. HACKWORTH. One might abstain from voting, and 14 would vote, then the President would cast a vote to break the tie.

The other provision that I wanted to call attention to has to do with amendments.

The Committee of Jurists that met in Washington felt that it was a great weakness in our present Statute of the Permanent Court that there was no provision for amending the Statute. Considerable difficulty had been encountered in 1929 when an effort was made to amend the Statute, so as to enable the United States to become a party under the Senate resolution of 1926. The Committee of Jurists prepared a draft of an article providing for amendment of the Statute. The article was taken up at San Francisco and the formula decided upon was that amendments to the Statute should follow the same process as amendments to the Charter. You will see that article 69 states that amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter.

There is one additional clause which is worthy of note, and that is this:

Subject, however, to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

The CHAIRMAN. The present Statute there refers to the old Court, does it not?

Mr. HACKWORTH. No; the present Statute refers to the new Court.

The CHAIRMAN. All right.

Mr. HACKWORTH. It was felt that since states may be allowed to become parties to the Statute without becoming Members of the United Nations, they should be allowed to participate in any amendment of the Statute. But that was safeguarded by providing that the General Assembly, upon recommendation of the Security Council, should determine the conditions under which those states might participate in such amendments.

There was another article added, article 70, providing that the Court should have power to propose such amendments to the present Statute as it might deem necessary, through written communications to the Secretary General for consideration in conformity with the provisions of article 69. Many participating in the discussion felt that article 70 was unnecessary, because the Court could always find a way to bring its suggestions to the attention of the International Organization. Others felt that the Court should have some express authority to make suggestions with respect to amendments. Hence, article 70 was incorporated.

Now, Mr. Chairman, unless there are questions, I think that I have probably given the high points with respect to the Court and the Statute. I would only add this short observation, that is that the Government of the United States has always stood for judicial settlement of disputes of a legal character, that it is now a party to a large number of treaties providing for arbitration, that it is a party to The Hague Convention of 1907 setting up an elaborate system for the arbitration of disputes, and that at the time our delegates were sent to The Hague Conference, President Theodore Roosevelt and Secretary of State Root gave them instructions to try to have the Court of Arbitration developed into an international court, the judges of which would sit permanently and engage in no other activity. It was not possible, however, to obtain such an agreement. Hence, the Convention of 1907 providing for the Permanent Court of Arbitration. It is not a court in the true sense of the word; it is merely a panel of jurists selected by the parties to the Convention from which arbitrators may be chosen by states to sit in an arbitration.

Nevertheless, I think that it is worthy of note that we did stand for the settlement of international cases by the judicial process; that we did try as far back as 1907 to establish a court; that such a court was established in 1922 and has been functioning ever since, and that while we did not go into that Court, there was strong sentiment in this country, as you well know, for our becoming a party. Here we have provision for a Court, in the creation of which we have played an important part. Speaking for myself and for those who have been associated with me in this work, I think that we cannot too strongly urge—and I am sure that those of you who participated in the San Francisco Conference share this view—that we have here provided for the creation of an International Court of Justice that will be worthy of the name, and one that will make a great contribution to the maintenance of international peace and security. The Court is not as spectacular as some of the other organizations provided for in the Charter, but we think that it will serve an extremely important purpose, and that an International Organization without such a Court would be lacking in a very important essential.



Senator BARKLEY. Is there any likelihood of confusion growing out of the fact that you are setting up here a new International Court of Justice and that there is still in existence a Permanent Court of Arbitration, which you say is not really a Court, and the Statute of the Court which has been in existence and to which we did not adhere? Is there any confusion likely to grow out of those three entities?

Mr. HACKWORTH. I do not think that there is likely to be any confusion, although the question of creating a new Court while a Permanent Court of International Justice is in existence was discussed at San Francisco, and it was recognized that it presented a problem, but not an insuperable one, for the reason that most of the states represented at San Francisco are parties to the Statute of the present Court. The present Court was created under the League of Nations, its expenses paid by the League, and so forth, and it was felt that the League would have an interest in terminating the present Court and arranging for the taking over of its duties by the new Court.

But however that may be, there will be if this Charter is approved, a new Court. There will not be a sufficient number of states outside the proposed United Nations Organization to support the present Court, and hence there will not be any great danger of having two Courts operating at one and the same time.

Senator BARKLEY. That is the point that was in my mind, that there is no provision in this Charter for the dissolution of the present World Court, which is a creature of the League of Nations. But under the Covenant of the League, as to which we are not a party, of course theoretically it could still exist if the League itself does not dissolve it. I assume that the League itself, if it is to continue in existence—there may be some question about what will happen to it—would dissolve that Court and it would disintegrate and there would be only this one Court set up and in existence, and the other Court of Arbitration, which is not a Court in the same sense that this would be; but it would be most desirable, it seems to me, that the present Court should pass out of existence as soon as this system begins to function fully.

Mr. HACKWORTH. That is definitely in mind by members of the League who were represented at San Francisco; that is to say that the affairs of the League will need to be wound up and that the Court will be part and parcel of that process.

Senator TUNNELL. I just wanted to call your attention to article 25. The first paragraph thereof says:

The full Court shall sit except when it is expressly provided otherwise in the present Statute.

That is 15 judges, I take it?

Mr. HACKWORTH. That is 15 judges.

Senator TUNNELL. The second paragraph says:

Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below 11, the rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

That is, there cannot be any rule which would permit reduction below 11.

And then the third paragraph says:

A quorum of nine judges shall suffice to constitute the Court.

I was just wondering what that meant as to the three suggestions.

Mr. HACKWORTH. The provision that—

the rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting—

is a permissive provision. But there might be situations where judges would necessarily be absent on account of illness or on account of other reasons, and in that situation a quorum of nine could carry on.

Senator TUNNELL. So the Court may consist of any number from 9 to 15?

Mr. HACKWORTH. Yes.

Senator BURTON. The question I have to ask is merely following up the suggestion of Senator Barkley. After the establishment of the new Court, as to it being able to serve those nations which are not members of the United Nations, but are members of the old League, the provision contemplated, I take it, that they, under regulations to be laid down by the Security Council, can subject themselves to the jurisdiction of the new Court, although not becoming members of the United Nations?

Mr. HACKWORTH. That is right. The Security Council, under article 35, may decide the conditions under which they can come into Court. By article 93 of the Charter states not members of the United Nations may become parties to the Statute on conditions determined by the General Assembly upon recommendation of the Security Council.

Senator THOMAS of Utah. Senator White had asked the previous witness a question and he left it to Mr. Hackworth. I wonder if Senator White wants to renew his question?

Senator WHITE. I asked a question about advisory opinions, but it has been cleared up in my mind.

The CHAIRMAN. Senator Thomas, have you any question? Do you want to renew Senator White's question?

Senator THOMAS of Utah. Senator White asked a general question about the terminal facilities of the Charter, whether it was proper to enter into treaties without some arrangement whereby the treaties would come to an end and how long they were to last. That is the way I understood the question, Senator White. If he has forgotten it, I will forget it.

Senator WHITE. Mr. Chairman, I did ask a question some time back as to whether there were any precedents for a treaty which had no definite time of life stated in it or which made no provision for either denunciation or withdrawal of parties to the treaty. I thought if there were such precedents it might be well to have somewhere in the record a reference to them.

Mr. HACKWORTH. There are, Senator White, certain precedents of that kind. Some of the old treaties with France, the 1778 treaty, for example, contained no provision for termination. Congress by an act of July 7, 1798, declared the treaty to be no longer obligatory on the ground that France had repeatedly violated it.

It is a general rule that where one of the parties to a treaty violates it, the other party has a right to regard it as terminated.

A commercial treaty between the United States and the Congo, which remained in force after the extension of Belgian sovereignty over the Congo, contained a provision with respect to seamen. The act

of Congress of 1915, sponsored by the father of the present Honorable Senator La Follette, contained provisions liberalizing the treatment of seamen. The President was requested to take steps to terminate all treaty provisions inconsistent with that act. We notified Belgium of our desire to terminate the article of the treaty having to do with seamen, whereupon Belgium suggested that the whole treaty should be terminated, to which we agreed. The treaty contained no provision for termination.

But I do not think we have any trouble here with respect to the Charter, for the reason that the provision that Dr. Pasvolsky referred to at page 48 of the Report of the Secretary of State seems to me ample to cover the situation. So far as withdrawing from the Charter is concerned, I think that the very fact that the matter was discussed and it was decided not to incorporate a provision in the Charter with respect to withdrawal, and the further fact that the working committee, and later, the full Commission, approved a statement that it was not the purpose of the Organization to compel Members to continue in cooperation with it, shows that the Conference recognized that a state should have the right to withdraw from the Charter. I do not think that there is any question about the authority of a state to withdraw under the circumstances indicated.

The CHAIRMAN. Let me ask you a semilegal question. While the terms of the Charter, of course, are predominant, and govern, there is a rule that contemporary construction of an instrument or of the terms of an instrument have very great persuasive if not coercive force. In this case, where the Conference itself and its commissions and committees adopted this clause about withdrawal, has it not almost the dignity that it would have if it had been actually placed in the Charter itself?

Mr. HACKWORTH. I should say, Senator, that that is correct. I say that for the reason that very frequently when treaties are entered into the parties interpret their provisions in separate documents. Sometimes they place their interpretations in protocols annexed to the treaty. At other times they make them in other ways, as by exchange of notes, and so forth. So that here you have, it seems to me, something that would stand on substantially an equal footing with the Charter itself, because that question was raised and was discussed and it was decided not to include anything in the Charter; but they agreed upon this formula which was approved by the working committee and by the Commission. I do not think that there is any question that any court of law would regard that as a legal interpretation of the right of a party to withdraw.

Senator AUSTIN. I would like to ask whether it has not occurred to the judge that unless some state in the process of advising ratification of this treaty expressly dissents to that provision, that provision is a part of the agreement.

Mr. HACKWORTH. I think that is a correct statement, Senator Austin.

Senator MILLIKIN. Judge Hackworth, did you say that the Statute is exclusive and that there would be no other legitimate ground for withdrawing?

Mr. HACKWORTH. I do not think that this provision places any inhibition upon a state with respect to withdrawal.

Senator MILLIKIN. There might be other legitimate reasons for withdrawal?

Mr. HACKWORTH. There might be many reasons.

Senator MILLIKIN. Judge Hackworth, in trying to find some light on this subject myself I looked at Hackworth, volume V, page 299, and apparently in connection with our proposed adherence to the Permanent Court I find the following [reading]:

\* \* \* There is no implied right in any one party to a treaty to withdraw therefrom at will in the absence of specific provision for such withdrawal by denunciation or otherwise or unless another party to the treaty has violated it so substantially as to justify its termination. While there can be no question that the United States would have the power to withdraw from the Permanent Court at any time, still distinction between the power to take such action and the propriety thereof can be clearly drawn. I feel, therefore, that to avoid the possibility of future misunderstanding, and particularly to strengthen the regard which should be had for international agreements, an appropriate reservation should be incorporated in the resolution by which the United States adheres to the Statute of the Permanent Court recognizing and reserving the right of the United States to withdraw from the Court.

I take it from the notations in that volume that that was from a memorandum transmitted by Assistant Secretary Olds to Senator Lenroot in connection with the Permanent Court matter.

Then, going on, I find the following [reading]:

The authorities generally on the subject of withdrawal from international engagements of indefinite duration, where no specific provision is made for denunciation, appear to be rather unsatisfactory.

Going on further:

\* \* \* There is certainly no general right of denunciation of a treaty of indefinite duration; there are many such treaties in which the obvious intention of the parties is to establish a permanent of things—for example, the Pact of Paris—but there are some which we may fairly presume were intended to be susceptible of denunciation, even though they contain no express term to that effect. A *modus vivendi* is an obvious illustration; treaties of alliance and of commerce are probably in the same case.

And at that point Brierly, *Law of Nations* (2d ed., 1936), 201, is cited.

I do not believe that there has been anything that you have said which conflicts with it in any way.

Mr. HACKWORTH. No; nothing at all. The statement by Mr. Olds to Senator Lenroot was made in 1925, and the Senate put in its resolution of 1926 a provision that the United States should be free to withdraw from adherence to the protocol concerning the Court at any time. That was the safe thing to do. But that does not derogate from the provisions contained in this statement approved by the committee and the Commission at San Francisco.

Senator MILLIKIN. I see two or three clear grounds for withdrawal in that statement, and I want to satisfy myself particularly that you do not think that those are the only grounds that may be asserted for a legitimate withdrawal.

Mr. HACKWORTH. No; I do not, Senator.

The CHAIRMAN. Are there any other questions? [No response.]

There seem to be no other questions, Mr. Hackworth. We thank you very much. We appreciate your testimony.

Mr. Hackworth rendered very outstanding service at San Francisco and worked very diligently with the Committee of Jurists before the Conference convened.

Are there any witnesses here who oppose the treaty and are anxious to get on at once? [No response.]

The purpose was to put on a couple this afternoon, but they indicated that they wanted to spend the night reviewing the Constitution so as to be able to testify, and we readily acceded to their request.

I will ask the audience to please retire. We have to hold an executive meeting.

Senator BURTON. There was a woman who raised her hand.

The CHAIRMAN. Wait a moment. Come to order, please.

Was there someone who wanted to testify against the Charter?

A VOICE. Somebody has left who wants to testify tomorrow.

(Thereupon, at 4:15 p. m., the committee went into executive session.)



# THE CHARTER OF THE UNITED NATIONS

WEDNESDAY, JULY 11, 1945

UNITED STATES SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, D. C.*

The committee met, pursuant to adjournment, at 10 a. m., in the caucus room, Senate Office Building, Senator Tom Connally, chairman.

Present: Senators Connally (chairman), George, Wagner, Thomas of Utah, Murray, Green, Barkley, Guffey, Tunnell, Hatch, Hill, Lucas, Johnson of California, Capper, La Follette, Vandenberg, White, Shipstead, Austin, Bridges, and Wiley.

Also present: Numerous other Senators not members of the committee.

The CHAIRMAN. The committee will please be in order.

Mrs. Waters, come around, please.

## STATEMENT OF MRS. AGNES WATERS, WASHINGTON, D. C., LEGISLATIVE REPRESENTATIVE OF THE NATIONAL BLUE STAR MOTHERS OF AMERICA

Mrs. WATERS. Senator, I read in the paper this morning that you were going to allow me 5 minutes. I hope you realize that this is a very important matter.

The CHAIRMAN. You asked for 5 minutes.

Mrs. WATERS. I asked for all the time I could get, and you cut me down to 5 minutes.

The CHAIRMAN. Proceed. The committee's time is valuable. Go ahead. Give the reporter your name, your occupation, and whom you represent.

Mrs. WATERS. My name is Mrs. Agnes Waters. I live at 3267 N Street NW., Washington, D. C. I am legislative representative of the National Blue Star Mothers of America and millions of mothers and fathers of boys and girls now serving in the United States armed forces.

Mr. Chairman, members of the committee, I object to Senate ratification of the so-called World Security Charter and I oppose this so-called peace treaty, on the grounds that it is a fraud, a deceit, and an international conspiracy to knock down this Nation and every nation on earth so as to build a world government for the Socialist Soviet Republics, and to make of this Nation a feeding trough for the "have nots" of the world.

The CHAIRMAN. Let me caution you, now. We want to have your views, but we do not want in these discussions any gratuitous refer-

ences to any other government or people. We are at peace and we want to stay at peace. I hope you will temper your remarks.

Mrs. WATERS. It is very important for me to expose this conspiracy and that is my defense.

I charge collusion on the part of two or more signers to it—Molotov and Stettinius. This is not a war; it is a world revolution for communism. This war did not start with the first shot at Pearl Harbor; it started with the first propaganda moving picture that came out of Hollywood. The Communists have been fighting a war against the world for many years. I am 52 years of age, and they were called anarchists when I was a child. Today we call them by the polite name of Communists.

In June 1941, 6 months before Pearl Harbor, I was told that our American generals were to be massacred at some far outpost so as to get America into war. I so notified the Senate and the Nation in June 1941. I told every member of the Senate. I told you that every man in this country would say, "Johnny, get your gun."

And it started, too, way before Pearl Harbor, when a group of willful and determined Communists met here in Washington at the Shoreham Hotel to plot and plan the steps that took us into war. And I was present at this April 1939 "Red" meeting of the Fourth International, that was called the meeting of the "100 Club" where about 2,000 anarchists met and sat down to round tables, and plotted and planned to destroy our neutrality laws and to repeal the embargo. These devils wrote the blueprints that took us into war. And they formed a committee of over 100 witnesses for the repeal of the embargo who appeared here before this Senate committee and testified like wolves in sheep's clothing, speaking "peace" when they meant war. Many of you Senators, members of this committee today, will remember that I tried to warn you of these enemies at that time and that I stood at the doors of this committee and warned every Senator of these Communists who were plotting and planning the overthrow of this Government and the downfall of all nations and the total destruction of all Christian civilization.

If I had the lawbooks here I would read the United States Criminal Code on collusion, fraud, deceit, conspiracy in obtaining fraudulent contracts between parties, and also the penalty for attempting to overthrow the United States Government. These criminal laws, including treason, should be sufficient warning to the Senate against ratification of this Charter.

You are the servants of the people, and you should heed the voice of the people when we demand that you kill this fraudulent, deceitful, collusive contract that has been signed by 50 nations under force and duress, under propaganda to overthrow this Republic and to overthrow every nation upon the face of the earth—

The CHAIRMAN. Your 5 minutes have expired, but we are going to give you 5 more.

Mrs. WATERS. Thank you.

The CHAIRMAN. If you will graciously accept it.

Mrs. WATERS. I will, and I will demand a little more time if I need it, too. You have limited me to 5 minutes—

The CHAIRMAN. No; we have given you 10 minutes, and I hope you will appreciate that.

Mrs. WATERS. Thank you; I do.



Gentlemen, the same enemies are here with this so-called peace treaty to again dupe and deceive you, and they are now arranging for the burial of this our beloved Republic and for the Senators themselves to abolish Congress and all representative government not only in this country, but all over the civilized world. They have followed the blueprints and the Communist line as laid down by Lenin for world revolution in 1940, and these blueprints can be found in the book called *The New World Order*, by H. G. Wells, a "Red" Englishman who visited Lenin in Moscow just before he died. And in Wells' book it is written, and I quote:

Our diplomatists and governments will act under our instructions and arrange for their own abolition. There seems to be a smell of blood in the air.

And again Wells writes, I quote:

How can we get an effective world revolution going? I have puzzled and fumbled with this for 25 years.

How in a democracy a revolutionary movement need not be the violent insurgent upheaval it becomes necessary under an absolutism.

Meaning, of course, that they think they can fool a democracy into becoming a Communist state, but in a monarchy such as Russia under the Czar they had to have an explosion.

Wells again says:

In a monarchy there is no revolution possible without an explosion.

So they got England to declare war.

Now as I understand the United States Criminal Code, any contract or other written instrument or document such as this collusive treaty which was signed by the representatives of 50 nations, including our own, is null and void if one or more of the parties or their agents are guilty of perpetrating a fraud or deceit or if there is a conspiracy to defraud or deceive or to wrong in any way any of the parties to the written instruments.

I charge that this treaty is a fraud and is a part of an international conspiracy to overthrow the United States of America and every other nation upon the face of the earth just as the Soviets have so skillfully imposed their force of arms and their foreign government upon the prostrate people of Poland and of many other European countries now suffering under the yoke of the Russian revolutionists so shall the so-called peace treaty impose a foreign government of terror and murder and injustice upon not only the innocent people of this Republic, but upon all of the nations of the earth. This is a most serious matter, the lives and liberties of nearly 2,000,000,000 human beings are at stake in this hearing room today in the last citadel of human liberty, the Capitol of the United States of America, and it is not within the jurisdiction of any hired servants of the people of the United States to make slaves of our free citizens, neither is it our prerogative to force a terrorist form of government upon the helpless other citizens of the world. A vote for this outrage makes you guilty of treason.

Now it would be possible for me if I had the time to name thousands of Reds who are the paid agents of the Comintern who have promoted and propagandized this treaty for the vile purpose of defrauding us out of our noble heritage of freedom. But the letter of the law says that I do not need to name thousands of enemy conspirators who are responsible for this fraud upon the peoples of the earth, but that if

one or more parties to the contract are guilty of fraud or deceit or have conspired to defraud any other party, that is sufficient evidence to make this instrument null and void in law.

The law says that I do not have to name more than two parties to a collusive contract to prove that it is collusive. . I name Mr. Stettinius, an international banker, a former steel magnate—

The CHAIRMAN. I hope you will not be personal.

Mrs. WATERS. And I name Mr. Molotov, of Russia, and Mr. Pasvolksy, of Russia, who is our United States foreign affairs expert.

The CHAIRMAN. Your time has expired.

Mrs. WATERS. Sir?

The CHAIRMAN. Your time has expired.

Mrs. WATERS. I have some other pertinent information.

The CHAIRMAN. Your time has expired.

Mrs. WATERS. May I have 5 minutes more?

The CHAIRMAN. No, ma'am.

Mrs. WATERS. May I submit the rest of my testimony?

The CHAIRMAN. Yes.

Mrs. WATERS. I want it printed in the record.

The CHAIRMAN. We reserve the right to edit your material.

Mrs. WATERS. Are you prejudiced against the American people? I want to know, Mr. Connally.

The CHAIRMAN. You are excused now. Your time has expired.

(The remainder of the statement of the witness is as follows:)

I shall not have to go very far in this respect to name Mr. Stettinius as an agent of the international bankers who got us into this war for gain. And it is also a matter of record that his chief assistant in this treaty matter is Dr. Pasvolksy, who was born in Russia, and this foreign-born person is our expert on foreign affairs. And what of Mr. Archibald MacLeish, the parlor-pink poet, whose anarchistic and communistic tendencies were the object of a Senate investigation before his confirmation?

And now let me mention a few, one or two only, of the many known enemies of our republican form of government who were among the most active promoters of the San Francisco Charter.

For the purpose of saving the time of the Senate here and because I am limited to only 5 minutes discussion at this hearing, I shall mention only two of the big-shot Reds who are agents of the Communist Party and who were most active with thousands of other Soviet agents in promoting this treaty or charter for world government at San Francisco in collusion with Mr. Molotov of Russia and Mr. Stettinius and Mr. Pasvolksy.

First I shall name Mr. Clark M. Eichelberger, formerly director of the outlawed Red League of Nations Association, who was raided by the Dies Committee and closed up in this city in 1939, and whose seized files disclosed that hundreds of Communists were on the Government pay roll and in all key positions of this Nation.

Mr. Eichelberger has long been active in his efforts to overthrow this Government. I demand his arrest. He is a party to this agreement, having promoted it. He was on the platform last Thursday night when Lieutenant Commander Stassen addressed a mass meeting of Red workers and supporters of the Charter sponsored by a long list of Communist fronts for Moscow in our Department of Commerce Auditorium in Washington, where they had the Navy Band to play for them at our expense. Mr. Clark M. Eichelberger is one of the chief Communists who appeared here for the repeal of the arms embargo and who plotted and planned to destroy this Nation with war in 1939. I pointed out this wolf in sheep's clothing to you at the time.

Second, let me call your attention to Mr. James H. Shotwell, of the Carnegie Foundation, who has been most active in preparing this Charter at San Francisco and who was also one of the Communists I pointed out to you as having been active at the meeting of the Reds 100 Club who helped to write the blueprints that got us into war and who was one of the leading witnesses for the repeal of the embargo before this Senate committee in April 1939.

Mr. Shotwell is an old hand at the game of revolution, as he was in on the last World War to make the world safe for communism and was with President Wilson in Paris trying to put over the League of Nations.

The lady chairman in introducing Dr. Shotwell at the mass meeting to hear Stassen speak for this Charter last Thursday said that Dr. Shotwell had founded the International Labor Union. Why, every school boy knows that is the most dangerous and most terrible instrument of the Reds for world revolution. Dr. Shotwell then followed and gave a long oration on the beauties of this Charter that he had labored so long to achieve. I demand the arrest of this enemy of the Republic, Dr. James T. Shotwell, and I demand that this treaty be declared null and void and killed by the liberty-loving American patriots in the United States Senate who refuse to become a party to the ratification of an instrument of fraud and deceit and mass murder of the people of the world and I demand that this war be stopped.

The CHAIRMAN. We will pass on to another chapter. We will hear Mrs. Broy. Please give the reporter your name, your residence, and for whom you appear.

**STATEMENT OF MRS. CECIL NORTON BROY, ARLINGTON, VA.,  
REPRESENTING AMERICANS UNITED, INC.**

Mrs. BROY. My name is Mrs. Cecil Norton Broy, 524 North Monroe Street, Arlington, Va. I am appearing for Americans United, Inc.

The CHAIRMAN. I would like to ask you one question. What is Americans United, Inc.?

Mrs. BROY. The purpose of our organization is to diffuse knowledge concerning democracy and the social, economic, and political principles of American well-being, to the end that national recognition may come to the oneness of God, the universe, nature, man, and humanity.

The CHAIRMAN. Do you pay dues?

Mrs. BROY. Yes; a dollar a year.

The CHAIRMAN. How many members does the organization have?

Mrs. BROY. Twenty-five. It is a study club on money, economics, and good government.

The CHAIRMAN. You have 25 clubs, or 25 members?

Mrs. BROY. Twenty-five members. It is a study club on money economics, and good government.

The CHAIRMAN. All right. Proceed.

Mrs. BROY. I speak to you first as an American woman and an American mother. In addition, I speak as one who has lived in foreign countries for many years as the wife of a diplomatic and consular officer in the service of the United States of America.

I know that I voice what is in the minds and hearts of thousands of American mothers.

We love America. We believe that this great country of ours should set the example which all nations throughout the world would desire to follow.

As I have lived over 10 years of my life in Europe, I know from actual observations that Europe is filled with hatreds.

There are jealousies and vicious struggles for economic supremacy. Such a state of affairs does not prevail among these United States of America.

We cannot endorse any movement which will drag the good people of the United States of America down to the level of, or in subjugation to, any country or countries of hate-infested Europe.

My husband, the late Charles Broy, died because of injuries received while serving in the foreign service of our Department of State in Europe. My three minor children were raised in Europe. One child was born over there. While living there, I made it my particular business to see to it that the true ideals of the United States were kept constantly before my children. I did not want them contaminated by the reactionary ideologies of those unfortunate countries whose peoples have hated one another for ages.

I sound a warning to this Foreign Relations Committee of the United States Senate to not allow yourselves to be held responsible for the horrible consequences which will be endured for many years by the American people as a result of the malfunctioning of this proposed Charter.

This proposed Charter provides for a treaty of offensive and defensive alliance. It provides for a system of empire rule. The history of empire rule for centuries shows all too clearly that it leads to the utter destruction of small self-government of any peoples, and the reduction of the people subjugated, to civic and economic slavery.

In order that you may see the dangers, I need only point out several examples.

The first is that of India. This is a clear example. Britain involved the Indian states in commercial agreements and treaties. She then subjugated them completely by force of arms.

The second example is that of the French Empire which covers the subjugation of French Africa, French Indochina, and French Cochen China. Thousands of French soldiers lie buried there in China. They perished in the subjugation of the Chinese peoples purely for purposes of commercial greed and power.

The last example, is that of ourselves. When the British landed 13,000 heavily armed British troops upon the shores of Boston, and attempted to subdue us to slavery, our answer was the American Revolution.

An offense and defensive alliance with foreign states is created in article 42 of chapter VII of this proposed world charter. Under this provision, we could be made to accept enforced universal military training. Such a course would provide for the further disruption of normal American family life, and would not be pleasing in the sight of God since it would interfere with his basic laws. Our men would be like hired mercenary soldiers going forth to protect the commercial interests of greed and power. Our men thus forced into foreign service would see little if any of their native soil again. We would be working on the principle of scattering the most virile of our men over the face of the globe. This would permit foreign forces to destroy our homeland in their absence. If this proposed Charter is adopted, our soldier citizens will remain away from home too long. It is entirely wrong that the adoption of this Charter should be considered while most of our men are still away from home and not here to exert their thought and influence regarding it. This proposed change which might completely destroy the basic principles of our American Government, and would completely change the lives of our men, is being

rushed through while our fighting men are still away from home on war duties. This is a most unfair procedure.

Every position in this proposed Charter is to be filled by appointment. It provides a method of ruling the world by a small group appointing its own members. They will have vast powers. It provides a systematic procedure for further exploitation of the poor; for oppression and the swallowing up of the smaller nations. See article 107, chapter XVII.

In article 107, chapter XVII, Mr. Chairman, it says:

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the governments having responsibility for such action.

Under that article, Mr. Chairman, Java, the Straits Settlements, Burma, and all those parts of the world would be the obligations which Mr. Churchill spoke of in discussing the Charter. Poland, Finland, Latvia, Estonia, and those other countries would of course, under that article, remain forever under Russian control.

From the standpoint of our own American people, it will mean sending our men all over the earth as an international police force without the consent of Congress. It gives power to the Security Council to declare war, to arrange for the raising of armies, and for their support. See section 3 of article 43, chapter VII. This is unconstitutional. It sets up a body, namely, the Security Council, to prejudge a state of war and completely mobilize the forces of the United States. All of this is done in chapter VII.

Article 39 of chapter VII says:

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 41 says:

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42 says:

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of members of the United Nations.

I point out to the gentlemen of the committee that those operations are of course war measures, because it says "by air, sea, or land forces."

In Article 44 it says [reading]:

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

It leaves it all in the hands of the Security Council.

I point out to you that in the Constitution it says that Congress— shall have power to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water; to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces

and so forth.

That is all in the hands of the Congress of the United States, according to our Constitution. But this would change it in one other matter. In addition to the fighting matter being taken out of the hands of the American Congress, our economic matters would be taken out of the hands of Congress. That is unconstitutional and, I think, most dangerous.

In the preamble of the World Charter it speaks of the promotion of the economic advancement of all peoples, and specifically in article 1 it says [reading]:

The purposes of the United Nations are:

\* \* \* \* \*

To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character \* \* \*

Gentlemen, the Constitution says that the Congress of the United States is to regulate commerce with foreign nations. I would rather trust the economics of this nation to the Congress than to any body made up of a preponderance of foreigners. If we give away our power to control our economics, we give away ourselves and our children. We could be used as slaves for any economic system that they would set upon us. They would solve our problems economically down to the level of their own.

I lived in London 8 years, and I have seen some of the people there near the starvation stage on their \$2.50 a week dole. England believes in kings and nobility. They have a caste system.

In view of the large quantities of supplies that we have found it possible to give away in the last few years, logical reasoning would tell me that America's past resources and the unbounded energies of her people are always present in the minds of those foreign influences as they have labored zealously to sell the idea of this Charter to us.

We are opposed to the entrance of the United States into any world state organization that would assail our national sovereignty. America's influence for peace in the world must come from a strong, prosperous, peaceful, and independent United States, and from the exemplification of the principles on which this Nation was founded. Any other course is the broad way to destruction.

Long before the proposed Charter was agreed upon at San Francisco, there was a wide organized propaganda throughout the country to get public sentiment in favor of its passage. The Charter propaganda promoters talked peace, peace—asked the people if they didn't want peace. Of course, the people want peace. What right-minded normal person doesn't want peace? But they did not tell the people at what price. They did not explain that it might be a price of liberty, and that there was a possibility that it might even

mean perpetual warfare if the weak and small countries of the earth refused to take its consequences.

This proposed Charter has in it the possibility of the subjection of the whole world by force of arms. That is not the kind of peace which the world is seeking. So let's not hastily jam this through until it has been thoroughly debated, and until the American people know what hidden meanings it contains.

The real purpose of this proposed Charter is gain and commercial profit.

The CHAIRMAN. You have 1 minute remaining.

Mrs. BROY. All right, Mr. Chairman.

We know that Britain, Holland, Belgium, and France have lived in the past at the expense of their colonies. As an American, I certainly would not like to see our great country joining up for such nefarious world-wide practices. This treaty promises security to all of its members, but five members are permitted to dominate all of the rest. Of the five, two are notorious offenders in the matter of the exploitation of human beings—France and Great Britain.

The freedom of the United States of America to have the unquestioned right to do what she thinks best at any time is the greatest force for good in the world today. Let us keep it that way.

The CHAIRMAN. Let me ask you a question or two. You say you come here representing Americans United, Inc.?

Mrs. BROY. That is right.

The CHAIRMAN. And that you have only 25 members?

Mrs. BROY. Yes, sir.

The CHAIRMAN. I have a memorandum here from a gentleman in Philadelphia who says that you do not represent Americans United for World Organization.

Mrs. BROY. Oh, no, indeed; I should say not. They took part of our name. We have been going 5 years. We are incorporated under District laws, and they have come into being since.

The CHAIRMAN. That organization is a Nation-wide organization; is it not?

Mrs. BROY. We believe just exactly opposite to that organization. Ours is a study organization, but, as I said, we have gone deeply into the question of money and economics.

The CHAIRMAN. The Bretton Woods matter will be taken up next Monday.

Mrs. BROY. I know; but economics run all through this. I might say in defense of our 25 that we have some experts in our organization; and in talking to some of the Senators last week about some of these things some of them very freely admitted that they knew very little or nothing about economics.

The CHAIRMAN. All right. Your time has expired.

The next witness is Mr. Frederick J. Libby. Is Mr. Libby here?  
[No response.]

The next witness is Rev. J. Paul Cotton. Is Mr. Cotton here?

Mr. COTTON. Yes, sir.

The CHAIRMAN. Come around, Mr. Cotton, and give your name.

**STATEMENT OF REV. J. PAUL COTTON, PH. D., CLEVELAND, OHIO**

Mr. COTTON. My name is J. Paul Cotton, Ph. D. My address is 1933 East Seventy-third Street, Cleveland, Ohio.

The CHAIRMAN. Whom do you represent?

Mr. COTTON. The Cleveland World Peace Forum, having an attendance of frequently 25 or so, but concentrating more largely on mailing lists, it recently developed to over a thousand.

The CHAIRMAN. Proceed.

Mr. COTTON. There is something sinister about the speed with which the new league is planned to be railroaded through the Senate. The American people have not had a chance to learn what it means. Many hoped that at San Francisco the Dumbarton defects would be remedied and so refrained from organizing opposition until that time. But immediately after the Conference is over comes the demand that it be passed at once. I have written to the State Department for a copy of the new Charter, but so far it has not come.

The CHAIRMAN. Here is a copy of it [handing document to the witness].

Mr. COTTON. After hunting in the Cleveland Library I managed to find one newspaper in the country that had published the final form of the new league. This which is the foremost issue of our time surely demands some thoughtful consideration on the part of the Nation. A Cleveland newspaper found recently in a reader response that less than 17 percent of the people were ready to say that the new Charter would work. Surely this unconstitutional piece of legislation that would plunge us into the next general war without the consent of Congress demands some careful scrutiny from the deliberative body of this Nation.

We should be grateful that the treaty-making power of the Senate requires a two-thirds vote to pass. After World War I we saw the Allied victors greedily grab off the spoils of war in accord with previously arranged secret treaties, making World War II possible. We saw the slaughter of our boys made a vain sacrifice and we heard them return saying, "Never again." Once again history is repeating itself. But before our boys get back to civilian life and normal thinking this new Charter must be rushed through. If the Senate minority only takes a resolute stand, it may yet defeat this new league, and find itself really representing the majority sentiment later on. For after all, treaties are not for this year or next year. They are not scraps of paper which we can tear up each time majority sentiment changes. I hope, therefore, that administration leadership will change its unwise demand, "You must pass this legislation before you get a summer recess." I hope, too, that Senators will vote their true convictions.

The CHAIRMAN. What right have you to intimate that they will not?

Mr. COTTON. We will let that pass. That is all right.

The new league, called The United Nations, is just a continuance of the present military alliance to make sure the United States of America is drawn into World War III. We cannot possibly foretell what the situation will be 50 or even 25 years from now. At the close of World War I, Japan and Italy were among the "good" nations, our



allies. But regardless of any change, we shall be committed to enter future wars on the side of our present allies without the consent of Congress. We are too easily drawn into future wars, for the plan voids the constitutional right of Congress to declare war. No one man has either the constitutional or the moral right to lead this country to war against its will. Moreover, no Congress has the right to abrogate the constitutional authority of a future Congress. But in this plan when once our President's representative on the Security Council along with other members of the Council vote for war "on its call \* \* \* armed forces, assistance and facilities necessary" in amounts previously agreed upon are made available, so that the Council can then draft men and supplies from our Nation in a war in which the people through their Congress have had no voice. According to this plan, Congress can no longer be trusted to represent rightly this Nation, but authority must be given to one man. This single man can be trusted, but not the collective judgment of those whom the people have elected. No matter how small a fraction of our troops is granted to the new league, our Nation, as at Pearl Harbor, is at war whenever our forces are fired upon. This plan, therefore, will put us into war without the consent of Congress. It is hard to take a man in his prime and tell him, "Here you must go and kill your fellow men and risk being killed." It is harder still to tell a man that when Congress has not even voted such a war.

That this league is just a military alliance is shown not only by the new "United Nations", but by the fact that the Big Five have all the power and the phrase, "sovereign equality," is to the little nations a sham and a mockery. The entire assembly of nations has not even a veto right, while any one of the great powers alone can have a full veto. The Assembly could be just a debating society, without the power even of making a recommendation in a dispute, if the Council is then considering the issue, as usually would be the case. Liberals in this country are deceived into thinking we are getting a United States of the World, but nothing of the kind is to happen. In our own Senate the smallest State has the same voting power as the largest—two Senators. In our United States of America an individual State like California, New York, or Pennsylvania does not have the power to veto the decisions of all the rest of the country, but in the new league, a single nation like Russia can veto the decisions of all the rest of the world. This veto power is not only upon those decisions involving an act of war, but ordinary peaceful recommendations as well, even the admission of members.

Some compare the United States of America policing itself with the new league policing the world, but this is a false comparison. It rests upon the doctrine of "Might makes right" which is quite alien to the tradition of our Nation. Here we have a government of the people in which every citizen has the right to vote and be represented in his government. The laws are made to protect the people, so each one has every incentive to want to keep the law. If the people really wanted to break the laws, no amount of policemen could stop them. It is the sense of justice, the feeling that he is being fairly represented, that makes for law and order in this country. But when we turn to the new league we find it is only the strong holding the weak down by force.

It is everywhere frankly stated that these Big Five nations have no moral qualifications to govern the world except that they are strong nations. Certainly it is not because they are especially peace loving. As was stated in the *Christian Century* (March 7, 1945, from Prof. Quincy Wright's book, *A Study of War*) between the years 1480 and 1941 Great Britain had 78 wars; France, 71; Russia, 61; while Germany had 23 wars, and Japan 9. It should be understood that this new league, with all its fine-sounding phrases, is simply a military alliance based upon power politics and spheres of influence, not upon justice and genuine law.

Some emphasize that the Assembly can elect six members of the Security Council, and so can have a majority; but this is nullified by the veto power of any one of the Big Five. Further, there is required a two-thirds majority in the Assembly to elect a member of the Security Council or to pass any recommendation. It is quite probable now that the Big Five could veto any important action in the Assembly also. The British Empire will have 6 votes, including the puppet government of India. Russia at present controls 3 votes. But as the *Chicago Tribune* points out,

there are 13 other Soviet Republics with as good a claim to independent representation in the League as the 3 now admitted. Then there are Latvia, Estonia, and Lithuania, which the Soviet Union has swallowed up but intends to give nominal independence, at least for eventual voting purposes in the League.

So Russia would have a total of—

19 votes in the League in addition to the Soviet satellite countries—Czechoslovakia and Yugoslavia, and eventually Poland, Finland, Romania, Bulgaria, and Austria, in which the Soviets have set up Russian controlled Communist governments.

So, the *Tribune* concluded—

Under the two-thirds rule governing important decisions, Russia might have eventually more than the 23 votes which could veto action in the League Assembly. (May 9, 1945.)

Contrary to British propaganda, it cannot be repeated too often that our Nation was not responsible for World War II by our failure to join the League of Nations. Woodrow Wilson hoped that this League could correct the severities of the Treaty of Versailles and so prevent another war. But in this he did not realize that the veto power of the inner council of nations could enable any one of these to prevent any forward step from being taken.

So the old League became only a means for the victor nations to hold down the vanquished by unjust treaties made in the heat of war. So these leagues become just a means to try to enforce injustice. Instead of removing these causes of war by peaceable change, the new League prevents any possible change in the status quo by the power of veto. I had hoped that at San Francisco the Assembly would have been given the power to revise unjust peace treaties—

The CHAIRMAN. You have 1 minute remaining.

Mr. COTTON. But all that was won was the right of this body to issue a pious recommendation to the Security Council which could guarantee no action.

By the veto no aggression of powers most able and likely to prove aggressor nations can be prevented. When any decision is made on a dispute in which one of the Big Five is engaged, that party can sit on the jury and declare, "Not guilty," and so be absolved of guilt

before the world. Now I am familiar with the great propaganda made about the big compromise Russia had made on this issue in which the party to a dispute in some cases would give up its veto rights. But here are the facts: The Security Council in one case may call upon parties to settle their disputes by peaceable means and may recommend procedures such as referring parties to the International Court of Justice. But Russia doesn't need a veto in that case. The Soviet Union can do as it likes anyway. And when all parties to a dispute so request, the Security Council may make recommendations to parties with a view to a peaceful settlement of the dispute. But here again Russia can exercise its own veto power before the Council makes a recommendation.

The CHAIRMAN. I am sorry, but your time has expired.

Mr. COTTON. I am very sorry. This is an infringement on the right of free speech, and I ask for more time.

The CHAIRMAN. You can file your statement in the record.

Mr. COTTON. I shall file the complete statement in the record, but under protest that I am not allowed to finish because of the undue haste given.

(The remainder of the statement of the witness is as follows:)

Again the Security Council may refer a dispute to regional arrangements for peaceful settlement, and Russia cannot veto that. But Russia would not need to, for Russia controls its own regional sphere of influence with an iron hand. Therefore, I repeat, when any decision is made on a dispute in which one of the Big Five is engaged, that party can sit on the jury and declare "not guilty," and be absolved of guilt before the world. Any smaller nation also can commit aggression with impunity provided it can obtain the veto cooperation of one of the Big Five.

The Christian Century reports, "John B. Reston, the New York Times correspondent who revealed to the world all about what it knows as to what went on at Dumbarton Oaks, categorically stated recently that the Charter ends, for the present, the hope that the new league would have authority to punish any aggressor, large or small" (May 2, 1945).

Further, can any aggressor nation, such as Russia, Great Britain, and France honestly condemn the aggression of any other nation? Madame Pandit in Town Meeting of the Air, recently quoted the explanation of a British official as to why they did not stop Japan's aggression of Manchuria, "If we condemn Japan, our whole policy in Egypt and India stands condemned."

But some say that although the new league has an imperfect charter at present, as the years go by it will be amended and improved, just as the Constitution of the United States. But in our United States of America a single State like New York cannot veto an amendment as in the league of the Big Five. These big powers who are granted so much authority over the world would be the last to give up one iota of it. They would be the last to give up the spoils of war they have won. A single one of these vested powers can veto any change. This unfair arrangement will then be forever frozen as it is, and will stand in the way of a just federation being established. We can accomplish no good by joining, for the other powers can veto any step forward.

Some there are who say that these are big powers and we must recognize that they in fact control the world. But who made them great powers? It was American lend-lease, made without a single stipulation of justice, but which rescued these nations from the pit of disaster. In the case of Russia, this amounted to \$9,000,000,000. Need we sit passively by and let these powers wreck the Atlantic Charter and every ideal of justice we stand for? This is the true isolationist—the one who accepted the new league under any terms the other big powers are willing to give.

But the true interventionist is one who says, "Wait, we shall not fall over ourselves accepting the first plan of world federation offered." The other powers want us in badly. Let us refuse to accept this counterfeit until the genuine article is produced. When once we are inside this new league, we can do nothing to change it, for others can always veto us. But outside the big powers will want us in so badly they will hasten to make the necessary changes.

Until a better league is produced it is better to preserve the gains we have already made—real gains in the Western Hemisphere. Here each nation has pledged itself to resist aggression in the Americas. All are united in a democratic way. Here there are no vetoes. But the new league arrogates to itself the power, by any one of the Big Five, to veto this united front against aggression, saying, "No enforcement action shall be taken under regional arrangements without the authorization of the Security Council." So under the new Charter Great Britain or Russia could violate our Monroe Doctrine and make an aggression in the Americas, and by the power of veto our hands would be tied.

Those who argue for the new league spend much of their time extolling the advantages of the World Court. But we already have this World Court, and we can join it any time we want to. There is also much to be said for an economic and social council that shall probe the economic causes of war and bring to light needed improvements that shall enrich the economic condition of all the nations, large and small. But it would be much better, if this Economic Council were independent and not hampered by submission to the new league, so that it might make its recommendations to the whole world without fear or favor.

Since it is a military alliance we are being invited to enter, we should inquire concerning the character of those who will be our partners. Since it is a plan to enforce the peace, we should ask what kind of a peace is to be enforced. We need to remember that it was only a few years ago that Russia was expelled from the League of Nations for its aggressions, and the late President Roosevelt was saying that Finland was a "liberal, forward-looking democracy," while the Soviet Union was a "dictatorship as absolute as any in the world." Syria and Lebanon during the war were declared by the Allies to be free and independent. But although they were at war with the Axis, they were not invited to the San Francisco Conference, and right while the Conference was being held, the ugly head of imperialism was raising itself anew in France sending forth its troops to massacre the natives of these lands who presumed they were free.

And certainly no British leader is going to "preside over the liquidation of the British Empire." The scandal of India, kept backward and exploited, remains a blot upon the civilization of mankind. It is these nations who have the power to veto the decisions of all the world. It is an established tradition in Great Britain to practice aggression and to accept the aggression of friends. When toward the end of the last century the Japanese launched an invasion of Korea and China, according to Harry Paxton Howard, "their victories were jubilantly hailed by the London Times as fully establishing the Japanese claim to recognition as a 'civilized power'" (The Christian Century, May 2, 1945).

One of the Senators, the Hon. Harland J. Bushfield, this year quoted in the Senate from a secret treaty of the British with Japan in the last war, giving the Japanese the right to Chinese Shantung (March 6, 1945). These are the powers who are supposed to stop aggression.

What kind of a peace is being written? If the Treaty of Versailles produced the power of Hitler, what will the new treaty produce? Divided into three parts, with parts of Germany ruled over by Poles, parts ruled over by the French, and parts by Russia, with chaos everywhere, faced on all sides by the spirit of hatred and revenge—the very antithesis of Christianity—are we not giving Germany every incentive to want another Hitler and another war? Is this the peace we will be asked to enforce with the blood of our sons?

The betrayal of Poland is only part of the betrayal of whole groups of nations. Whereas Great Britain declared war upon Germany for taking the western half of Poland, Russia is to get the eastern half of it that Hitler agreed was to be Stalin's share of the loot. And all of western Poland is, under the Yalta agreement, to be betrayed into the hands of a Russian-controlled puppet government of which one leader had been sentenced to 5 years' imprisonment for accepting bribes. True, a few Polish Quislings have been found, Russian sympathizers, who will assist the new regime, but its control is still from Moscow.

The Yalta declaration did use some fine words, "The three governments will jointly assist the people \* \* \* to form interim governmental authorities, broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of governments responsive to the will of the people."

But as the Cleveland Press (April Press (April 30, 1945) rightly points out, "This pledge has not been carried out in Poland, where Moscow's puppet dictatorship is in absolute control. It has not been carried out in Rumania, where Moscow has made and unmade and remade so-called governments, again without allowing the requested joint action by the Big Three. It has not been carried out in Czechoslovakia, where even British and American diplomats are barred

from the country. It has not been carried out in Bulgaria, where Russia rules and her Allies are given no voice. It has not been carried out in Hungary, where another Moscow-made regime rules. And Russia is failing to honor her pledge in Austria."

The promise of free elections has no value whatever. For if Russia never has free elections in her own land, how can she be expected to hold them in the puppet governments she rules? Senator Wheeler rightly pointed out in the Senate (March 1, 1945), "What is a free election without free speech, free press, a free radio—just a mockery."

The Yalta declaration provides a qualification in these elections that they shall apply only in those nations "where in their judgment (the Big Three's) conditions require" (The Progressive, February 26, 1945). So again Russia can veto free elections.

In Poland, for example, Americans are barred from the country, even those who were supposed to distribute food to relieve the starvation there. There has been a reign of terror. Reports have come to William Philip Simms that tell of "trainload after trainload to Polish inhabitants taken eastward" (Cleveland Press, June 19, 1945).

As related in the American Mercury, an American journalist, Leon Dennen, recently returned from the Balkans, and writing in the New Leader, declared, "The people of the United States are not being told the truth. They were never informed of the fact that Soviet Russia ruthlessly suppressed a genuine democratic revolution in Bulgaria, that American tanks and bayonets and American lend-lease materials have imposed on Bulgaria a Fascist-Communist government. \* \* \* In Poland, the Russians have now organized a concentration camp for thousands of pro-Allied Poles, Socialists, and labor leaders."

In Poland, Erlich and Alter, labor leaders in Jewish trade unions, and anti-Nazi to the core, were imprisoned by the Russians and shot, despite the protests of distinguished Americans such as the late Wendell Willkie and William Green. Bertram D. Wolfe, writing in Common Sense, March 1945, relates, "The Russians who had determined to Russianize the half of Poland which they had gotten from the pact with Hitler, had been engaged in wholesale arrests, deportations, and even executions. Their aim had been nothing less than to eliminate all possible leadership of resistance and nationhood. The first batch of exiles were Army officers. The next were members of the Polish intelligentsia, state and local government officials, teachers, judges, lawyers, and the professional classes generally. Then deportation was extended to Polish and Jewish labor leaders, and leaders of Polish parties, democratic as well as reactionary."

Altogether, Wolfe estimates that a million and a half of the Poles have been deported. During the war as the Russians approached Warsaw, they encouraged the Poles to revolt against the Nazis. Then for some strange reason during Warsaw's 63-day uprising against the Germans, the Russian armies halted. Moscow refused to allow planes to drop food and munitions, and as Mr. Wolfe relates "underground forces of the Polish Home Army that were going to its relief" were arrested and disarmed by Communist leadership, thus helping to wipe out the Polish nation.

The arrest, trial, and imprisonment of 15 Polish underground leaders is simply a part of the Russian reign of terror. At least three of these leaders had been assigned the task of conferring with the Russian representatives in the effort to find a solution to the dispute. They were representing the Polish Government in exile located in London. British Foreign Secretary Anthony Eden anxiously inquired as to their faith, but could get no reply for some time, then at last came the trumped-up charge that they were saboteurs. But British Minister of State Richard Law told the Commons, "I have seen the report of the Tass Agency and I can only say that the information at the disposal of the Government does not conform with what is contained in that report" (Cleveland News, May 9, 1945).

But after this happened to Polish leaders, does anyone think there can be freedom of speech in Poland sufficient to guarantee a free election? Polish underground leaders who fought so valiantly to save their country from Hitler now find themselves men without a country. The Atlantic Charter declared that there should be "no territorial changes that do not accord with the freely expressed wishes of the peoples concerned." But now we find that Charter only "scraps of paper." (For more information, read the article by W. H. Chamberlain in the American Mercury, February 1945.)

According to Eleanor Packard, United Press correspondent, who was expelled from Russian-occupied territory, "In Belgrade alone Tito has arrested 40,000 followers of Mihailovitch and has already executed several hundreds. At the

same time he has confiscated 30,000 small landholdings belonging to Serbian peasants who supported General Mihailovitch. The people are being forced under the totalitarian, communistic rule of partisan bands supported by the Soviet Union" (speech of Hon. Burton K. Wheeler in the Senate, January 15, 1945).

R. H. Markham, writing in the *Christian Century* (April 4, 1945), declares that in Bulgaria, "Official American representatives, civilian and military, are not free to travel outside of Sofia. Twice American military representatives have been expelled from the country. No American journalist is allowed in Sofia. But, because of our being represented on the Allied Control Committee, we are believed to sanction what goes on. Already about a thousand of the more prominent Bulgarians have been killed and the purge continues. The Agrarian Party, which is the largest in the country, and from the beginning has been heroically anti-Nazi, is forced into inactivity. Anti-Nazi Peasant Party chiefs are jailed along with pro-Nazi traitors."

He declares, as also was reported in the press, that in Rumania Russia deposed one Premier and set up another.

"The deposed Premier had to flee to the British Embassy to save his life. The Communist Party in Rumania is small, weak and utterly unrepresentative, yet it now dominates the new cabinet. The life and property of every Rumanian are at the mercy of the Communist members of the new cabinet, since they hold the vital posts. The two great Rumanian political organizations, the Nationalist-Peasant Party and the Liberal Party, are completely unrepresented. Thus everything which has happened in Rumania is in contradiction of what was promised at Yalta."

This is the nation with which it is planned that we form a permanent military alliance, thrusting Russia forward with power to veto any of the decisions of the rest of the world.

Is this travesty of justice in Europe the kind of peace we want to enforce with the blood of our sons, by a new war without the consent of Congress? Under the new league, if Germany rises up to fight to win back its own territory, as in East Prussia, it will be called an aggressor nation by the victorian powers and one man representing us on this Council will have the power to send our boys off to the next war. If Poland rises up to win back its land from Russia, it too will be called an aggressor nation, and so will these other countries. Then our supplies of men and wealth can be used against our will to back injustice.

There are some who say that when we oppose Russia, we are working for a war with that nation. But nothing could be farther from the truth. There is no reason at all why the United States of America and Russia should fight one another. It is simply that we fail to give our smile of approval on Russia's policies. It is bringing the pressure of the public opinion of the world to bear upon Russia in our sincere effort to get her to change her mistaken and misguided policies. And the greatest way we can express disapproval of Russian policies is to refuse to join the new league.

Here in America I believe that in normal times we have an attitude of justice, of fair play and good sportsmanship which under right conditions might do much for the world. Here, too, we have all nations represented in one land, so that we are more apt to take a fair judgment toward all, small as well as large, in their controversies and dispute. Here too we have inherited in our history the spirit of rebellion from tyranny and of freedom to work out our own destiny. It is a double tragedy, therefore, for us always to win wars and lose the peace at the peace tables where we let our allies trample under their feet every deal of justice we represent. And when the Senate refuses to pass approval upon this new league, the blame must fall not upon us who oppose, but upon those leaders of ours who have followed every ideal of American justice to be trampled under their feet, and who have been blind rubber stamps of British imperialism and Russian bolshevism.

If you do not believe in progress by peaceful change, if you believe in trying to hold down by force an impossible status quo, you will adopt the new league, but if you believe in waiting and working for a true federation of nations to work cooperatively to end the causes of war, then you will refuse to accept this counterfeit until the genuine is won.

Senator BARKLEY. I would like to ask the witness what religious denomination he is connected with?

Mr. COTTON. I do not think that is very important. I happen to be a Presbyterian minister. I have nothing against any other denominations. I do not insist upon that at all.

The CHAIRMAN. You announced that you are a Ph. D. What university?

Mr. COTTON. Columbia University.

The CHAIRMAN. Your organization has 25 members?

Mr. COTTON. Not 25 members. The attendance frequently is 25. It varies. But a mailing list developed to over a thousand.

The CHAIRMAN. You can mail anything to anybody. I am talking about the members of your organization.

Mr. COTTON. Interested persons we mail to.

The CHAIRMAN. Thank you, Dr. Cotton.

The next witness is Mrs. C. P. Baldwin. Give the reporter your name, residence, and whom you represent.

#### STATEMENT OF MRS. CATHERINE P. BALDWIN, NEW YORK CITY

Mrs. BALDWIN. My name is Mrs. Catherine P. Baldwin, 1245 Madison Avenue, New York City. I represent myself, an American woman, a mother, a grandmother.

The CHAIRMAN. Proceed.

Mrs. BALDWIN. I am objecting to this charter as given to us from San Francisco because it is in contradiction to our United States Constitution, which all of you Senators, and the President of the United States, and every man who holds office from the highest to the lowest in this country, is sworn to uphold. If you sign this charter, you are signing away the sovereign rights of the people of this country, which you are not authorized to do. You are given specific instructions when you are sent here to represent us. Those authorities are clearly defined.

I do not concur with Senator Vandenberg when he says we should accept this because it was agreed upon by President Roosevelt at Yalta—when we were told it was San Francisco.

The late Mr. Roosevelt is not here to speak for himself. And, furthermore, he had not the authority to promise anything in the name of the American people without the concurrence of two-thirds of this body—which has not been given.

This is, to my mind, a very direct attempt to sabotage the Constitution of the United States, to take away our sovereign rights.

It is not a new plan. It is one that has been going on for many, many years. Immediately after the last war the procession started. The highly financed propaganda permeated our schools, our colleges, our churches; in fact, every phase of our American life. Attempts have been made to destroy the Star-Spangled Banner—they are still going on. Our histories were rewritten so that you would not recognize American history.

Gentlemen, it is in fact the apex of the pyramid we are facing today. It is well known to the people throughout the length and breadth of this land. The women know what is going on, and we do not intend to stand by and see our sons sent again to fight another foreign war which is not of our making.

Under this charter, five men, not elected, merely appointed, whom we do not know and whom we may not trust, are given the destiny of this country. It is a demagogic, oligarchic project. It is an instrument of war.

You say that this is an instrument for peace, but it is well known throughout the length and breadth of this land that World War III is in the making. That war will be with Russia. That war will be in the Middle East. We women are not willing to be silent and see our boys drafted again and sent to the four corners of the earth to fight and to give away our substance.

Under this Charter, you say we will distribute the raw materials of the world. That is not new, either. You can find that in the 1893 edition of Andrew Carnegie's book, *Triumphant Democracy*, the last chapter, *A Look Ahead—or, The Reunion of Britain and America*.

If you give away our raw materials, you will be trespassing on States' rights. If you give them away, you are sending the raw materials of this country to foreign powers who will manufacture them at the low European level, and the goods will be sent back here for us to buy. It clearly tells us that because England will control the seas she will supply the Atlantic States and the West, or Pacific States and our manufacturers can supply the Middle States. We will not like it at first, they say, but we will soon find it is our duty to the mother country.

When you say that you will give away billions of dollars of our money to England, Russia, and the rest of the world where are you going to get that money? Where is it coming from? Or are you banking on the capital-levy tax that is in the making?

Those are things that the people of the United States should know.

I am willing to say that if, under due process of law, you submit this Charter as an amendment to the Constitution, to the people of this Country—and after a full, and free, and honest, discussion of the merits and demerits of the matter—they vote to give away their sovereignty and their substance, then I have nothing further to say. But, until that is done, under the constitutional process of the United States, then I do object, and object strongly. I am not willing to have my sons or my grandsons drafted to be put under the authority of five men whom I do not know, or know anything about, or know what their idea of life is.

When the President of the United States went before your Body, he did not tell you that this Charter guaranteed one single iota of anything. He simply told you it "seeks" to do this, it "seeks" to do this, it "seeks" to do this. It means nothing; nothing at all. You cannot go before the American electorate today with a lot of verbiage, and ask them to give away their substance.

This Charter guarantees nothing. But under the Constitution of the United States, and the Bill of Rights, I am guaranteed life, liberty, and the pursuit of happiness.

Some of your colleagues—challenged—have admitted on the public platform that this is unconstitutional. If it is unconstitutional, I do not see how you can even discuss it here in the Senate.

Several of you Senators have admitted it. Some of you have said we must circumvent the Constitution.

There are groups in this country, highly financed pressure groups, who are doing very good propaganda work down here in Washington. But you are not hearing from the rank and file back home.

I wish you could be in my place. I go to market, and stand perhaps two hours to see if I can get enough food for my family for the day. The people are very bitter; they talk to me. The colored, the



white, the Christian, the Jew, and the gentile. They say, "What does it all mean? Of course, we know war is in the making. They are not fooling us. What is the matter with the Senate down in Washington? What are they down there for?"

Gentlemen, the people of this country are slow to arouse. They know they have been betrayed. They have talked, but you turned a silent ear. There comes a time in the history of every country when the people's silence is very dangerous.

As in the Bible of old, it is said:

Put on the taxes. And the people grumbled. Put on more taxes. And the people grumbled. And so long as the people grumbled it was all right. But when they put on more taxes, and the people were silent, they knew it was the danger signal.

When I go to meetings of the highly financed pressure groups, as I went to that of the Women for Victory, or the Women's Action Committee, and I hear Anne O'Hare McCormick say:

We women put over prohibition in the last war while the boys were away; and we women will put over the world government while the boys are away in this war.

Gentlemen, is that fair? Is that honest? Is that honorable? Is it American?

You will probably hear from them. I have seen some of their members here.

And when I go to the meeting of the Commission for the Organization of Peace, and I hear Mr. Shotwell say, "The postwar world will not be governed by international financiers, but by international cartels," I say, Gentlemen, under this Charter we are going to get international cartels, demagogic government by five men.

I am sure that you will agree with me that the honorable, honest way for the United States Senate to handle this matter is by constitutional means. No one can criticize you for that, when you go before your electorate and tell them the truth of what this document stands for and what it means.

Mr. Connally, you, yourself, said it would be done by constitutional means. The Republican platform said it would be done by constitutional means. The Democratic platform said it would be done by constitutional means.

Mr. Fulbright said it would be done by constitutional means; I heard Mr. Fulbright, at the luncheon for the Commission for the Organization of Peace, say, "We freshmen Congressmen went to Congress pledged to the world government."

Gentlemen, did he forget that he took an oath of office to uphold the Constitution of the United States, or does not an oath of office mean anything any more? If it does not, then it is time the American people knew it.

We are not children; we understand what is going on. We think it is just about time we got back to the founding fathers, and to the Constitution of the United States. I know that when you think of this in your serious moments you will not want to put yourselves in the position of having the people back home say that you were not true to your oaths.

I beg of you, gentlemen, before you put your names to this document, to weigh it carefully.

This is not a peace document; this is a document of force; of aggression; of grabbing—grabbing the raw materials of this country; grabbing our boys; grabbing our money.

We went to war in 1776 because of unfair taxes. What do you think we are going to do when you try to tax us to send billions of dollars to Europe and all over the world? Do you think we are going to stand for that? And where are you going to get it? These are the things you must weigh, and think of carefully. These are the things you must discuss. These are the things for which you must answer to the American people.

So, gentlemen, in all fairness, I, an American woman, a mother and a grandmother, I beg you—do not go down in history as the betrayers of your country.

I thank you.

The CHAIRMAN. Thank you very much, Mrs. Baldwin.

Are there any questions?

Is Mrs. Johnston with you?

Mrs. BALDWIN. No; but she is here.

The CHAIRMAN. Will Mrs. E. F. Johnston come around, please?

#### STATEMENT OF MRS. ELISE FRENCH JOHNSTON, NEW YORK, N. Y.

The CHAIRMAN. Mrs. Johnston, please give your name, residence, and whom you represent, for the record.

Mrs. JOHNSTON. My name is Mrs. Elise French Johnston. My residence is 60 East Sixty-Seventh Street, New York City. I am here as a representative of the public of the United States, as a free-born American citizen exercising my right of appeal and protest, while we still have our sovereign rights as protected by the Bill of Rights of the Constitution.

The CHAIRMAN. Very well.

Mrs. JOHNSTON. Now, I am here—

The CHAIRMAN. Let us have order.

Mrs. JOHNSTON. This is not a laughing matter, Mr. Chairman. I am here—

The CHAIRMAN. That is why I am trying to get order and attention for you.

Mrs. JOHNSTON. Exactly. I appreciate the courtesy.

The CHAIRMAN. Be sure you use the amplifier; some of us are a little deaf.

Mrs. JOHNSTON. Surely. This room with its marble walls—has it also marble ears?

If anyone in the back of the room, Mr. Chairman, can not hear me, will you ask them to raise their hands, so that the instrument may be adjusted? It has worked very badly for the audience for the last 2 days.

The CHAIRMAN. I have consulted the expert, and he assures me it is in good order.

Mrs. JOHNSTON. The audience are having a very tough time back there.

The CHAIRMAN. All right. We shall do the best we can. If you will place the instrument close to you and speak into it, you should be heard.

Mrs. JOHNSTON. All right. This is the first time I have tried it, so I want the audience to check me.

I am here because after studying the Charter carefully I am convinced that it is not only in conflict with the Constitution of the United States but is in violation of the Constitution in many respects. My reasons for thinking so have been augmented by the sources of pressure which are being exerted to urge its passage. Groups and individuals who for many years have shown by their deliberate actions that they are unfriendly to our constitutional form of government are the present groups who are most eager to see us adopt this Charter. For that reason, I am suspicious of their motives, and I suggest you check the records of these organizations in the files of the F. B. I., the U. S. Military Intelligence, and the Dies Committee.

I question the constitutionality of this Charter because of the following passages in the Constitution of the United States.

Now, Mr. Chairman, I am going to read these sections of the Constitution by article and clause only, and at the end of my moments with you I expect some member of this committee of Senators to have looked them up in a copy of the Constitution and to give me a positive answer.

The CHAIRMAN. Well, we have convened to hear you. You cannot compel Senators to answer questions unless they want to. So you go ahead.

Mrs. JOHNSTON. All right. These are the matters in the Constitution itself which I think should be clarified for the American public, because to be asked to sign something which is unconstitutional is not fair without a very frank discussion of the constitutionality of the provisions of the Charter by the elected representatives of the people. So far, the legality of the Charter as being at issue with our own laws has not been frankly discussed.

The oath of office of the President of the United States is contained in article II, section 1, paragraph 8. I do not see how, under that oath, the President of the United States can delegate a representative to the world conference, because the Constitution only permits the election of officers; it does not permit the delegation of officers who will carry executive powers.

Now, another thing: We are to be obligated by the Assembly, in the Charter, to pay unknown sums for unspecified purposes, which will not be, according to the Charter itself, publicly accounted for. How does that square with the obligation to publish reports of accounts and receipts of public moneys, as expressed in article I, section 9, clause 7, of the Constitution? We are all feeling the pinch of our pocketbooks, and we are very much interested in the vagueness of that part of the Charter.

Now, again, in article I, section 8, clause 11 of the United States Constitution, under the Defense Act of 1920, which pertains to the raising of armed forces, we are required to appropriate moneys for that purpose each year. Then, how can you commit us for an indefinite period of time and commit indefinite numbers of men and indefinite sums of money to helping armed forces of the world government? Is that or is that not constitutional?

Again, I want to make this very clear to you, gentlemen. Would I, in my own mind feeling this entire Charter to be in conflict with the Constitution—if I neglected my duty to protest and appeal to you elected representatives of the Constitution, would I not myself be

guilty of misprision and of treason? I am here to take my own patriotic stand and to remind you of what we expect you to do.

Now, the power to establish tribunals inferior to the Supreme Court is clearly set forth in article I, section 8, clause 9; but I can find no place in the Constitution of the United States that permits the Congress to establish tribunals or to submit the people to tribunals superior to the Supreme Court.

The power to regulate commerce is given to Congress in section 8, article I, clause 3. But, gentlemen, where is the power given to delegate the trade, the commerce, and the finance of this country to an unknown, unpredictable group of men?

I just want these constitutional matters discussed and clarified for the American public.

The power to regulate the currency is clearly expressed in article I, section 8, clause 5. That power is given to the Congress. I do not see that the power to delegate that power is given to Congress.

Again, as regards this world police, in article II, section 2 of the Constitution, it is clearly stated that the President of the United States is to be the Commander in Chief of the armed forces of the United States. How are we going to work that into this world police as outlined in the Charter?

Again, I would remind you that article VI of the Constitution clearly states that treaties—and some people call this Charter a treaty—must obey the laws of the land. In other words, you yourselves by your own action cannot commit the people of this country to a program which in itself is unconstitutional. You may repudiate yourselves, but you cannot repudiate the Constitution.

Now, in fairness to yourselves, I realize that this country is in the grip of a gigantic conspiracy, that it has been well financed, and that you men are in a very uncomfortable spot, and I think that that is why you are trying to railroad this thing through.

The CHAIRMAN. Right at that point, we showed no disposition to railroad it through when we let you appear here to testify.

Mrs. JOHNSTON. It was announced in the newspapers that there was no opposition to this Charter. I have here a copy—

The CHAIRMAN. I think it is rather ungracious of you, after we have given you the time and the opportunity to place all you want in the record, to charge the committee with railroading the matter through. We are not railroading it; we are trying to give it consideration. So will you not kindly confine yourself to the merits of the matter and not to reflections on the committee?

Mrs. JOHNSTON. Certainly; I stand corrected. But I insist that the expression "railroading" has been applied by many people. I do not want to be discourteous, but I think the speed is too great. The Connally resolution, the Fulbright resolution, the Mackinac resolution, the plank in the Democratic platform, and the plank in the Republican platform all have specified that constitutional processes would be used.

I insist that if the matter of how much alcohol we could have in a glass of beer had to be submitted in the form of an amendment, certainly if there is any question of the legality of this Charter or its lack of having constitutional status, then that must be submitted by amendment. Otherwise, how can the decent, law-abiding citizens of this country feel bound by your unconstitutional acts?

Gentlemen, I thank you.

The CHAIRMAN. Thank you very much, Mrs. Johnston. You have several minutes yet.

Mrs. JOHNSTON. That is fine.

The CHAIRMAN. We do not want to railroad you through.

Mrs. JOHNSTON. I should very much like to continue.

The CHAIRMAN. If you are finished, of course, it is all right.

Mrs. JOHNSTON. No; I should like to make a very tangible suggestion for peace, since we are told we are very concerned about peace. Wars will be fought, gentlemen, as long as wars are profitable. In the last 200 years, wars have proved profitable to three groups—the politicians, the international bankers, and the ammunition makers. As far as we can see, this Charter is a very ingenious instrument for solidifying these special interests, who will then have all the power to make all the war they want to whenever they want to.

That is why the mothers of this country are bitter. We object to the fact that when you gentlemen undertake to sign the Charter, you sign a blank check with our names on it, because the Charter itself offers no limitation as to future changes or amendments nor to the amount of money that we would have to pay to support it.

Is my time up?

The CHAIRMAN. No, not quite. Do you want to go on?

Mrs. JOHNSTON. All right. There is something else that is bothering me. There was an awful hullabaloo a few years ago about providing pensions for Congressmen. In the Charter—

The CHAIRMAN. I do not think that has anything to do with the matter we are discussing.

Mrs. JOHNSTON. Yes, it has, because in the Charter, in the World Court, they very carefully give themselves pensions and retirement fees. Do you think that is going to be popular with the American people? We do not like it for our own Congressmen. We are quite aware that since we are the richest nation in the world today, we shall have to pay the major part of the bill.

There is another thing in the Charter which I think is difficult to understand. We are told that the Charter will not interfere with the domestic affairs of any nation. Yet we know the Charter confers the power of investigation of all affairs, whether social, economic, or, I think the other word is, cultural. What human activity could not be included under those terms? I object to selling out our birthright for a mess of pottage, and I certainly object to selling out our heritage to this mess of verbiage. It is the ambiguous wording of the Charter and its vagueness which infuriates the American people.

I regret to say that the reason why many people are not writing in to you about this is that they are so disgusted with it. They feel their letters are ignored, even as my telegram to the President was not given the courtesy of a form letter.

The Charter is not well expressed. It is too vague, too ambiguous, and too unsatisfactory to be given serious consideration. I think a Charter may be written in the future, but I refuse to accept this Charter as an instrument for peace, because it will lead to chaos in the world and in our own country.

The CHAIRMAN. Are there any questions?

Senator TUNNELL. I should like to ask the lady a question, Mr. Chairman.

The CHAIRMAN. Senator Tunnell.

Senator TUNNELL. What is your theory as to this war being profitable to bankers?

Mrs. JOHNSTON. I think all wars are profitable to bankers.

Senator TUNNELL. Why do you think so? Are the interest rates too high?

Mrs. JOHNSTON. Why, because Mr. Stettinius is so happy about the whole thing.

The CHAIRMAN. Please do not be personal in your remarks. Mr. Stettinius is a guest of the committee, just as you are. We trust there will be no altercation between you.

Mrs. JOHNSTON. Well, I think that the records of the bankers for the last 200 years will bear out my statement. I would remind you that the Napoleonic wars were financed in England by the House of Rothschild; they were financed in France by the House of Rothschild in France; they were financed in Austria by the House of Rothschild of Austria.

All wars, including our own Revolutionary War, which was financed by Mr. Morris, have been financed by bankers for the last 200 years.

Senator TUNNELL. Is it not true that we have an immense amount of capital that cannot even be loaned at this time? The loans cannot be made. Why do the bankers want that situation?

Mrs. JOHNSTON. I do not know why they want it, because I am not an international banker. But I am aware of the fact that they have found—

Senator TUNNELL. You are not a man, either, but you are telling us about men's opinions.

Mrs. JOHNSTON. No. I am telling you about my opinion. That is my opinion, and I think that if you will look into the record you will find that the bank statements at the present time are quite favorable to the bankers of this country and to the international bankers.

The CHAIRMAN. Are there any other questions?

You are excused, Mrs. Johnston. Thank you very much for your testimony. The committee is appreciative. We will observe your injunction not to railroad this matter at all.

Mr. David Darrin, of the United Nations of Earth Association, is the next speaker.

#### STATEMENT OF DAVID DARRIN, UNITED NATIONS OF EARTH ASSOCIATION

The CHAIRMAN. Please give your name and state whom you represent, Mr. Darrin.

Mr. DARRIN. My name is David Darrin. I represent no pressure group. I represent a large number of American people who are favorable to world organization against war and for peace; who are not organized, but who are very definitely opposed to the terms of this Charter as being quite unable to produce world peace or to stop world war.

The CHAIRMAN. You are listed here as representing the United Nations of Earth Association.

Mr. DARRIN. I wrote on a letterhead for an association without membership attempting to accomplish this purpose.

The CHAIRMAN. That is a rather unique situation.

Mr. DARRIN. I so stated in my application.

The CHAIRMAN. An association without membership?

Mr. DARRIN. No attempt has been made for membership; there has been no time for such an attempt.

The CHAIRMAN. In other words, you are, for the purpose of this hearing, the United Nations of Earth Association?

Mr. DARRIN. You might say so.

Senator BARKLEY. There is no reason why a man cannot associate with himself.

The CHAIRMAN. All right. Go ahead.

Mr. DARRIN. My address is 326 Pennsylvania Avenue SE., Washington 3, D. C.

The CHAIRMAN. Please let us have order. We want to hear Mr. Darrin and the association.

Mr. DARRIN. Mr. Chairman and Members of the United States Senate, fellow Americans of the audience and of the Nation, sisters and brothers in the spiritual family of God on earth, we are met at one of the crucial moments of human history.

Amid the crumbling ruins of an outworn civilization, we face the grave necessity—but also the splendid opportunity—for laying the foundation and designing the structure of a higher world order.

But if we come to this tremendous responsibility drunk with pride in a victory which has lowered us in many ways to the level of our foes, which has marked us as even more destructive than our enemies, we shall fail in the greater task of building an enduring world peace.

Rather let us approach this combined duty and privilege in deep humility and in sincere prayer for God's guidance, through which alone can we make an effective start upon establishment of His kingdom on earth. Let us also realize that God has already answered such prayers to a great extent through His guidance of our national progress during the 8 score and 10 years of American history.

These I hold to be some of His answers to our prayers for guidance in the finding and founding of another new world.

Do not be discouraged by failure of the first attempt at world organization. Your own American union required two efforts before real success was achieved. Learn from that success that a strong federation is indicated when a weak confederation has failed.

One of our great men said in substance, "There shall be no more empire-building in the Western Hemisphere." And being strong to defend that principle you have had not outside aggressions in your half of the world for over a hundred years. Learn from that success that world peace requires the termination of all empires and empire-building by a world state able to enforce that principle.

The greatest of all Americans said in substance, "Our Nation is too small to contain two competing groups of States." A bitter war tested his principle and subsequent national progress has won for it both parties to that struggle. Learn from that success that the world is too small to contain two competing groups of nations; that world peace calls for a world state including all the nations of earth.

The greatest man of all time told you "Thou shalt love thy neighbor as thyself." And He loved His neighbors so well that He could pray for those among them who were also His torturers: "Forgive them, Father, for they know not what they do." Learn from that prayer to realize that even your bitterest enemy is also your neighbor, that all nations, races, creeds, and conditions of men are your neighbors, that in each living creature there is a spark of my spirit which is

immortal, eternal, and of value far surpassing all measurement in silver and gold.

These things learn from the past, and I will guide you, through prayer, to future splendors beyond all your fairest dreams.

In introduction to my further testimony and supporting material, presented herewith, concerning this so-called Charter for World Security, may I include the following two letters written by me on July 2, 1945; one to the Honorable Harry S. Truman, President of the United States; the other to this Committee on Foreign Relations, of the United States Senate.

My letter to President Truman reads as follows:

HON. HARRY S. TRUMAN,  
*President of the United States, Washington, D. C.*

DEAR MR. PRESIDENT: This letter is written to ask that you act with the utmost caution in connection with this proposed Charter for World Security.

Thus far you have handled a tremendous and trying emergency with almost phenomenal success. Your numerous public references to God, suggest that it is your habit to take Him problems which you know are beyond your own full comprehension. I do not see how you could have had the success you have thus far registered without such guidance.

But your support of this alleged Charter for World Security does not bear the same evidence of divine inspiration. This Charter is not a peace charter but a blueprint for war. Its adoption will automatically amend the Federal Constitution in a way not provided for in the Constitution. Your oath of office requires defense of the Constitution and you cannot consistently do that and at the same time support this Charter.

All control officials under this Charter are appointive. It contemplates control of world government by the small clique of international bankers, industrialists, and cartelists who have had an uninterrupted record of warmongering and greed for many decades. It is in no sense a democratic instrument. It is in no sense a Christian instrument, since it proposes and implements the further exploitation of the peoples of earth by the same special interests who have always abused the excessive power they have held in the past.

There is opportunity at present for making a conscious start upon establishment of the Kingdom of God on earth. That Kingdom will be a pure democracy in which government is controlled directly, completely, and continuously by the whole people, guided by God through prayer. That Kingdom will perfect a technique of equitized distribution of wealth, fit to go hand in hand with our achieved techniques of synthesized resources and of mechanized production. There need be no poverty among men or among nations. There need be no scarcity of anything that men need or of anything that men want. This splendid future is not far distant; it is within our present grasp. But you will seek in vain for the least mention of any such objective in this Charter. Where there is no vision, the people perish. Just a little vision could have avoided this war. Just a little vision could have avoided the serious depression which preceded it. Just a little vision now will save us from a welter of woe which lies dormant in this vicious Charter.

I want to ask that you read this Charter again, not for its wording but for the meanings which the words seek to hide, and for the effects which it will actually produce. Open your mind and heart to divine guidance regarding this Charter, and I do not believe that you can further support it.

Sincerely yours,

DAVID DARRIN.

My letter to your committee reads as follows:

COMMITTEE ON FOREIGN RELATIONS,  
*United States Senate, Washington, D. C.*

GENTLEMEN: This letter is written in application for an allotment of time in connection with public hearings on the proposed Charter for World Security.

While present indications suggest a large preponderance of public opinion supporting this Charter, on the basis of what it is claimed that the Charter will accomplish, there is also a considerable part of the public not organized for opposition but informed concerning what the Charter will in fact produce, and it is



for that section of the Nation that this organization speaks and is entitled to be heard.

All the signs to date suggest an intention to railroad this measure through the Senate with as little opportunity for the opposition as can be safely allowed. That indicates realization of proponents that the measure is faulty and dangerous and that it cannot bear careful and detailed analysis and discussion. If our own and other opposing opinions are stifled, it will prove more clearly than anything else the weakness of this proposed entanglement.

No doubt a large part of the opposition will come from those who cling to hopes for national isolation, but that is not our viewpoint. We favor a world state which will, in fact, accomplish permanent world peace. We hold that objective to be imperative and therefore possible. Our objection to this Charter is that it will not provide world peace, that it will actually lead to another war in the near future.

The facts of life concerning Senate relation to this Charter are twofold. The Senate has power of adoption or rejection and this power is exclusive to the Senate. But if the measure is approved the Senate will have to live along with the rest of us under the despotism which this Charter will set up and under this despotism Senate prestige and power will wane as representative government always wanes under despotism.

We believe that our opposition to this measure, which is not only critical but also constructive, will be a service to your committee members, to the entire Senate membership, to the Nation, and to the world. This is very definitely the time to secure an effective international organization against war. But it is equally important to avoid a set-up which will not be effective, which cannot be effective along the lines proposed by this Charter.

Sincerely yours,

DAVID DARRIN.

When this last letter was written, I was in serious doubt that an opportunity to testify at these hearings would be granted. There had been an attempt to rush this Charter through the Senate without public hearings before this committee. The hearings are being held in cramped quarters in order that they may be packed with a preferred favorable audience, supplied and provided with Annie Oakleys by proponents of the measure, so that the general public can be largely excluded.

There has been and continues to be an official attempt to high-pressure this Charter through the Senate. Immense sums of public money have been spent to subsidize the radio, press, and pulpit of the Nation in support of this proposal for world regimentation. Senators have been cajoled and bribed—not with money but with opportunities for personal publicity by radio and press if they would talk in support of this monstrous crime against American liberty. Starting long before the San Francisco Conference convened and before there was any legitimate knowledge of what would be the Charter terms, the American people have been worked up to a pitch of purely emotional support of this misbegotten instrument, which they have had less than 3 weeks to study in its final wording. Such support by the American people is purely temporary and will be replaced by bitter opposition as soon as they find out the truth back of the fair words of this Charter, that it is Godless, unconstitutional, un-American, undemocratic, and really a Charter to perpetuate war.

This is not a reflection upon the American people. They are entitled to have fervent hopes for permanent peace. They are entitled to expect and demand action in that direction. They are entitled to ample time for study of this Charter before any action is taken committing them to a course that will destroy American and world liberty and democracy.

The arguments in favor of this Charter run the whole gamut, in mixed metaphor, from alpha to omega. First it is claimed as the final and complete answer to all hopes for world peace. But when this claim is countered by informed criticism of specific provisions of the Charter showing directly opposite intent and effect, we hear that it is at least a beginning, a step in the right direction, admittedly imperfect but the best we can get. These combined claims spell rank hypocrisy. This Charter is not a step in the right direction but a complete journey in the wrong direction on a one-way ticket. If we go into this thing by adopting it, we shall have to fight our way out when at last we wake up to its evils. It is so utterly wrong that it can never be corrected by joining and working from within. We can only secure world peace by rejecting this Charter and proposing a suitable world constitution in its place.

All the supersalesmanship for this Charter constitutes a tacit admission, by its very proponents, of the Charter's tragic faults which make it unable to bear close and widespread public scrutiny and discussion and which they do not know how to correct and still attain the vicious and dangerous purposes of the instrument.

The fact that I have been granted an opportunity to testify before this committee shows that the light of reason has begun to dawn upon this benighted Charter and its supporters. But the majority of the Senate membership is still in a very obscure twilight concerning this Charter and at least one member is lost in the midnight darkness of an impenetrable mental fog concerning it—a fog "made in London"—and I refer to that United States Senator who had made up his mind years ago how he would vote on this Charter, completed June 26, 1945. The purely emotional approach to this Charter, undiluted by any logical reasoning or reference to facts, shown by this Senator, fairly represents the basis for the overwhelming public support claimed for this Charter. I protest against the stupidity and bigotry of such an attitude whether it be in support or in opposition to a measure of such large importance. I also know of many Senators who personally understand and oppose this Charter but who feel that they will commit political suicide if they vote against it. I ask if that be an example of the brand of courage we have a right to expect of our Senators in fighting the foes of democracy who hold high places within our economic, educational, and political structure. Shall we call for our boys to bare their breasts to the foreign foe, while our Senators meekly bow their heads in obeisance to enemies within far more sinister than any foreign foe?

In all the propaganda for this Charter you will look in vain for a single reference to the real meanings and effects which lie back of its high-sounding words. The whole propaganda program has been centered upon assuring the people of the Nation that it will produce the permanent peace which they have a right to hope for and expect in a world constitution. The people of the Nation are not expert in reading the meanings and effects back of legal terminology and they have not had time yet to examine this Charter for themselves and to hear both sides concerning it. If this Charter be adopted hastily, the people will soon learn that their hopes have been used to lure them into a monstrous program of world despotism and regimentation far worse than anything Hitler or Mussolini ever dreamed of.

I want to call the attention of the Members of the United States Senate to the fact that their oaths of office also commit them to defend and preserve our Federal Constitution. If it be true, as I firmly believe, that to either advocate or to approve this Charter constitutes a multiple violation of our Constitution, then such action by any Senator will constitute a combination of perjury and treason even though it be done in good faith and without intention to perjure themselves or to betray our Nation. The only way this Godless instrument—or even the finest world constitution—can be constitutionally approved is by amendment of the Constitution in accordance with the amendment procedure contained therein. In this very fact we see again the hand of God working invisibly through that magnificent document to save our Nation from itself in its hour of madness, induced by the horrors of the present conflict.

May I now proceed to present a detailed analysis of this so-called Charter for World Security? This analysis has been arranged in two forms for the convenience of your committee and of other Members of the United States Senate. First, I have taken the text of the Charter, paragraph by paragraph and listed the faults of commission and of omission which they represent. Second, I have listed the faults of commission and of omission and referred to the chapter, article, and paragraph where the faults of commission occur. Finally, knowing that we do face the dire need for an effective world state, properly implemented to abolish war and to promote permanent world peace upon the basis of expanding equity, enlightenment, and democracy, I feel that my scathing castigation of this alleged Charter for World Security can better merit your most careful consideration and your most prayerful decision, if it be accompanied by constructive suggestion of an alternative world constitution, not perfect surely but far superior to this vicious Charter and capable of being further perfected by study and action of the United States Senate, with cooperation of the whole American people, and all guided by God through prayer. I therefore present herewith the work of 20 years, based primarily upon our own Constitution, both its letter and its spirit, and entitled "A Tentative Constitution for the United Nations of Earth," under which title I was writing on this subject over 20 years ago. May I here list the above-mentioned compilations, submitted as essential part of my testimony, and upon which my further comment and summarization is based, namely:

Exhibit A. Charter faults, paragraph by paragraph, with nature of fault.

Exhibit B. Fault-by-fault analysis with reference to location in Charter.

Exhibit C. A tentative constitution for the United Nations of Earth which furnished an alternative possibility now available.

Exhibit D. Other phases of world organization, in a pamphlet on World Unity.

This Charter might very well form the basis for organization of any large corporation for it bears all the earmarks of that brand of feudalism practiced by every large corporation. Under our current economy every corporate existence depends primarily upon financial profit taking and there are only two ways by which to impose financial loss upon others which is the exact measure of financial profit to the

corporation—underpaying of employees and other supply sources, and over charging of customers, or both. There is no other source of financial profit. The result of such an economy is to place all industry upon a basis of insincerity and hypocrisy. Each business, whether it wishes to do so or not, must place financial profit taking primary to its alleged main purpose, if it wishes to survive. This current economy is not the only possible kind of national and world economy. Probably it is the worst kind. It is bad enough to have national and world industry enmeshed in the coils of this strangling, blood-sucking octopus.

I submit that we shall commit national and world suicide if we place control of world government in the hands of the gang back of this Charter—the gang that has instigated, financed, and munitioned every war for the past hundred years. There are a lot of high-sounding words in this Charter but the effective portions of the Charter give the lie direct to all that camouflage and show that there is no intention or provision for the performance of these promises.

In the first place, this Charter is utterly Godless. Its entire preamble is a monster hypocrisy, belied by its own chapters II, V, VII, X, XI, XII, and XIII. The deceit continues throughout chapter I which is belied by the same succeeding chapters. Throughout the Charter fair words have been used to cover up plans for further exploitation of the poor and weak among men and among nations, intentions so foul that they cannot be accurately characterized in polite language.

By direct action of its permanent chairman, prayer for divine guidance was omitted at the San Francisco Conference and the resulting Charter bears unmistakable evidence that God did not intrude upon it in any way. That permanent chairman was evidently unaware that prayer is a universal urge and a part of all religions; also that, while there are many sects and creeds, there is but one Supreme God who answers all sincere prayers, regardless of their creedal source.

If you or I had had in mind the kind of dirty work he was planning, perhaps we, too, would have hesitated to take God into the picture. But there was once a real American who was aware of the infallibility of divine guidance. When our own Constitutional Convention was deadlocked by factional conflict, Benjamin Franklin counseled invocation of divine aid. This was done and resulted in the strongest, most successful governmental instrument thus far produced in all human history. I wish to call attention to the fact that this Charter has not a single point of basic similarity to our Federal Constitution—not one. That furnishes an accurate measure of its chance for success.

This Charter fails to recognize, and so omits to stress, the spiritual relationship between God and man, and so between all men and all nations. This universal relationship is the basis upon which permanent world peace must be built; there is no other adequate foundation.

This Charter fails to recognize and implement the divine statutes on love, on prayer, and on universal or natural law, which provide a guide for all successful human statutes and which should be embodied in any world constitution which hopes to achieve permanent world peace.

This Charter fails to recognize the need for divine guidance through prayer in all individual and group decisions and provides no means for implementing such guidance.

This Charter fails to provide as a definite, named objective the development of a modern technique of equitized distribution of wealth—not money, but real wealth, consisting of goods and services—among all men and all nations, the lack of which technique is the major cause of all wars and other forms of crime. The Charter also fails to strengthen the legitimate rights of private property by failing to provide for public ownership and control of all public property—all property essential to public welfare and progress, and supported principally by public patronage. The gang back of this Charter wants to continue to fatten at the expense of the people by expanding private ownership and control of public property, world resources.

Finally, there are private understandings between individuals running all the way from somewhere in the Atlantic through Tehran and Yalta to Berlin and beyond, which appear nowhere in this Charter but which will have a controlling influence upon its operation. At the San Francisco Conference there was bitter discussion and controversy concerning the veto power to stop discussion, investigation, action on aggressions by the Big Five and their satellite states. But search this Charter for any mention of veto power. No; this is not an open Charter, openly arrived at, but a mess of entangling alliance with what we do now know and no one dare tell us fully, the whole putrid mess fancied up with fair words to catch public support without public knowledge of the contents.

In the second place, this Charter is both immediately and prospectively unconstitutional, in that it violates both the letter and the spirit of our Federal Constitution.

Chapter VIII, article 43, paragraphs 1, 2, and 3, propose immediate violation of article I, section 8, paragraphs 11, 12, and 13 of our Federation Constitution concerning the raising, maintenance, and use of armed forces.

Chapter XIV, article 94, paragraph 1, proposes immediate violation of article III, section 2 of our Federal Constitution regarding jurisdiction of the United States Supreme Court over all foreign disputes of this Nation.

Chapter XVI, article 104, paragraph 1, and article 105, paragraphs 1, 2, and 3, propose immediate violation of article I, II, and III of our Federal Constitution regarding supremacy of American sovereignty throughout our national domain.

Chapter IV, article 17, paragraph 2, proposes immediate violation of article I, section 7, paragraph 1 of our Federal Constitution regarding control of taxation by Congress.

All of the above-mentioned Charter provisions incidentally violate article V of our Federal Constitution by proposing an unconstitutional method of amending our Constitution.

This Charter is manifestly incomplete in its coverage, but the necessary implication of these proposed present violations is that with growth of the Charter there will be proposed many more similar violations of the exact letter of our Constitution.

All the afore-mentioned violations are of the letter of our Constitution but the spirit of the Constitution may also be violated and this Charter does not fail to do so. The spirit of our Constitution consists of those basic axioms of successful government which are so obvious and so well tested by past experience that they are taken for

granted and need not be stated in so many words since they are implicit to the very form of the Federal Constitution.

This Charter ignores the experience of all nations, through all time, that the governmental functions of legislation, administration, and adjudication are most efficiently and safely performed by separate and distinct bodies with some mutual control over each other, balanced powers which cannot run wild on their own initiative. But chapter V, article 23, paragraph 1 of this Charter proposes to combine these three functions in a single small, all-powerful body—the Security Council.

This Charter ignores our constitutional provision for election, by the people, of legislative and executive representatives. Instead of that, chapter V, article 23, paragraph 1; chapter X, article 61, paragraph 1; chapter XIII, article 86, paragraph 1; chapter XV, article 97, paragraph 1; and article 101, paragraph 1; while using the word “elected” refer to a purely appointive operation—and intention. There is not one word in this Charter concerning public election of any officer of this organization.

It envisions complete rule from the top down. It proposes to prostitute American ideals to those of the least democratic member of the Organization. So help me, it smells to high heaven.

This Charter omits all reference to minimum qualifications for office holding under itself. But it does provide for possible life tenure of office by five members of the Security Council. This might easily be developed into a reigning quintarchy and might even be made into an hereditary ruling “nobility” of superkings in coming years. I thought we had gotten rid of all that putrid stuff when we freed ourselves from British rule and British “love of lords” in 1783 and 1815. This provision occurs in chapter V, article 23, paragraph 1 of the Charter and violates article 1, section 9, paragraph 8, of our Constitution.

Chapter I, article 2, paragraph 2, proposes taxation and obligation without representation when it provides to the American people no direct voice in election of officers under the Charter.

In the third place, this Charter is thoroughly un-American. That is not at all surprising since it was sponsored and wet-nursed by a man whose whole life has been spent in the service of Great Britain in this country.

This Charter ignores the fact that the world is ever-increasingly dynamic and diverse and that only so can it progress toward ever higher perfection. The whole Charter aims at establishing a static world state under the complete control of a small, self-perpetuating clique of ultraconservatives and Tories who will oppose all progress except that which involves no change whatever.

This Charter ignores the Franklin doctrine that only divine leadership is infallible, for it proposes that world control be placed in the hands of five men.

This Charter ignores the Jefferson doctrine that governments derive their just powers from the consent of the governed. The kind of consent of the governed which this Charter proposes is best described by the injunction, “Take it and like it—or else.” The governed have no direct voice in world control under this Charter.

This Charter not only omits all reference to the Monroe Doctrine against empire building, but its chapter VII, article 42, paragraph 1,

proposes immediate violation of that doctrine which has been our national bulwark for over a hundred years. Moreover, the Charter places its blessing upon empire building by providing a new empire-building technique under the guise of trusteeships—chapters XI, XII, and XIII—and by expanding the empire-building idea under the name of regional alliances—chapter VIII—a proposal first introduced by the outstanding American statesman, Ely Culbertson.

This Charter ignores every problem for which it knows no solution, or for which it wishes no solution. That is only natural, but nevertheless it supplies a competent measure of the ignorance and ill intentions of its sponsors and supporters.

This Charter ignores American experience that a strong federation, under a strong constitution, can succeed greatly where a weak confederation, under weak Articles of Confederation has failed. The weak League of Nations and its weak Covenant having failed dismally, this weaker Charter proposes an even weaker organization than the defunct League of Nations. If that be logic, make mine a pineapple sundae instead.

This Charter tries to hide the fact that it proposes to reduce the United States to the status of a British Dominion, but the provisions of the Charter reveal this fact, thinly disguised. Chapter IV, article 18, paragraph 1, provides that the British Empire shall have six votes in the General Assembly to one vote for the United States. Chapter V, article 27, paragraph 1, provides for the possibility of six votes for the British Empire in the Security Council to one vote for the United States. If this Charter be finally adopted, while we are floating in a cloud of hope alone, without form or substance of fact, Great Britain can claim truly that at long last it has won the American Revolution in effect, no matter what the histories may claim.

This is the crowning insult. In two world wars we have intervened and poured out our wealth and our blood and tears to rescue Britain's hide from the results of its own blundering stupidity, and the reward we get is repudiation of the British war debt from World War I, and now we are rewarded by being granted the status of a British Dominion and the privilege of associating on terms very little short of full equality with the other British Dominions.

Throughout this Charter there are proposed all sorts of new and untried methods for accomplishing standard results for which there are tried and proven methods available.

In the fourth place, this Charter is completely undemocratic: It commits every possible attack upon democracy; it omits every essential principle of democratic government.

This Charter thumbs its nose at the Jefferson doctrine that governments derive their just powers from the consent of governed. It then proceeds to thumb its ears at the Lincoln definition of democracy as "government of all the people, by all the people, for all the people." Instead of these lofty ideals, it proposes to concentrate world power in the hands of five men possibly appointed for life, with a figurehead "President of the World" in the person of an appointive Secretary General (XV-97-1).

This Charter proposes an international spoils system by making the entire secretariat appointive without suitable standards of qualification, thus tending toward a caste system of government service, rather than a merit system.

This Charter talks at length about security but proposes that we buy security with our fundamental liberty. It proposes to establish security through slavery of the peoples of earth—through complete and intensive and permanent regimentation under a ruling quintocracy, rather than by simultaneous development of full security, liberty, and opportunity for all men and all nations.

This Charter omits all reference to the need for taking the peoples of earth into the drafting of peace terms by holding unassembled peace conventions in all the nations of earth, as suggested in the pamphlet, Declaration of Interdependence which is submitted herewith as part of this testimony against the Charter.

This Charter omits all reference to the need for changing representation from its present mandatory form to a purely advisory function. It makes no effort to implement such change by providing for development and installation of an electromechanical apparatus and system for quick, easy, accurate, and complete recording and summing of public opinion. Such equipment would facilitate full, direct, continuous control of government by the whole people, aided by advice of expert representatives, and guided by God through prayer. Only through such practice in self-government can the peoples of earth grow toward perfection in that art.

This Charter contains no bill of rights for all men and all nations similar to that which we found necessary in our Federal Constitution. Without such a bill of rights in a world constitution the peoples and nations of earth are not insured of any constitutional rights, except the right to grin and bear it. That is all the rights that the perpetrators of this Charter wished to grant to men and nations.

Finally, this Charter is not in any sense a Charter for world security or for world peace. It is a Charter for perpetuation of war.

This Charter ignores the Lincoln doctrine concerning all-inclusive unity with no possibility for competing sovereignties, by recognizing nonmembership by abstention (ch. II, art. 4, par. 1), by exclusion (ch. II, art. 4, par. 1), by suspension (ch. II, art. 5, par. 1), and by expulsion (ch. II, art. 6, par. 1). It thus shows lack of understanding that actually we are all citizens of one world and inevitably interdependent, that the world can best be governed as a unit by consent of all its peoples and under their full control.

This Charter proposes to embalm the hates of World War II in a supposedly peace instrument, thus tending to preserve these hates and thus defeat the alleged primary purpose of the instrument (ch. VIII, art. 53, par. 2 and ch. XVII, art. 107, par. 1).

This Charter contains no vision of permanent world peace and the vastly higher order of civilization which will become possible with the abolition of all civic and economic war through a world state implemented to remove all the causes of such war through an adequate world constitution. Instead it contemplates and implements a continuance of civic and economic struggle for special commercial advantage and for control of strategic resources, with the five big nations holding all the cards and the smaller nations and the people of earth holding the bag.

This Charter shows no grasp of the importance for world peace of providing a rational system of all-embracing and nonconflicting administrative departments. Its proposal of an economic and social



council and of various other unnamed special agencies, represents a blind groping after some—but with nothing particular and definite in mind—like a child crying for something and not knowing what it is crying for.

This Charter implies the need for a code of international law, but, while providing for an international court of justice, it offers no such code of international law for international approval or revision. It is well known that at present international law consists of what each nation considers to be its special advantage or its power to enforce nationally.

This Charter omits all reference to the need for a universal second language based upon the American or dynamic brand of English, with additions from all the major languages, and designed to supplement not supplant the national languages.

This Charter omits all reference to the need for establishing a world radio university and unification of world educational facilities by which to make available gratis to all the peoples of earth continuous opportunity for higher education to the full limit of their desires and abilities, throughout their lives.

This Charter omits all reference to the splendid constructive competition of peace which can replace the destructive competition of war and fill the world with tremendous adventure, interest, eventfulness, and progress in the exploration of interstellar space, in the development of telepathy, in the scientific investigation and revelation of spiritual immortality and recurrent physical existence, and in other future advances far beyond even these wonders.

This Charter proposes that we continue to retreat into the future with our eyes and minds and hearts fixed longingly upon the past rather than turn our faces resolutely and hopefully toward future splendors beyond all imagination as we advance into the Kingdom of God on earth and an endless—

#### ETERNITY

Man came from God, to God again is bound  
 And, as his mind awakens to this fate,  
 A flood of Courage, Love, and Hope profound  
 Shall lift him to the skies and make him great.  
 Before the sweep of this engulfing tide  
 Shall fall each barrier of race and creed,  
 Of births, of wealth, position—all false pride:  
 Their fall shall signify man's spirit freed.  
 Up from the curling crests of this great stream,  
 Poured forth upon the world from Heaven's fount,  
 The new-born soul of man, transcending dream,  
 Thru undreamed universal scenes shall mount.  
 No earth-bound, craven future for this race  
 In which the spark of God's own spirit burns,  
 The will to rise shall guide it to that place  
 Beside His Throne for which its spirit yearns.  
 From this high vantage point, as back we gaze  
 Upon our Past, the Present where we dwell,  
 Our hearts shall fill with wonder and amaze  
 That, with such obstacles, we did so well.  
 Then, turning to'ard the Future, aeons hence,  
 Our hands New Worlds impelling, we shall see  
 And, under God's own tutelage, commence  
 To catch His vision of Eternity.

—Reid Davies

Gentlemen of the United States Senate, there is an old saying that one man, with God, makes a majority, and I say to you that any man who has the brains to understand the intents and the sure effects of this iniquitous Charter and the entrails to fight it, has God with him. It must be killed: We cannot sell our American birthright of liberty and justice and opportunity for this mess of autocratic pottage. Therefore, this Charter can be killed and shall be killed—God helping. You are being told that your jobs depend upon support of this witches' brew of all things vile. After cajoling you and attempting to bribe you, the gang back of this attack upon American and world liberty is holding a whip over you to lash you to heel. Have you so little vision that you cannot see the insult in that threat and see in the threat their own acknowledgment that the measure cannot pass on its merits? Have you so little pride that you had rather cling to your office in dishonor than to lose it perhaps yet retain your self-esteem and the respect of all men for a man of unyielding integrity? I have done all that I can do, at a committee hearing, to help you see the evils of this Charter. I have shown you, not a perfect substitute for it, but at least a vast improvement upon it which can be further perfected by Senate discussion and amendment. In commending this material to your most careful study and criticism, I pray God to incline your minds and hearts to His truth, to the highest service of our Nation and our age, and to this greatest opportunity you will ever have to rise to heights of mental and spiritual grandeur.

Mr. chairman, may the exhibits which I have prepared become a part of my statement?

The CHAIRMAN. You may file them. I shall have to look at them and determine whether they will be printed in the record.

Mr. DARRIN. Unless you can assure me that this proposed alternative constitution will appear in the record, I do not intend to submit it.

The CHAIRMAN. All right; you do not have to.

Mr. DARRIN. You cannot assure me of that?

The CHAIRMAN. I want to look it over, because I want to see how much expense will be involved if it is printed in the record.

Mr. DARRIN. If it is wanted, it is available.

Are there any questions from any source?

(There was no response.)

The CHAIRMAN. Thank you, Mr. Darrin. I hope you will report to the association on your testimony. That is all.

Has Mr. Frederick J. Libby come in?

(There was no response.)

The CHAIRMAN. At this point I wish to announce that I have received a telegram from the president of the American Bar Association, whose members are supposed to know something about the Constitution, approving the Charter and endorsing ratification at the earliest possible moment. I shall place the telegram in the record later. It is from Mr. David A. Simmons, of Houston.

The next speaker is Mrs. Grace Keefe.

**STATEMENT OF MRS. GRACE KEEFE, NATIONAL SECRETARY,  
WOMEN'S LEAGUE FOR POLITICAL EDUCATION**

The CHAIRMAN. Before you start your testimony, Mrs. Keefe, I may say that I have here a number of other requests to speak, apparently from the same organization which you represent, the Women's League for Political Education.

Mrs. KEEFE. Yes, sir.

The CHAIRMAN. Are you representing all of them, or do all of them want to talk?

Mrs. KEEFE. They would each like to have time. We have four members of our executive board here. We all came from Chicago. We have members in other States, but the short notice we had did not permit us to get in contact with them. So if you will hear these four—

The CHAIRMAN. Four representing the same organization and testifying the same way?

Mrs. KEEFE. No, we are not, our testimony includes different points. We have so arranged it. We should very much appreciate it if we could all be heard, for we have made a long trip.

The CHAIRMAN. We did not wire that all of you could be heard, we wired that you could be heard.

Mrs. KEEFE. When we testified before the committee on the Austin-Wadsworth bill—before the Senate committee—the arrangement was similar to what we had hoped for this time. The four of us divided the time.

The CHAIRMAN. If you divided your time now, you would not have more than 3 or 4 minutes apiece.

Mrs. KEEFE. A thousand miles is a long way to come.

The CHAIRMAN. I know.

Mrs. KEEFE. We had very short notice.

The CHAIRMAN. That is very true; but we did not advise any of the others that they could be heard; we advised you, because you said you would represent the Women's League for Political Education.

You may proceed for the present. We will see about it.

We shall be glad to file any statements of the other ladies. However we will hear you first and see how we get along. You may proceed.

Mrs. KEEFE. My name is Grace Keefe. I am national secretary of the Women's League for Political Education, with headquarters at 6209 South Laflin Street, Chicago, Ill.

Our organization includes women voters in some 22 States, broken down into congressional districts. Our aim is to arouse women to a consciousness of their responsibilities as citizens and to understanding the principles underlying our form of government.

Because I am the mother of nine children—my eldest son recently having received an honorable discharge from the United States Navy—my stake in the future of this country is a large one. That is the reason why I am here.

The first question that arises in connection with the United Nations Charter is the haste with which it is being handled.

The League of Nations was given long and thorough consideration by the Senators. We are told it took years of deliberation and discussion before our Declaration of Independence was adopted and 14 years more before our Constitution was finally accepted. Is it that the Charter must be signed and sealed before the men in the armed forces are returned to their homes? It has been claimed that servicemen are in favor of the Charter, but I recall an incident that points to a different conclusion. When the extension of the Selective Service Act was up in Congress, it passed the House by but a single vote. The men were in the country then and letting their representatives in Washington know where they stood. We also recall the way prohibition was put over in the absence of the soldiers and the consequences of that hastily adopted legislation.

In justice to the men who are making the greatest sacrifices, we ask the Senators, Is it decent to rush this Charter through the Senate in their absence?

We believe our first obligation is to establish peace by taking steps to conclude the present war with Japan. According to many sources Japan has made offers which apparently yield everything we could ask, but it would seem that some of our navalists and certain interests want to carry on.

Admiral Halsey said recently:

We are drowning and burning the bestial apes all over the Pacific and it is just as much pleasure to burn them as drown them.

Do we forget that our own fine American boys are meeting the same fearful fate every day the war continues? Aren't the heart-rending scenes from the *Franklin* and the *Bunker Hill* convincing evidence of what our boys are enduring? Can we justify prolonging this slaughter and suffering? Meanwhile, with this savage war still going on, we are called upon to ratify this Charter, contrary to Senator Connally's statement of October 25, in which he said, quoting the Connally resolution:

That the United States cooperate with its comrades in arms in securing a just and honorable peace.

And further the Senator continues:

When these pressing and imperative achievements shall have been accomplished, the resolution then looks to the establishment of international authority to prevent aggression and preserve the peace of the world.

Note Senator Connally's words, "when these pressing and imperative achievements shall have been accomplished." Then it was we were to look for the establishment of international authority. It appears we have the cart before the horse. The machinery to maintain and enforce a peace that is not yet established must be agreed to, and our armed forces kept ready to strike wherever and whenever a breach of this "nonexistent" peace occurs. In other words, we agree to maintain a peace that is not yet established.

Getting to the matter of the Charter itself, the principle of military force and coercion upon which it rests in the final analysis renders it wholly unacceptable and contradictory in spirit. You may maintain order by force, which is achieved in penal institutions, but the peace of prison walls is not the kind of peace we seek. The easy comparison of a world army with a local police force is sheer nonsense. A local policeman is called upon to act where an individual breaks existing law and the individual is held responsible for his

crime. An international army or air force which moves in with bombers against helpless populations and indiscriminately burns, maims, and destroys is not an instrument of justice or law and order. The question of coercion of States was thoroughly debated in our Constitutional Convention in 1787. The men who wrote that Constitution called a spade a spade. They regarded coercion of states in their collective capacity as war; they did not call it police action. War it was and war they called it. James Madison in his *Journal of the Convention* observed that the more he reflected on the use of force the more he doubted the practicability, the justice, and efficacy of it when applied to people collectively and not individually. Alexander Hamilton in the New York State Convention to ratify the Constitution, said:

It has been observed, to coerce the States is one of the maddest projects that was ever devised. Can any reasonable man be well disposed toward a government which makes war and carnage the only means of supporting itself; a government that can exist only by the sword? Every such war must involve the innocent with the guilty. The single consideration should be sufficient to dispose every peaceable citizen against it.

Such a policy as this Charter advocates is a direct negation of the principle expressed in the Atlantic Charter:

All nations, for realistic as well as spiritual reasons, must come to the abandonment of the use of force.

We are told to have patience, that this is but a beginning, not to look for perfection, and so forth. Meanwhile all the implements of total war, every hellish device to destroy, maim, and kill human being are being brought to perfection. The laws of nature governing the production of such weapons admits of no haphazard guesswork; everything is precision. Contrast this with the flagrant violation of moral laws laid down by the Almighty to govern human relations, then ask yourself if we can leave the fearful weapons produced by exact physical laws in the hands of men who yield to political expedience and pressure to flout the moral law. "Unless the foundations be laid in justice the social structure cannot stand," said that great philosopher Henry George. And former President Garfield warned us, "Unsettled questions have no pity for the repose of nations." When all the verbiage and window dressing is stripped from the United Nations Charter, it stands revealed as nothing but a military alliance of the Big Three, even now meeting in secret session.

The chief proponents of the Charter frankly admit it as such. Said Senator Vandenberg:

I hasten to assert that so far as force is concerned, the world is at the mercy of Russia, Britain, and the United States, regardless of whether we form this league or not.

Stettinius tells us:

If one of these nations ever embarked upon a course of aggression, a major war would result, no matter what the membership and voting provision of the Security Council might be.

And yet at the beginning of the war the solemn declaration was made that the war was being fought to overthrow for all time the false doctrine that might makes right. Commander Stassen warns:

It is of terrific importance that the people of this country and of the world do not feel that they have automatically insured future peace by ratifying the Charter.

All this adds up to a confession of failure, as of course any plan for peace based on force must be. Probably the trouble lies in the fact that those who planned it failed to achieve for their own countries the goals which they presume to chart for the world. The spectacle of a world torn by strife, half its population starving, great areas utterly devastated, a fearful war still raging, while the enslaved conscripted millions of soldiers are effectively barred from a voice in these deliberations, and our own people are regimented well nigh into imbecility, is not one to inspire confidence in the leaders who planned it that way. The present tremendously expanded production of goods proves there is no need for scarcity, but hunger and unemployment breeds dictators, and dictators breed wars.

We mothers who pay the price for life are ready and willing to present a real plan for lasting peace. We believe with the late Gen. Smedley Butler that

war is a racket. It always has been. It is possibly the oldest, easily the most profitable, surely the most vicious. It is the only one in which the profits are reckoned in dollars and the losses of lives.

Says the general, twice decorated with the Congressional Medal of Honor. We agree with him that the way to end this filthy, bloody racket that send boys of 18 to bleed and die on battlefields all over the world is to tell the truth, the whole truth, and nothing but the truth. The Bible tells us "Ye shall know the truth and the truth shall keep ye free." It's that simple. Open the archives; lift the censorship and the light of truth will pierce the fog of fear and confusion that paralyzes the people today. When the truth about the merchants of death, the international financiers, the diplomatic schemers, and the war-gouging profiteers stands revealed, wars will end.

The violation of individual human rights is the starting point for aggression. The recognition of man's inalienable, God-given rights as set forth in our Declaration of Independence must be the cornerstone of any structure for world peace. This must include renouncing military conscription. Let each nation set its own house in order in this respect; let it come seeking justice with clean hands.

In conclusion, I present the following resolution adopted by our organization July 8, 1945:

RESOLUTION OPPOSING RATIFICATION OF UNITED NATIONS CHARTER, ADOPTED BY WOMEN'S LEAGUE FOR POLITICAL EDUCATION JULY 8, 1945

Whereas at this time when our country is still engaged in a fearful war costing untold sacrifice and suffering to millions of men in our armed forces, scattered to the ends of the earth, it is proposed to rush through the Senate of the United States, a United Nations Charter which, while proclaiming its purpose "to save succeeding generations from the scourge of war," is in fact and essence an instrument to insure our perpetual involvement in future wars, witness the following provisions:

Chapter VII, article 43:

"All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call \* \* \* armed forces, assistance and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security."

Chapter VII, article 45:

"In order to enable the United Nations to take urgent military measures, members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined

\* \* \* by the Security Council with the assistance of the Military Staff Committee."

Whereas the above provisions, boldly and clearly in violation of our Constitution, seek to transfer from the people's elected representatives in Congress, to an appointee of the President, the only American member of the Security Council, the power to take this country into war; and

Whereas this subordination of our armed forces to the will of a single so-called American member of the Security Council, whose other 10 members represent foreign nations, definitely destroys our national independence and renders future American neutrality in armed conflicts anywhere in the world impossible: Now, therefore, be it

*Resolved*, That we, members of the Women's League for Political Education, denounce the United Nations Charter as a stupid and cowardly fraud, undertaken while millions of American men serving in the uniform of their country, are cheated of a voice in decisions gravely affecting their future and in fact aimed at destroying the very principles for which they were sent forth to fight and if need be, die; and be it further

*Resolved*, That we call upon the Members of the United States Senate to defer decision on international commitments until the present agonizing war is brought to an end and our American men returned to their homes where they may freely exercise their rights as citizens under the Constitution of the United States, and released from military censorship; and be it further

*Resolved*, That we urge every American citizen to rise in defense of the rights of our fighting men and the Constitution which they are sworn to uphold and defend, to the end that ratification of the United Nations Charter be deferred pending their return.

WOMEN'S LEAGUE FOR POLITICAL EDUCATION,  
National Headquarters, 6209 South Laflin Street, Chicago 36, Ill.

The CHAIRMAN. Thank you very much. We are very glad to have heard you. When we recess at noon, I will consult with you about having the other ladies speak.

Mrs. KEEFE. I hope you will have a good dinner, so that you will be in a good mood.

Mr. DARRIN. May I ask a question of that witness?

The CHAIRMAN. You may ask her privately there. Is the Reverend DuBois here?

#### STATEMENT BY W. E. B. DuBOIS, REPRESENTING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

The CHAIRMAN. Please give your name, residence, and whom you represent for the record.

Mr. DuBOIS. W. E. B. DuBois. I am an official of the National Association for the Advancement of Colored People, 69 Fifth Avenue, New York. I am speaking officially only for myself. I was associate consultant to the American delegation at San Francisco.

The CHAIRMAN. All right, Doctor.

Mr. DuBOIS. I believe that the proposed Charter of the United Nations is a step and a far step toward peace and justice; and just because it is so fair an effort, it is imperative that in ratifying this international treaty, the Senate of the United States should insist on certain reservations or projected amendments which it will at the earliest opportunity propose.

These amendments or reservations have to do with colonies. We who were born and educated in the nineteenth century, have not only seen the colonial system keep parts of the world in continuous turmoil for 150 years, but in the twentieth century we have twice seen the very foundations of civilization imperiled by bitter rivalry and greed arising from the ownership and exploitation of human beings under

colonial imperialism. We American citizens still believe in 1945 as we did in 1776, that taxation without representation is tyranny; and many if not most of us have advanced beyond this, and include within the democratic system, not only white peoples of English descent, but Latins and Slavs, and the yellow, brown, and black peoples of America, Asia, and Africa.

This proposed Charter should, therefore, make clear and unequivocal the straightforward stand of the civilized world for race equality, and the universal application of the democratic way of life, not simply as philanthropy and justice, but to save human civilization from suicide. What was true of the United States in the past is true of world civilization today—we cannot exist half slave and half free.

It is true that the proposed Charter touches this subject. But because of the national interests, the economic rivalries, and the selfish demands of peoples represented at San Francisco, the even more pressing cries of the 750,000,000 unrepresented were not expressed and even forgotten. Especially the United States delegation alined itself repeatedly with the great Colonial Powers rather than with China and Russia whose future does not depend upon colonial aggression.

Only two of the 42 consulting agencies were willing to say a single word in defense of colonies. The result is vague and contradictory wording throughout the document which both supports and denies the right of the democratic way of life to all men. It is to insist on clarification on this point, either in the form of reservations or of eventual amendment, that I speak today.

Human rights are mentioned four times in this Charter: First in the preamble:

To reaffirm faith in fundamental human rights \* \* \*

Then in chapter I, Purposes:

\* \* \* promoting and encouraging respect for human rights and for the fundamental freedoms for all without distinction as to race, sex, language, or religion; \* \* \*

In setting up the Economic and Social Council provided for in chapter IX, there is set down:

Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; \* \* \*

And finally, in chapter XI, a special Declaration Regarding Non-self-governing Territories, declares:

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government, recognize the principle that the interests of the inhabitants of those territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories \* \* \*

At first reading all this would seem sufficient to guarantee a new policy with regard to colonies. But unfortunately these statements are partially or wholly contradicted in other passages. First, in chapter I, Purposes, it is clearly declared:

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction



of any state or shall require the members to submit such matters to settlement under the present Charter.

This means that these colonial powers are to be sole judges of ideals and purposes in dealing with peoples of the colonies.

In addition to that, in the specific articles which have to do with the Trustee Council, requirements are laid down to make it possible for some of the former German colonies mandated to colonial powers to be integrated wholly into the colonial system of these powers, or at least not to be put under the Trustee Council.

The Trustee Council also is carefully balanced so that regardless of world opinion the power of imperial colonial powers will always be as great as the power of nations without colonies, and no provision is made for inclusion within the Council of representatives of native colonial peoples; or even of giving them the right of oral petition, or of making any investigation into colonial conditions except under the eye of the growing colonial power. These provisions have to do with probably less than 25,000,000 people of the 750,000,000 colonial people but they are significant because they represent the widest grant of international power over colonies and are evidently designed to reduce this power to a minimum and to give as little recognition as possible to the wishes of the colonial people themselves.

Under these circumstances, it is fair to ask that the United States Senate in ratifying this Charter should make clear a new evaluation of the whole colonial system as practiced in the nineteenth and twentieth centuries, and should declare that—

“The main groups of mankind, commonly called races, are essentially equal in capability of progress and deserve equality of treatment, opportunity, and respect. In the eyes of both science and religion, all men are brothers, with rights of freedom of belief and expression, freedom of domicile and communication; justice before the courts and equal civil, economic, political, and social rights.

“The first duty of civilization is to see to it that no human being is deprived of these rights because of poverty, disease, or ignorance.

“The colonial system of government, however deeply rooted in history and custom, is today undemocratic, socially dangerous and a main cause of wars. The United Nations, recognizing democracy as the only just way of life for all peoples, make it a first statute of international law that at the earliest practical moment no nation or group shall be deprived of effective voice in its own government.

“An international colonial commission, in addition to the Trustee Council, shall be established, on which colonial peoples shall have representation with power to investigate the facts concerning colonies and areas not under mandate, and shall implement this declaration under the authority of the Security Council.”

The CHAIRMAN. We thank you, Doctor. Do I understand your opening remarks indicate that you favor the ratification of the Charter?

Mr. DuBois. Yes.

The CHAIRMAN. Are there any questions?

(No response.)

The CHAIRMAN. We thank you very much, Doctor, for a very fine presentation of your views.

Frederick J. Libby is next.

**STATEMENT BY FREDERICK J. LIBBY, EXECUTIVE SECRETARY,  
NATIONAL COUNCIL FOR PREVENTION OF WAR**

The CHAIRMAN. You may proceed, Mr. Libby.

Mr. LIBBY. I am a little late because I read in the paper that you limited speakers to 15 minutes, and so I have had to cut my remarks to 15 minutes.

The CHAIRMAN. Give your name and whom you represent and your residence to the stenographer.

Mr. LIBBY. My name is Frederick J. Libby. I am executive secretary of the National Council for Prevention of War, Washington, D. C.

The CHAIRMAN. You may proceed.

Mr. LIBBY. Mr. Chairman, I believe that both you and Senator Vandenberg approach the San Francisco Charter from the standpoint of the men who have died in the war. You feel that their sacrifices, particularly, lay upon us who survive the heavy responsibility of seeing to it that this great tragedy shall not happen again. The Charter, whose first declared purpose is "to maintain international peace and security," is your answer to what is a well-nigh universal demand.

I approach the problem from the same angle. As one who, as many of you know, devoted 20 years to the effort to prevent the present war, I am naturally concerned now to prevent World War III. I don't want to see the mistakes that led to this war repeated nor fresh mistakes made. I shall address my remarks to two questions:

First, is the San Francisco Charter so designed that it will "maintain international security"? Secondly, is it so designed that it will "maintain international peace"? Unless it can achieve one or both of these, its declared aims, it is being seriously oversold to the American people.

First, then, will it maintain international security?

Let us break this question up into its natural parts: (1) Does it give the small nations security from the great powers? (2) Does it offer security to traditionally neutral nations such as Sweden and Switzerland? (3) Does it give security to the great powers from one another?

The answer which the boasted "realism" that is now so popular compels us to give to each of these important questions is "No." Of the small nations of eastern Europe, Estonia, Latvia, Lithuania, and one-half of Poland have disappeared already as independent states. Finland, western Poland, Czechoslovakia, Rumania, Hungary, Bulgaria, Yugoslavia are under puppet governments subservient to the will of the Soviet Union. Turkey is under heavy pressure from the same big neighbor.

It is plain that Russia is determined to set up in all neighboring states and wherever possible governments friendly to herself. This program will obviously deprive these states of the freedom and economic and political security which they formerly enjoyed.

How far Britain will go in setting up in the sphere of influence allotted her at Tehran governments of her choice cannot yet be foreseen but her intervention in Greece led to bloody battles not long ago. Her intervention in Syria more recently brought her troops face to face with the troops of France. As for our own relations with our Latin-American neighbors, which have been excellent and friendly in

recent years under our good-neighbor policy, there are indications that lately we have been using our great economic power to undermine their independence of action. Against Argentina we have virtually resorted to sanctions to compel her to do our bidding, while, as Senator Butler reported after a visit to South America, our withdrawal of financial aid would be fatal to the economies of most of these states, so that here, as well as abroad, the "principle of the sovereign equality of all the members of the United Nations organization," which the Charter declares to be its basic principle, is being determined from the start by the political, economic, and, in some cases, military pressure of the Big Three.

What about the neutral nations? The San Francisco Charter wipes out their right to neutrality. Never again under the Charter will they be free to stay out of other peoples' war. The old, and as I believe sound, concept of war is like a fire that must be restricted to the smallest possible area, has been abandoned for the opposite principle that all wars are to be, generally speaking, world wars. In my judgment this is a step backward in the progress of the world away from war.

When we come to the security of the great powers from one another, which should be logically the very core of a system euphemistically called collective security, we are met with a bland smile and a candid confession that this is only a hope. There is nothing in the Charter, nor apparently can there be in the present stage of nationalism, to prevent war among the Big Three. Indeed, it is precisely at this point that the gravest danger of war confronts us.

For a century and more the interests of Russia and the interests of the British Empire have clashed to the point of war in many parts of the world, and they have never clashed more sharply than they do today in the continuing game of power politics.

It is Britain's well-known and historic policy not to allow an expanding power capable of threatening her existence to arise unchallenged on the Continent of Europe. Germany was such a power and twice Britain has gone to war to crush Germany. Walter Lippmann, America's chief interpreter and defender of the theory of the balance of power, insists that our participation in both of these wars was for no idealistic reasons whatsoever but solely because it was to our interest to crush Germany's threat to Britain's supremacy.

Now it is the Soviet Union that has acquired unrivaled power on the European Continent by occupying the vacuum which our airplanes have created in the heart of Europe. Every argument that was used to take us into the present war would seem to apply with even greater force to drive us into war with Britain against Russia. On this point Forrest Davis, in a famous series of two articles entitled "What Really Happened at Tehran" that appeared in the Saturday Evening Post in May 1944, written with President Roosevelt's help, says ominously:

Stripped to the bare essentials, we fought in 1917 and are fighting now to prevent the mastery of Europe by one aggressive power. Should Russia as the sole European power display tendencies toward world conquest, our vital interests would again be called into account.

Mr. Chairman, it is my unalterable conviction that war between Russia and the United States must never come. It would set our

civilization back another century. It would be the end of our way of life in this earth. We might perhaps defeat Russia by destroying her cities and factories from the air, but in this third world war we would so intensify the conditions of appalling misery throughout the earth that chaos and then totalitarianism would eventually defeat our purpose in going to war. However attractive it may look to British and American imperialists to prepare for war now to stop the expansion of the Soviet Union, war to this end is, of course, utterly beyond the capacity of little Britain alone, and for the United States to become so intimately bound to Britain that we shall be drawn into her wars for the third time, would be suicidal folly.

Yet against this danger, which I regard as our only real war danger, the San Francisco Charter admittedly offers no security. On the contrary, I think it increases the danger. There is provision in the Charter, to be sure, for constant consultation, which is important as a preventive of war. There are many pledges. There is provision for settling disputes between us. We are to engage in common tasks and thus grow in understanding of one another. But I want for the record to call your attention to the fact that the much-touted theory of "collective security" based on force goes bankrupt at the very point where it is most needed.

Our second major question is: Is the San Francisco Charter calculated to maintain international peace?

In attempting to answer this question we shall become aware at once that the Charter contains two conflicting ideas of what peace is. In one "strand" of the Charter, if we may so express our thought, peace is the prevention of "aggression," which boils down to the protection of the status quo. In the other "strand" of the Charter, peace is a dynamic process of change without violence, through agencies set up for the purpose. The first conception of peace as the prevention of aggression was the central idea in the Dumbarton Oaks Charter, where the word "justice," as Senator Vandenberg pointed out, was not even mentioned. But at San Francisco, as we all know, the opposing idea was introduced and it was fought for by "the Little Forty-five" supported at times by one or another member of the "Big Five." Senator Vandenberg's amendments looking in this direction had already been accepted, I understand, by the American delegation before it left Washington, and they contributed a great deal toward introducing into the Dumbarton Oaks Charter a genuine program of peaceful change. The strengthening of the Economic and Social Council, the strengthening of the General Assembly, the emphasis on justice and on peace through justice, the attention given the methods of peaceful change—conference, conciliation, arbitration, and the judicial settlement of legal questions through the rejuvenated Court of International Justice—all of these measures are in the right direction.

But I think it is at this point that we should ask ourselves why every advocate of the Charter prefaces his remarks with the stock sentence, "Of course, the Charter is not perfect." What do they mean? My impression is that usually this may be a tacit recognition of the basic contradiction that still exists within the Charter. The present Charter seems to me to be an attempt to combine a military alliance of three rival imperialist powers and an international organization that claims to be on the basis of "the sovereign equality of

the member states." It is my conviction that these two ideas can no more mix than oil and water. The "Big Three" are trying to avoid fighting each other by a "self-denying ordinance." But words and promises will not suffice to hold in check a reckless game of power politics. Frederick Schumann, in his book, *Night Over Europe*, gives the following accurate description of power politics. He says it is a policy which compels every nation to—

regard one's neighbors as one's enemies, to consider one's neighbors' neighbors as potential allies \* \* \* to treat one's enemies as if they might some day be friends, and one's friends as if they might some day be enemies. Success requires that words be not confused with deeds.

Obviously this reckless game, which seems still to be going on in Europe, cannot be successfully combined with sincere international organization. If it continues, it will be a cancer within the body of the United Nations organization that will not only destroy its moral authority but will bring about its speedy end.

It is important also that we should not forget the frailty of such a military alliance. As has been repeatedly pointed out by historians, no such alliance of victors in a war has ever been of long duration. Dr. Pasvolsky told us Monday that any state may withdraw from the United Nations organization without notice. How suddenly this might occur was brought home to us not long ago by the terms in which Russia denounced her nonaggression treaty with Japan. She said simply, "Conditions have changed and the continuation of this treat has become impossible." Yet, the Russo-Japanese treaty had not then been in effect 4 years. Does anyone imagine that conditions are not going to change radically in the next 4 years? This means that the structure of peace we are now considering should be recognized as very frail.

Consequently, I regret the attempt of overenthusiastic supporters of the Charter to cast a halo about it, pooh-pooh its weaknesses and its deep inner contradictions, and attack all who protest against its flaws and positive evils as "perfectionists" and wicked "idealists" or "isolationists." They may regret some day that they have put all of their hopes of world peace in this one basket.

This brings us finally, in this brief and cursory sketch, to the question of the substance of the "peace" which the United States, both as a member of the "Big Three" and as a signatory of the Charter, will undertake to maintain. You tried at San Francisco, Mr. Chairman, to divorce completely the enforcement agency from the substance of the peace itself, but even there the ugly problems that face us in Poland, Syria, Austria, and Germany kept bobbing up in spite of all your efforts to suppress them. Particularly is it important that the United States Senate shall not lose sight of the kind of peace it will be morally committed to maintain.

It is no fault of our President, nor of Mr. Byrnes, his chief advisor at the approaching conference in Berlin, that they are ill-prepared for the grave responsibility they are assuming in dividing up Europe and pushing its population around like pawns on a chessboard. I can hardly conceive of a task less becoming the President of a democracy like ours, heirs of Patrick Henry, Sam Adams, Thomas Jefferson and George Washington, than having a part in a new partitioning of Poland, in the partitioning of Germany, in establishing boundaries and governments and economic systems for people over whom we

have no rights morally and only the questionable right of conquest. It is credibly reported that President Truman will be asked to hand over to Russia from our American zone of occupation several hundred thousands of German prisoners of war to become slave laborers in Russia and Siberia. It is a shocking thing that our country should return to the slave trade.

Nor is the outlook for a settled peace in Europe a cheerful one. How can anybody in his senses suppose that a great virile Germany of 80,000,000 people can be cut up, millions of its population deported, its cities and industries destroyed or removed and at the same time heavy reparations in kind imposed, while its administration is apparently to be under four widely different systems. Yet this is only a fragment of the mess that the Europe of today is. If ever conquerors tried to make a lasting peace impossible and to stimulate underground resistance movements to the point of desperation, we are doing it now. Can we expect that this Charter will "maintain international peace" in this chaotic and ruined Europe, and amid the plots and counter plots of power politics?

I suppose it is only fair that I should indicate the lines on which I believe international peace and security might develop. As I have said, I regard one "strand" of the Charter as thoroughly sound. The General Assembly, the Economic and Security Council, the Court of International Justice, the processes of consultation and peaceful change, are all of them genuine and healthy agencies of peace that should be freed from the diseased portion of the Charter and given opportunity to function freely.

Tolerance of great and uncontrollable military forces within the organization automatically works against the principle of sovereign equality. I would urge the universal abolition of conscription and progressive world disarmaments as early steps necessary to the evolution of peace through justice. I would make the Pan American Union, as reorganized at Chepultepec, the model of the world organization, although here again the new emphasis on force is a step backward. Cooperation without entanglements would be my slogan. I would abandon the dream of imperialist expansion through naval and air bases. World-wide imperialism means world-wide rivalries and world-wide wars. I would reaffirm the principles of the Atlantic Charter in the treatment of Germany and Japan, since this is more truly "one world" than advocates of the principle recognize, and there will be no peace nor prosperity for any of us until Germany and Japan are brought back as equal members in the family of nations.

The CHAIRMAN. Thank you, Mr. Libby.

Are there any questions by Senators?

(No response.)

The CHAIRMAN. Very well. It is about time to recess now unless someone on the committee objects.

We will now recess. This afternoon we will have several other witnesses against the Charter.

We will resume at 2 o'clock.

(Whereupon, at 12:30 p. m. a recess was taken until 2 of the same day.)

#### AFTER RECESS

(The recess having expired, the committee reconvened at 2 p. m.)

The CHAIRMAN. Come to order, please.

Mrs. Colligan.

Mrs. COLLIGAN. Yes; Mr. Chairman.

The CHAIRMAN. Step forward, please. You will have 10 minutes.

**STATEMENT BY MRS. GEORGE P. COLLIGAN, PITTSBURGH, PA.**

The CHAIRMAN. You have given your name and address to the reporter?

Mrs. COLLIGAN. Yes, sir.

The CHAIRMAN. Proceed.

Mrs. COLLIGAN. I belong to an organization by the name of Defenders of George Washington's Principles, but they don't know that I was on my way. I did not have a chance to tell them. I made up my mind suddenly.

My opposition to the Charter is because of communism in this country. They have filtered into every walk of life; into the churches, too, they have penetrated.

Can our country enjoy real peace and freedom with them at work? They work as termites in our structure of government. Shall we be destroyed from within believing that we are getting world peace?

I oppose the Charter because we must remain free and independent from any political alliances with any other nation regardless of that nation. I want you to believe me that I am sincere in everything that I have to say.

I have had some experience with communism. I am, like every good, interested American mother. I follow them in the papers, and I follow their kind of literature as much as I can. And I don't like it.

I am a Christian; I am a Baptist. I follow conventions around, and I found there was an attitude of, well, I call it communism. And I believe that I am on the right track because of an experience I had on the 1st of June. And I would not be as sure of what I am saying if I had not gotten a communistic visit by a man that entered into my home and he admitted to me that he was a communist after we got into it. That is why I feel I should come here. I am really not able to.

I want to read to you something from the publication, This New World Order—Whose concept is it?, as follows:

Concerning this highly propagandized World Government, Frederick Schuman, Department of Government, Williams College, Williamstown, Pa., at a "Union Now" luncheon, New York, February 11, 1942, said:

The First World War was fought for the League of Nations. We lost it. This war is for world government. If we do not put over a world government, we will lose the peace".

Mr. Clark Eichelberger, Director of the League of Nations and of the Commission to Study the Organization of Peace, and connected with other organizations formed to "aid and abet" the objectives, also expressed himself, at his recent meeting in our city, as most anxious to set up this world organization before the war ends. Is that war hysteria necessary to the carrying out of their plans—or is it that they fear the reaction and the reports from our returning veterans from the battlefronts, or do they fear the understanding and disapproval of the loyal American people to the picture of European "liberation" by our armed forces whose leaders are under the control of their Commander in Chief?

Speaking of "Union Now," I am the woman who went on record on April 7, 1943, in the Senate Military Affairs Committee room before Senator Robert R. Reynolds, the presiding chairman. I went on rec-

ord against this flag [indicating]. This is the flag that was presented there that day by a little woman named Mrs. Clark, from Philadelphia, I believe. I don't want that flag. I want my flag, the flag that my forefathers fought for, that my grandfather gave blood for.

The Communists are having their own schools, too. In New York, the communistic school occupies a nine-story building with classes there day and night. And they also have them in Chicago, Boston, Philadelphia, and Detroit. I don't think that that should go on here.

What is communism? What is its intent? To overthrow the Government, by force if necessary? We don't want it.

I fear this Charter if it is put through will bring about a revolution in this country. That is why I am here hoping that it will not be.

That is all I have to say, men. I hope that you consider these things and keep them in your hearts, because I respect all of you men. I have two sons in the service, one in the Southwest Pacific. He was there 37 months and came home and we were glad to see him. I have the feeling that all mothers have.

Thank you, gentlemen.

The CHAIRMAN. We were very happy to have you and to give you this opportunity to express your views. Are there any questions?

(No response.)

The CHAIRMAN. There are no questions.

Mrs. COLLIGAN. Thank you.

The CHAIRMAN. Mrs. Baesler.

#### **STATEMENT BY MRS. RUTH ANN BAESLER, EVANSTON, ILL.**

The CHAIRMAN. Give the reporter your name and address.

Mrs. BAESLER. My name is Mrs. Clyde Baesler, and my address is 1200 Judson Avenue, Evanston, Ill. I am a delegate from the League for Political Education from the Henry George Women's Club of Chicago. I am educational chairman of the Chicago and Cook County Federation of Women's Organizations, and legislative chairman of the women's club of the Peoples Church.

Mr. Chairman, and members of the Foreign Relations Committee, thank you for the privilege of speaking here. I have come as one person to testify to the falseness of the idea set forth in most of the literature praising the San Francisco Charter, that only old-fashioned isolationists and short-sighted nationalists are opposing the Charter's ratification. As a believer in the international spirit, reared in the philosophies of Thomas Paine, Thomas Jefferson, Henry George, Leon Tolstoy, Romain Rolland, Eugene V. Debs, and the late Robert La Follette, I, also, oppose the acceptance of this Charter as it now stands.

It seems necessary and right at this time for all who believe in complete worldism, without benefit of world stateism, and who are aware of the oneness of humanity, to speak before the signing of this Charter should come to pass, which would make independent thought and its expression, speech, an international crime.

My challenge is that this is not a world betterment program, but a five-power pact—undoubtedly moving a step forward in the direction of world unity—but unification under despotism. This is not the brave new improved world promised to those who have fought and suffered and died for the cause of human dignity, everywhere. It is



not in the spirit of the Atlantic Charter. It is giving them as little as we possibly can, while they are still giving all that they possibly can. Is that either fair or honest?

This is only to be a league of the so-called United Nations, also called the peace-loving nations, and the test whether or not a nation is peace-loving was set at whether a nation was at war with one or more of the Axis Nations by a certain date; i. e., in order to be "peace-loving" a nation "has to be at war," an obvious inherent self-contradiction. It is only the old balance-of-power politics—which produced both World Wars—all over again; only this time it is officially legalized before the world.

It is the commitment to the domination of the world by five self-declared world powers. Small nations, even of the "peace-loving" united variety have much less chance in this new Charter than they had in the old League of Nations. There was no recognized hierarchy of nations under the old League.

Based purely on military power, strength in might, it gives official world sanction, also, to the totalitarian doctrine that "might makes right," after all. Thus, at San Francisco, Hitler's doctrine really won the day. The whole thing is nothing more or less than a not even very deceptive camouflage for five-power politics and world control by the Big Five.

Now, may I attack this Charter on seven major counts, specifically? First, that it is a step toward peace. The clauses that deal with the settlement of international disputes by peaceful means in the Charter are lofty sounding and full of idealism on paper, but at the same time vague, indeed. Those having to do with the settlement of international disputes by forceful methods are very explicit. This, then, becomes the perfect instrument for making it an easy matter to engage in war, because neutrality would be treason to the superstate and downright dishonorable after this Charter has been signed.

If the conversations and findings at Dumbarton Oaks, Bretton Woods, Yalta, and San Francisco had been but tiny faltering first steps in the direction of world peace, this speaker would not be here to oppose their adoption. They are a rejection of all that has meant peace, in the past. No one can say that these former real steps toward peace were wrong, because they were never tried. There was One who walked the earth called the Prince of Peace, but His proposals, as outlined in our New Testament, were not heeded at San Francisco. They are the alternative to force, and no nation can call itself Christian which ignores them. The great scientist and original thinker, Sigmund Freud, as late as 1932, called force the last resort of complete frustration, leading to only an illusion of victory or defeat.

The defeat precedes war for all contesting parties. To place reliance upon force, then, is to deny not only the manifest truths of religion, but to disregard the proven facts discovered by modern scientific research. It is also to break faith with the millions who have given their lives in these last two wars. For it is that the method of war, no matter how high or how holy its alleged cause, imposes a dreadful price upon those who use it. The greatest price is paid in utter disregard for individual life and human right. War itself renders those who wage it unfit to achieve the dreams they profess. Remember the

peace of Versailles. We have been told over and over again by our scientists that the next war would destroy our cities and reach our women and children. Yet, we dare to mention war possibilities again as a way to permanent peace, and to consider legislation to enable our youth to be conscripted for the purpose of enforcing a world charter that means war. War was outlawed by the Kellogg-Briand Pact, signed by 65 nations. The Charter would seek to nullify this pact, which, while not perfect, was a step forward. Anything less would be a step in the wrong direction.

This Charter is not just, because of the special advantages and privileges given to the Big Five Powers. Rights should only be recognized by laws, constitutions, and charters. But rights are born with us, and not man-given. Nature has made no provision for France to have greater advantages and privileges than Brazil or India or Australia. Why should the Charter grant such? We all know the history of those nations which have sought to rise above their fellow nations by imperialistic, economic or forceful means. They have been eternally at war.

The Charter framers never once pondered those two questions that troubled the great mind of Socrates before he conceived his republic. "What is justice?" and "Know thyself." For while they were building a social structure, they needed to know the nature of the state. Perhaps ambition of some sort is one of the qualities of a flourishing state. If so, the Charter does not take it into account. Henry George said, "Unless its foundation be laid in justice, the social structure cannot stand."

While standing in danger of being accused of being chauvinistic at this time, I must remind you that we in this country have a system of government that has been much admired everywhere, and our Constitution has often been copied. Why did the framers of this Charter dispense, in their document, with all of the provisions in our Constitution that have made it an exemplary thing before the world? I refer to the principle of majority rule in voting and elections, the principle of equality before the law? These are our proper rights. Even to become more powerful than we are, wealthier than we are, by virtue of our position as one of the specially privileged nations, we should not deny these rights to others. If we do, we shall soon find that we have enslaved ourselves, as well as the lesser nations.

When we consider the wide powers granted under this plan to the Security Council and that their Council shall have the conscripted armies of all countries, except the possible aggressor, at their command, we can well imagine what chance the lesser nations will ever have of freeing themselves from this yoke of oppression. When the despotism is of a military nature, as in Japan and Germany, in recent years, we have seen that it will stop at nothing to satisfy its hunger for power. This will be a military despotism. Perpetual war, in such a case, is assured in advance.

Thirdly, this Charter treats only the symptom and not the true causes of war. Wars are economic and psychological in character and cause, but where in all of the Charter do you see anything that outlines a program for dealing with these causes of war? Your economic and educational committee will be powerless, as I read the Charter. It can but make suggestions. When have the suggestions of the

educator or the economist been heeded by mankind? If your Council were to give the advice to India for freeing herself from the burden of 40,000,000 unemployed, that she should become a self-determined country, without paying taxes that she can ill afford to outsiders, how much credence would be given to your Economic Council, and how long would it last?

May I suggest that the word "security" is a misleading term in the Charter? Depressed peoples may take it to mean that freedom from want which was promised in the Atlantic Charter, but actually this is a security for the present powers to remain in their places forever. Security is a dangerous term, anyway, as Shakespeare warned us about. It can lead to slavery and even to self-enslavement. The serf had security. Also our slaves. But they lacked the only security worth possessing, equal opportunity for all, and, likewise, the peoples under this Charter lack it.

While the Charter assures that the small nations will not dare rise for some time, the larger powers may do as they please. All have a veto power over decisions and need not adhere to them. This practically nullifies the whole procedure. It not only means that the only nations capable of waging war with a major power cannot be stopped by this plan, but it permits large nations to do with small nations as they will. Who can stop their aggression? Who, in a case such as that of Russia and Poland, can say who is the aggressor, should Poland rebel against her partitionment?

Our own Government is a government of laws not men. We learned this in first grade in the grammar school. But why, then, was a government devised that would be ruled by five men, some of whom are also rulers of empire? This aristocracy will come to a tragic end, by virtue of the system of rivalry inherent in the aristocratic system. If it does not do so right away, it will do so by plunging us into one ideological war after another, as suits the particular opinions or fancies of the fallible men who will be guiding this superstate.

My objections to the ratification of the San Francisco Charter do not arise from the fact that they would result in an international organization, but that that association would not be an association in equality, which is the only true condition of freedom; that it would seek to impose its will upon people not properly represented in it, by force; that it does not touch any of the true causes of war; that it will cause us to be ruled by dictators and bureaucrats; and finally, that its purpose is not peace, but the preservation of the status quo at any price.

The supreme danger in this Charter lies in the fact that once it is accepted, no real plan for world federation, for instance, a United States of the World, will be seriously introduced in our lifetime or perhaps ever. We had our chance and still have it—an opportunity to devise a plan that will protect human rights everywhere. One of those rights is freedom from the fear of war. There have been plans designed to move in that direction. The Kellogg-Briand Pact, the Woman's Congress report at The Hague, and recently the proposals of the International Labor Organization. But they were not given any attention at San Francisco.

Mr. Chairman, and members of the committee, I am not a perfectionist. But neither am I, together with many other American

housewives like me, satisfied with half truth. This Charter, we believe, is a betrayal of the real truth that is within us.

Thank you.

The CHAIRMAN. Are there any questions?

Senator TUNNELL. Your real objection is that you fear that the United States, as one of the five large nations, will be unfair to the small nations?

Mrs. BAESLER. That it might follow the path that other nations have taken, but mainly I feel that during the nineteenth and twentieth centuries we were steadily moving toward a larger ideal of peace, and I believe that this is getting away from it—from peace and brotherhood. I feel that now we are getting away from the ideals, the ideals that I mentioned of the men under whose literature I grew up in school.

Senator TUNNELL. There could not be any unfairness to the small nations without the assent of the United States, could there?

Mrs. BAESLER. I am not sure of that, Mr. Senator, because the United States might be involved there. It says that all the five powers except those interested in the conflict must agree. It is not majority rule there in case of force. It is that seven members agree, but four at least must be of the major powers.

Senator TUNNELL. Then does it not come down to what I first said, that your fear is of the United States?

Mrs. BAESLER. I don't know that my fear is of the United States, but I would not want my country to be in a position to commit a wrong. I would not want any country to be, but I certainly would not want our own.

Senator TUNNELL. It is now, is it not, in a position to commit a wrong?

Mrs. BAESLER. Not officially. We have never legalized imperialism. We have never legalized it. We have always thought that imperialism is something that is not just right, something for other countries. Even though we might have something approaching it, we would never admit it. Now, we call them "powers." I object to that language as much as anything else. I don't consider that a Christian country has a right to call a nation a "power" because it has colonies.

The CHAIRMAN. Thank you very much.

Mrs. BAESLER. Thank you.

The CHAIRMAN. Mrs. Helen Somers.

#### STATEMENT OF MRS. HELEN V. SOMERS

The CHAIRMAN. Give your name and your residence and whom you represent to the reporter.

Mrs. SOMERS. My name is Helen V. Somers, and my address is 2914 Cedar Street, Philadelphia, Pa., and I just represent myself, the organization of the United States Government, the people of the United States.

The CHAIRMAN. That is a good representation. Go right ahead.

Mrs. SOMERS. Mr. Chairman, I wish to place upon the record that I am an American woman, a mother, that I am pro-America and pro-peace, anti-nothing; but I resent the propoganda from any foreign source that tries to interfere in our domestic affairs.

Members of the Foreign Relations Committee, I am before you today, July 11, 1945, to voice my opposition to the United Nations Charter, which is the betrayal of our constitutional Republic, and in doing so I am expressing the sentiments of thousands of other Americans who cannot be here to do likewise.

I definitely oppose the United Nations World Charter because it will change our form of government by setting up a world government and a World Court.

Article I, section 8, clause 9, of the Constitution specifically states that "Congress has the power to institute inferior tribunals only." If our people wish to change our form of government, it can be done only by amendment, by the vote of the people. Consequently, any ratification is illegal.

The United Nations Charter will set up a superstate because you cannot have a World Court without a world government and a world dictator. There will be no freedom, only slavery. George Washington warned against interweaving our destiny with that of any other nation. How do I know of the plan to set up a world state? Well, I have been very fortunate in learning of the British-Israel World Federation movement, whose symbol, the unfinished pyramid of Giza, appears on our one dollar bills only, placed there in 1935.

In 1893, Andrew Carnegie wrote a book entitled "Triumphant Democracy", the last chapter A Look Ahead. In it he says:

Time may dispel many illusions, destroy many noble dreams, but I shall ever be of the opinion that the wound once caused by the separation of the child (America) from its Mother (England) will not bleed forever. Let men say what they will, I say as surely as the sun in the heavens once shone upon Britain and America united, so surely it is to rise to shine to greet again the real United States, the British-American Union.

He left all of his money for the accomplishment of that objective.

This world movement of the British Israelites is identical with the Andrew Carnegie-Cecil Rhodes-Theodore Hertzl plan to return the United States to the British Empire. The British-Israel literature boasts of Britain being mighty and that she will be mightier to rule the world.

What is to happen then to our beloved United States? Where will we be? Can't you see? Gone with the wind—No; not if the women of this country have anything to say about it. Never. We will not betray our country to any foreign power.

General Patton, speaking in London to the Officers Club said, "It is our destiny, Britain and America, to rule the world."

In British-Israel, you will learn that Edward, Duke of Windsor, is to be the messiah, the king of the world. In an article in the True Story Magazine, Wally, sunning herself on the beach at Nassau in the Bahamas, dreams of the day when the common people of the world will call on Edward to lead them and become the first President of the United States of the World.

Senator Pepper expressed the same thing about President Roosevelt. Congressman Huber wants to know how the Duke of Windsor, the repudiated leader of our ally, Britain, can travel around our country, with a private coach and crew, while our soldiers and civilians are denied transportation facilities. Gentlemen, Edward, the Duke, is here surveying our land and looking forward to the day you ratify

the United Nations Charter and he then will become king of the world. You will find the evidence right here in this folder.

The CHAIRMAN. You may file the folder if you desire.

Mrs. SOMERS. It says:

His excellency, the world potentate, shall create, organize, build, acquire, maintain, use, and command such armies, navies, air forces, and other military means, together with all properties, structures, devices, and means which he deems essential thereto in his sole and absolute discretion necessary to maintain and restore peace throughout the world—

His world, I suppose—

and shall use them for no other purposes whatsoever.

Now, here is the picture, gentlemen, of the world flag hanging in the British-Israel World Federation Meeting in London, England, 6 Buckingham Gate.

The CHAIRMAN. Just file that and go ahead with your testimony.

Mrs. SOMERS. You will also see the picture of the flag which is to fly above our Stars and Stripes.

On February 4, 1944, Scholastic Magazine conducted a poll in 1,303 high schools throughout our Nation, asking our children seven questions, the last of which was "Are you willing to see a flag of the world fly above the Stars and Stripes?" This questionnaire appeared in the Junior Post of the Upper Darby Junior High School of Pennsylvania. This chart compiled on the subject proves it is all One World Movement.

Gentlemen of the committee, do not be deceived; the proponents of this measure are either wolves in sheep's clothing or just dupes, for no sane American would knowingly vote away our sovereignty. Surely you men won't vote yourselves out of office.

The CHAIRMAN. Please use the microphone. Some of the Senators cannot hear you well.

Mrs. SOMERS. On April 9, 1944, at the last meeting of the forum in the Upper Darby High School, the subject of the discussion was World Government. Professor Frazier, of Swarthmore College, spoke on the political and economic aspects—after advocating World Government, World Court, World Bank, world currency, he concluded his talk by saying, "You will have world government whether you like it or not. It will be accomplished more through the religious-minded than the political."

Rabbi William Fineshriber spoke on the moral—he sanctioned all Professor Frazier said, and when questioned later as to his being a member of the World Fellowship, Inc., the special council of which is World Government Foundation, whose founder trustee is Charles H. Davis, who has repeatedly urged our Congress to empower President Roosevelt to set up and create the Federation of the World, a world peace government under the title "United Nations of the World," including its constitution and personnel. Charles Davis prophesies, if world government is not established before this war is over, the world will be headed toward a third World War, on the soil of the United States. Members of this committee, this statement should be investigated.

April 13, 1945, at the Town Meeting of the Air held at the Academy of Music in Philadelphia, Pa., under the auspices of the Salvation Army, the subject for discussion was, Do we have a definite foreign

policy now? Congressman Judd, who took the negative side, when questioned as to the legality of Cordell Hull's advocacy of an International Organization with an International Court, admitted it could not be done within the Constitution—they would have to circumvent it.

On November 18, 1944, at the national convention of the Kingdom Message Association, which is an affiliate of the Anglo-Saxon Federation Convention, held in the Hotel Whittier, Fifteenth and Cherry Streets, Philadelphia, the Reverend Louis Fowler presided. The whole back of the stage was covered by an enormous British Union Jack, and on the left corner a small Stars and Stripes. Mr. Fowler said, "The old order must go. Every nation must be pulverized, because only Israel is to survive." He said, "Even the foundation stones must go."

That verifies Dr. Frazier's statement at the Upper Darby Junior High School when he said, "World government will be accomplished through the religious-minded."

Yes, gentlemen; these men are wearing the cloak of religion and interpreting the Bible to put over their political planning. Please get their literature and see for yourselves. There are tons of it throughout the Nation.

The September a year previous, Harold Rand, speaking to the same convention held there, he said:

Had anyone told you people here in Philadelphia, the birthplace of liberty, 25 years ago, that in Senate bill 666 you will witness the destruction of this Republic, the end of the gentile domination of the world and then Israel would come into her own, you would not believe it, but it is going to happen—

and then he quotes the Bible to prove it.

On March 1, 1945, at the Roxborough High School in Philadelphia, a forum meeting was held by the United Nations Council under the auspices of the American Legion. The principal speakers were Dr. John Nason, a Rhodes scholar, president of Swarthmore, Pa., College, and Mrs. Borden Harriman. At the conclusion of his speech, Dr. Nason said that after full debate on the question of whether or not we should adopt the United Nations-Dumbarton Oaks Conference proposals for a world security organization to be set up at the San Francisco Conference, he knew the American people would want it and they should wire their Senators to that effect.

At the question period I challenged Dr. Nason to debate, and he refused to do so. Then I asked the question, "Is it or is it not true that the United Nations-Dumbarton Oaks Conference proposals for a world security organization to bring peace to the world is none other than the British-Israel World Federation plan for a world government, world currency, world police, world court, world religion, and a world flag to fly above our Stars and Stripes?"

This is the flag, gentlemen [exhibiting], and it is treason to America, and the women will never let it happen. There it is, that flag [indicating].

The CHAIRMAN. Your time is about up. You have another minute.

Mrs. SOMERS. Only yesterday, former Governor Harold Stassen of Minnesota told this committee that the Charter does not assure us that it will prevent war. Yet the American people, and even the members of the committee, are given the impression that it will prevent war.

In conclusion, gentlemen, I pray that God Almighty will inspire you, and so, blessed with the knowledge presented to you by the opponents of this vicious plot to destroy our Republic, you will, like our founding fathers in the First Continental Congress at Carpenter's Hall in Philadelphia, humbly kneel in prayer and ask Almighty God in the name and through the merits of Jesus Christ, our Lord, to give you the strength and courage to vote against this vicious Charter, and by so doing, your names, like Washington, will be immortal in the annals of American history. You will then vote against this vicious Charter.

Senators, all of you, I beg of you, you whom we have elected to represent us, please, gentlemen, do not let us women have to fight these wolves in sheep's clothing alone. Be men like those that William Cullen Bryant wrote about:

So live that when thy summons comes to join the innumerable caravan that moves to that mysterious realm where each shall take his chamber in the silent halls of death, thou go not like the quarry slave at night, scourged to his dungeon, but, sustained and soothed by an unfaltering trust, approach thy grave like one who wraps the drapery of his couch about him and lies down to pleasant dreams.

Thank you.

The CHAIRMAN. Thank you very much.

[Applause.]

The CHAIRMAN. Please be in order. You are not supposed to express your approval or disapproval or applaud or make any other demonstration.

Next is Mrs. Griesel.

#### STATEMENT OF MRS. FLORENCE HOBAN GRIESEL, CHICAGO, ILL.

The CHAIRMAN. Give the reporter your name, your residence, and whom you represent.

Mrs. GRIESEL. My name is Mrs. Florence Hoban Griesel, and my address is 3454 North Lincoln Avenue, Chicago, Ill. I represent the Woman's League for Political Education, the Tenth Congressional District, Illinois.

Mr. Chairman and gentlemen, thank you for permitting me to speak before you against the ratification of the United Nations Charter. On another occasion we had the privilege of bringing our views and ideas before the Senate Military Affairs Committee, against the infamous S. 666, the Austin-Wadsworth bill which would have conscripted labor and women. We helped to have that bill tabled and our statements were written up in the Congressional Digest. I also know that two women were successful in killing the nurses draft bill, so I hope we will have the same success today. The truth is in every person and only needs a few courageous people to bring it out of everyone. We hope you will respond to these truths as we tell them today.

It has always amazed me that after Pearl Harbor, instead of getting the truth out about the situation, all of Congress seemed bound and determined that the United States had to join some world organization. Is that why we got into this war? Nobody would have dared legislate for world federation in the days before the war. We were self-sufficient and liked it that way. The little foreign trade we had



was more of a loss than a gain and has been responsible for getting us into this war.

In chapter 2, article 4, of the United Nations Charter, they call themselves the "peace-loving states." That's a laugh when everyone had to be in war to get in the Conference and all the neutral countries were kept out. Nearly all these men who were supposed to be representing the United States were the "peace-loving war makers" just a few years ago.

How come the sudden change? I can remember most of you screeching for war and suddenly you are peace loving, or was that a misprint? One Senator who said we could beat Japan in 3 weeks is now one of the peace-loving people. It has been a long 3 weeks and many a fine I-A boy lies dead in the foul stink of the Pacific while the Senator sits in the comfortable Senate.

Can you tell me why we should accept this Charter as any truth when the judgment of nearly all of them has been 100 percent wrong? These were the boys who told us lend-lease was a peace measure; these were the same gentlemen who repealed the Neutrality Act as a "peace measure"; these were the same brilliant minds who repealed the Arms Embargo Act as a "peace measure." We were down here against all these bills, telling you just what would happen and we were right—so why not accept our judgment? This country had every safeguard to keep it out of war and the people were 85 percent against it and still we had the "incident" and we were in, due to a Senate and a Congress who did not demand the truth of Pearl Harbor before they voted for war.

Before any Charter can be accepted we must have the trial of Kimmel and Short. You have received tons of signatures demanding the true story and we intend to ask for it until we get it. No peace plans should be made until the boys come home. The indignities that they have suffered under conscription certainly warrants them a voice in the future of the United States.

We also must have the American trial of Tyler Kent and see what can be done to punish those who were wrong in submitting him, an American citizen, to be tried in a British court.

Let us pull the curtain aside before Pearl Harbor and find out how this glorious country which was so against war, was made the sorry victim to the tune of a million casualties to date. I repeat again, we had every safeguard to keep this country out of war, had the leaders so desired, but when the leaders wanted war, we got war. Step by step we were taken down the road to war in a manner which is too familiar with most of you. The same thing can happen under this Charter and much easier, if the leaders so desire.

Now, Mr. Churchill is weeping and he can join his crocodile tears with the real tears of the parents of the world who have lost the only thing that has made life worth living—their sons.

What security can the people expect from this Charter when you prate about peace on one side of your mouth and talk of armaments and air corps and military, military, military? Peace means life, military means death. How can you combine the two and even pretend you mean peace?

The acceptance of this Charter as it is, means war, war and continuous war.

You haven't begun to find the causes of war for obvious reasons. Until you get men in the Senate and the House who are informed on the money situation, you will have wars. There is nothing more disgusting than to have Senator after Senator stand up and say, "Well, I don't know anything about the banking situation, I don't know anything about money." What are these men doing in the Senate? When the money power is the control of our Government and they admit they know nothing about it? What are they doing in high places? It is time to get them out and get informed, intelligent people in their stead.

A member of the Canadian Parliament has said:

When conditions develop to the point where the further existence of the money machine is imperiled, a gigantic international abattoir is set up and into it are poured millions of the finest of the world's youth to be slaughtered for the benefit of the money machine and nothing else.

The story is that everyone wants this Charter. Well, they don't. You give us the same radio time and the same space in the press as our opponents and we will show you who will win. President Truman said that everyone must accept this Charter because there was no alternative. He is wrong because there are many alternatives and, furthermore, one doesn't need an alternative to jumping in the lake. You just don't jump.

What has happened to the American representation? Why do they allow their constituents to be deprived of so much, their sons, their food, and perhaps their country? I just finished a trip on the North American steamer which covers most of the Great Lakes. We had about one-half inch of butter for breakfast and no other during the day. When we stopped at Niagara Falls the whole boat rushed over to Canada for steaks, and we got them. Nobody returned to the United States until the last minute. It was nice being in Canada; there was a feeling of respect for a country whose leadership represents its own people and looks after them. About 20,000 people travel on these two boats in the season, and the fury and disgust they feel about the neglect by their own representatives is not a pleasant sight.

The conversation on our boat was not fit for a peace-loving Senator's ears. I can remember when it was such a thrill to be an American, we held our heads high, we were free—now we sneak north and south of the border for something to eat. Shame on the representatives; you have made Americans the laughing stock of this continent—fools and suckers they call us, you are also making us the most hated people on earth; we who were once a proud people.

Why didn't you work this hard to keep this country out of war? This business of saying keep the war over there is one of the most cruel and cowardly sentences I have ever heard. Why shouldn't the men who voted for this war get a few bombs? Why shouldn't the stupid parents get the bombs instead of the innocent boys? Until you get a war referendum don't talk about fairness or peace. I am sure if the men who voted for the war had to fight it, they would demand an armistice immediately.

Instead of laboring so hard down in San Francisco with all these foreigners eating our scarce food and drinking the liquor by the gallons, plentiful, due to reverse lend-lease, they say, but very expensive to the American taxpayer who has to pay the bill; why haven't you

demanded the truth about Pearl Harbor and the American trial of Tyler Kent? Why have you not worked for a negotiated peace with Japan? We used to call them the nice little people and admire their beautiful cherry blossoms in Washington. Now we are killing their women and babies with liquid fire, right at this very minute, and we should be shocked about Buchenwald.

No, gentlemen, do not accept this Charter; it is written by men of war, they know nothing about peace or we would not have had this war. Let us have a Charter written by the men and women who believe in the dignity of the human race. Let us go to the peace conference demanding world disarmament as has been recommended by President Hutchins of the Chicago University.

There has been no opposition to the administration for the last 8 years, so the opinion of Senator Vandenberg does not count for the complete unity which is so often quoted. When the Republican Party failed to place the blame of getting this country into war on the Roosevelt administration they failed to use the only weapon that could have defeated the war and the new dealers, so both parties have betrayed the people.

Many women will be on the next congressional ticket, women who have considered the care of their children and homes the first requisite, but will have to get into politics to save their homes and children. We can trust our Government and the lives of our dearly beloved sons and daughters to these self-seeking representatives no longer. I ran for Congress in the Tenth District of Illinois and will do so again.

Please table this bill until we get the boys home, the truth about Pearl Harbor, and the American trial of Tyler Kent. Work instead for a negotiated peace immediately, as we know now that we gain nothing but dead boys, heart-broken parents and an endless debt, in this terrible carnage of a whole generation.

Speed the day when Congress is voted out of office when it votes for war.

Speed the day when we are represented by men and women who will not harden their hearts to the suffering of the individual.

Speed the day when the citizens of my beloved United States can once more walk this earth with heads held high, because of living like Jesus Christ taught us.

Dear God in Heaven, speed the day.

The CHAIRMAN. Is Mrs. St. Clair here? (No response.)

Mr. Stephens?

Mr. STEPHENS. Here.

The CHAIRMAN. Mr. Stephens asked for 2 minutes. We will give him 3 minutes.

#### STATEMENT OF ROYAL C. STEPHENS, NETCONG, N. J.

Mr. STEPHENS. My name is Royal C. Stephens, Netcong, N. J. I am speaking as an individual American citizen.

Mr. Chairman, I am submitting to your committee 10 reservations to the proposed Charter of the United Nations.

1. It is the legislative intent of the Senate of the United States in keeping with the Constitution, laws, and customs of America that all future meetings of the General Assembly and the Security Council of

the United Nations shall open their meetings with prayer to Almighty God.

2. It is the legislative intent of the United States Senate that all members of the United Nations shall without any delay permit representatives of the newspapers from the United Nations to enter their country to work and freely report the facts on news to their own country.

3. It is the legislative intent of the United States Senate that the General Assembly at their next meeting shall take positive action to outlaw the use of opium except for medical purposes.

4. It is the legislative intent of the United States Senate that the General Assembly shall at their next meeting take positive action to completely take the profits out of all future wars.

5. It is the legislative intent of the United States Senate that the General Assembly at their next meeting shall take positive action to punish any nation that uses its diplomatic privileges to propagandize the domestic affairs of any country.

6. It is the legislative intent of the United States Senate that the General Assembly at their next meeting shall declare any nation guilty of endangering the maintenance of international peace of mind as to the welfare and security of prisoners of war in camps in their country, who refuses to permit International Red Cross representatives to visit their war prisoners.

7. It is the legislative intent of the United States Senate that no nation or group of nations shall charge United States as being guilty of causing any nation to go to war because the American people refuse to act as Santa Claus to their country.

8. It is the legislative intent of the United States Senate that the Monroe Doctrine is the concern of the United States and the nations of the Western Hemisphere.

9. It is the legislative intent of the United States Senate that no member nation of the Security Council shall have a right to vote or veto any decisions involving action by the Security Council in which the member national is involved in the dispute.

10. It is the legislative intent of the United States Senate in keeping with the Federal Constitution hereby declares that the United States delegate on the Security Council must first receive the approval of both Houses of the Congress of the United States before American military and air power can be used against a nation that has acted to interrupt peace, security, and justice in the world.

Now, Mr. Chairman, as I view with fear for the respect for the Constitution of the United States because of the growing desire on the part of the Members of Congress to delegate their constitutional legislative duties to some other person, or persons, I believe the time has arrived for the sovereign States to at once act to safeguard the constitutional rights of the citizens of their State to be free from the burden of taxation without representation by passing a State welfare and defense law that will declare vacant the seat of any Member of either House of Congress who votes to delegate their legislative duties to any person, board, or agent of the Federal Government.

I thank the chairman for the chance to present my views to the committee on the proposed United Nations Charter.

The CHAIRMAN. Thank you, Mr. Stephens. Are there any questions by any of the Senators? [No response.] There seem to be no questions, so you are excused.

We will next call Mr. Michelet.

#### STATEMENT OF PAUL D. MICHELET, WASHINGTON, D. C.

The CHAIRMAN. Give your name, residence, and whom you represent, for the benefit of the record.

Mr. MICHELET. My name is Paul D. Michelet. My residence is 1002 I Street SE., Washington, D. C.

The CHAIRMAN. Proceed.

Mr. MICHELET. In going into this matter this afternoon I feel very much encouraged by the testimony of the people whom I have heard here, because I feel that they have really pierced the truth of the matter to a large extent; and I think that in the future probably the members of the committee here will agree with that.

In regard to the matter of the acceptance of the Charter of the United Nations—

Senator BARKLEY. Mr. Chairman, I think the witness forgot to state whom he represented.

Mr. MICHELET. I represent myself. I came here to hear the Senators, but I met some friends and they recommended that I come up and talk, so I put in an application to be heard.

The CHAIRMAN. What is your business?

Mr. MICHELET. At present I am doing nothing. I have written a book, and I have a little garden in Anacostia. That is about all that I am doing—working in that garden.

In getting at the truth of the matter in regard to the acceptance of the Charter of the United Nations, I believe that there is some misunderstanding, the misunderstanding being this, that the United Nations, as explained and as considered here before this committee, is really a totalitarian idea. In other words, from the testimony that has come out here, the whole world is to be included; and when you include the whole world it becomes a totalitarian idea.

The real truth of it is that democracy is not a totalitarian idea. Democracy is a thing of parts. You have your Republican Party, you have your Democratic Party, you have your Socialist Party, and you have other parties. Democracy, then, is a thing of parts.

But the United Nations, as considered here before this committee, is really a totalitarian idea. It is not democracy at all.

The other day a Senator asked the man who was explaining the Charter of the United Nations what would be done about a nation which wished to get out of the United Nations. The witness endeavored to explain, but he could not well explain it, and the Senator insisted. Could that nation get out? The witness said that it would go before the Security Council and they would consider it. Then the Senator said, "What would you do about it?"

"Well, it would be considered," and so on. Finally he said, "What if this Nation insisted on getting out?"

Well, they thought they could get out by going to the committee. But this man that explained the Charter said they would still be

considered to be responsible in a certain way; there would be certain obligations. Which really means that the nation could not get out at all.

The whole idea is totalitarian. The nation would never be able to get out unless it fought its way out, or unless all the nations said, "Well, you can get out."

The truth of it is that the nation which got out in that way would be an individual nation; it would be a nation which started to grow strong, and it would grow so strong that it would in the end overcome what was left of the United Nations. They would no longer be united, because one would have departed.

Democracy is a thing of parts. You have your right hand and you have your left hand. When you become a thing totalitarian you become something else. You then start to look like what totalitarianism is. You start to look like what the United Nations would become—a thing which is really a ball, something which is round. But that thing is a negative thing and, consequently, it would start to disintegrate; it would start to go back to what it really was long ago, and that is dust.

In other words, if we should enter into the United Nations and if we should continue to remain in the United Nations, it would become a question of whether a nation had the will to get out or whether the will is to be exercised by those of the United Nations to compel that nation to stay in. If they compelled the nation to stay in, then the individual nation would have lost its will and its identity, and the identity would be that of the United Nations, which would be a totalitarian idea and which would eventually be the self-destruction of the whole world.

When I put in my application I said that I would like very much to have anybody who wished to, ask me questions. If there is anybody who would like to ask me any questions I shall be very glad to try to answer them.

The CHAIRMAN. Do any Senators desire to ask any questions of the witness? [No response.]

I am sorry. Nobody seems to need any information.

Mr. MICHELET. May I go further, then?

The CHAIRMAN. Yes until your time is up.

Mr. MICHELET. The whole thing is this. A lady got up here this afternoon and criticized Senators of the United States. After all is said and done, I think that when something is terrifically wrong there should be criticism, and I can see the reason for that criticism; and this is the reason. There are certain totalitarian ideas. One of them is this Charter of the United Nations. A totalitarian idea goes all the way. It is total. It is complete. It is all.

What is democracy? Democracy is something different. Democracy is something of parts. In other words, you have something that will go only so far. What happens when a person is practicing something which only goes so far? Well, somebody with a totalitarian idea comes along and says that he is going only so far. He says, "I can go a little further and I can keep on going a little further." In other words, it becomes predominant. When you come right down to it, there is really no such thing as opposition in totalitarianism. In totalitarianism, you go all the way. Consequently, when a totalitarian works against people who are working as Republicans and

Democrats, the Republicans and Democrats are working only part way. The totalitarian goes on beyond.

There is another kind of totalitarianism than the kind that is being practiced. I called that negative totalitarianism. This is positive totalitarianism. It is the kind of totalitarianism which tells people, "Well, we will go all the way, too, but we will do it positively, not negatively." That would be like the idea of somebody telling people, "You practice democracy." In other words, if it is necessary to tell somebody to go ahead and practice democracy, something which they would ordinarily do, if negative totalitarianism does not exist, then it is a simple matter to go ahead and say, "Practice democracy."

The CHAIRMAN. Thank you very much.

The next witness is Mr. Ely Culbertson. Please give your name, residence, occupation, and whom you represent.

**STATEMENT OF ELY CULBERTSON, NEW YORK, N. Y., REPRESENTING FIGHT FOR TOTAL PEACE, INC.**

Mr. CULBERTSON. My name is Ely Culbertson. My residence is 16 East Sixty-second Street, New York. I represent Fight for Total Peace, Inc., a nonprofit organization recently chartered for the purpose of establishing an effective and acceptable system of collective security to eliminate wars of aggression as distinguished from phony internationalism exemplified in the United Nations Charter now before the Senate.

The CHAIRMAN. You are for an international organization, but not this one. Is that right?

Mr. CULBERTSON. Pardon me, Senator?

The CHAIRMAN. You are for an international organization, but not this one?

Mr. CULBERTSON. I am for an effective and acceptable international peace organization, but not merely for an acceptable one which is noneffective.

The CHAIRMAN. Proceed.

Mr. CULBERTSON. I oppose ratification of the United Nations Charter by the Senate as it now stands because it cannot possibly fulfill its stated purpose of prevention or suppression of aggression.

The only effective way to prevent future aggression is to limit and control the means of aggression—the armored ships of land, sea, and air. This could easily be done today by establishing, through the Charter, binding world-wide limitation of the production of heavy armament, on the basis of individual production quotas for the leading states, and a collective quota of production for the smaller states. This world-quota limitation of heavy armament is not only indispensable to prevent wars of aggression, but is indispensable for the very survival of the United States. Today the United States is the largest producer of these war-winning fighting machines. But the time is drawing dangerously near when other nations, with overwhelming manpower, will approach our degree of industrialization and will inevitably outproduce the United States in fighting machines.

The only effective way to suppress future aggression is by establishing, through the Charter, a special armed force, separate from the power politics of the member states, under direct control of the special

peace authority. This international contingent, equipped with the heavy armament of the collective quota, must be recruited exclusively from the citizens of the smaller member states. In this manner, the 400,000,000 people which comprise the population of the forty-odd smaller sovereign states, which like the United States seek to survive and not to conquer, will furnish a powerful, organized armed force against any aggressor.

The only effective way to prevent rearmament and to suppress future aggression is by amending the Security Council of the Charter into an effective international peace authority that will act by a simple majority vote within the scope of two delegated powers; one, the power to enforce the agreed quota limitation of the production of heavy armament; and, two, the power to move the international contingent against any state guilty of actual invasion of the defined territories of another state.

All three of these minimum requirements are indispensable for America's and the world's security. None of them is present in the United Nations Charter. That is why so many thinking Americans who are sincere internationalists—from Norman Thomas to Dorothy Thompson—are so profoundly perturbed by the Charter as it is.

The Charter violates every essential provision of the Connally resolution itself. The resolution speaks of the sovereign equality of nations. But the General Assembly of Nations, as provided for in the Charter, is an assembly of mice presided over by a few cats.

The Connally resolution also speaks of an international authority with power to prevent aggression. But the World Security Council is paralyzed from the state by the right of any big power to veto any action or use of armed force against any aggressor. Thus the so-called "teeth" in the Charter turn out to be a set of false teeth that can bite no one except the little fellows.

There is nothing in the Charter to prevent any of the Big Five from rearming with impunity or attacking a divided world with chances of success. There is nothing in the Charter to prevent any of the Big Five from rearming defeated Germany or Japan, or from expanding through satellite states into gigantic spheres of influence.

The Charter abounds in good intentions. But the road to war is paved with good intentions. The perfectionists of the State Department and the innocents at home entrust the destiny of the United States to the wildly utopian assumption that the great sovereign states, each with its own economy, ideology, and national interests, will reverse the entire trend of history and blissfully cooperate in the future, more than they have cooperated in the past.

Based on this naive assumption, the Charter is a system of collective security which is neither collective nor secure. It is not the beginning of a new era of lasting peace. It is a continuation of the ever-recurring, ever-disastrous peace of power politics, where the United States has nothing to gain and great peace to lose. The Charter is not a step forward; it is a step backward into the same blind alley of history out of which came the First and the Second World Wars.

Emphatically and sadly I predict that the Charter, unless amended, will collapse like a house of cards within 2 years after its adoption, and for the same reasons that the League of Nations collapsed. The League of Nations did not collapse because of the absence of the United States; but because of the presence of fatal defects in struc-



ture—defects which are even more insurmountable in the present Charter for the second league.

If the Senate adopts the Charter as it stands, we will fritter away innumerable conferences, vain hopes, and America's most precious commodity—time. Time is no longer our ally. History has imposed on the United States a fateful timetable. Today the United States is the mightiest military nation of all time, and has the active good will of four-fifths of the world. But we will have this enormous power for only a few short years. In another 15 years Russia, for instance, with her population growing at the rate of 30,000,000 every 10 years, her vast spheres of influence in eastern Europe, the Middle East, and Communist China, will become a strongly industrialized giant state of more than 500,000,000 people, and a much stronger military nation than the United States. This I say now as a solemn warning to the Senate and the American people.

The United Nations Charter leaves the road wide open to one of two disastrous wars: Either we are facing within the next 5 or 6 years a preventive war by the capitalistic world to eliminate the threat of the rising Russian giant state. And if this war does not take place, then we are facing, in 15 or 20 years, a war for the control of the world by Communist Eurasia, led by Russia.

Either of these two wars will be a catastrophe of centuries. Faith healing will not prevent them. The only escape from both of them is to establish now, while the United States is supreme, an ironclad system of world security so designed that the United States could not threaten the destruction of Soviet Russia today and Soviet Russia could not threaten the destruction of the United States tomorrow. This system can be established only by adopting three indispensable amendments to the Charter, which I have previously explained—the permanent, world-wide limitation of heavy armament, an adequate armed force separate from the armed forces of the member states, and an international authority that can act quickly and efficiently not only against aggression by Greece or Bolivia, but against aggression by the Big Nations, which are the only ones that can make Big Wars.

By incorporating these three amendments, the Senate of the United States has a God-given opportunity to transform the United Nations Charter from a timid, appeasing instrument of power politics into a ringing challenge to all the war lords of the future. This the United States must accomplish with the support of Britain and Russia if possible, without either of them if necessary. For today the United States Senate, with a plan which can effectively bar wars of aggression, is certain to have not only the overwhelming support of the American people, but the support of four-fifths of the world. Today the United States can do what no other nation has ever done before. It can declare peace on the world, and win it.

History has dealt the United States a "grand slam." The Senate is about to play this grand slam for a part score.

The CHAIRMAN: Thank you very much, Mr. Cufberston.

Are there any questions by the members of the committee or any other Senators? [No response.]

Thank you very much for your contribution.

At this point I want to read one or two telegrams and insert them in the record. We have about concluded our list of opponents of the

Charter, and we will hear testimony tomorrow of some of those who favor it.

I have here a telegram from the national commander of the American Legion, which reads as follows:

Senator TOM CONNALLY,

*Chairman, Foreign Relations Committee, United States Senate.*

Am releasing following statement here today. Hope you will make our views known.

"RICHMOND, VA., July 11.—Declaring that the American Legion is wholeheartedly behind full authority for the United States delegation to commit our Nation in halting any potential aggressor through the use of troops, Edward N. Scheiberling, national commander, today urged support of Senate leaders holding this position.

"In Richmond on a tour of southern Legion departments and posts, National Commander Scheiberling said the San Francisco Charter is a test of whether our Nation intends to match its military might with courageous leadership for world peace.

"Senate leadership in the handling of the Charter is on a character that is most heartening," said the Legion Commander, "and it deserves the backing of our people." He said the Legion's position is clear-cut as follows:

"An international association without the force to back its decisions would be useless. That theory is like trying to have law and order in a community through a town council without police. We know what happened to the League of Nations without the military prepared United States participating."

Our delegates to the International Association of Free Nations must be clothed by Congress to represent the United States instantly and effectively. This requires that they be ready to move at the outbreak of any international incident that might again engulf the world in war. It is the only experiment in the whole history of the world that has not been tried, in the effort to prevent war.

EDWARD N. SCHIEBERLING,

*National Commander, American Legion.*

I have another telegram here from Mr. Philip D. Reed, 570 Lexington Avenue, New York, reading as follows [reading]:

Senator TOM CONNALLY,

*Chairman, Foreign Relations Committee,  
United States Senate:*

As chairman of the United States Associates International Chamber of Commerce and as one of the consultants to the United States delegation at the San Francisco Conference, I wish to record this organization's earnest and enthusiastic support of the United Nations Charter. We believe no finer nor more fruitful gesture could be made toward its success than for the Senate itself to ratify the Charter unanimously. I respectfully request that this telegram be made a part of the committee's hearings on ratification of the Charter.

I have a great stack of telegrams from various organizations. I will put them into the record tomorrow.

The next witness, favoring the Charter, is Miss Strauss, president of the National League of Women Voters. As all Senators know, this is a very representative group of women over the country, with considerable interest in public affairs and politics, and we are very glad to hear you, Miss Strauss.

#### STATEMENT OF MISS ANNA LORD STRAUSS, PRESIDENT OF THE NATIONAL LEAGUE OF WOMEN VOTERS, WASHINGTON, D. C.

Miss STRAUSS. Mr. Chairman and gentlemen of the committee, on behalf of the National League of Women Voters and its 550 local leagues, a nonpartisan group organized 25 years ago, I am pleased to have this opportunity to urge that the Senate proceed with all possible speed to ratify the United Nations Charter. The technicalities of

the Charter have been thoroughly discussed by Mr. Stettinius, Mr. Pasvolsky, and others who participated in the San Francisco Conference. I shall confine myself, therefore, to a brief statement of the compelling reasons for the United States to become a part of the United Nations.

The war has brought home to us in a way we are not likely soon to forget the fact that there is no such thing as "isolation" in the world today. The only alternatives are these: To participate in international decisions, to lead the way in developing cooperation between nations or to accept the results of the decisions made without us. Both economically and politically the latter policy might be disastrous.

In the face of this choice, members of the League of Women Voters all over the country are overwhelmingly agreed that there is but one reasonable decision: That the United States should work with the other nations of the world, putting all the great force of our physical and spiritual power on the side of right and justice in the society of nations and leading the way toward a better condition of international political and economic relations.

When large numbers of citizens recognize the necessity for a basic change in some policy of their Government, and when they make their wishes known, it is then the responsibility both of Congress and of the executive branch to undertake a policy in keeping with the desires of the people. The desire for such a change in the foreign policy of the United States has been clearly evident among the thinking citizens of this nation during the past 2 or 3 years, and particularly during the past 9 months. The great interest shown in the Dumbarton Oaks proposals, the even greater interest in the San Francisco Conference and the Charter which came out of it have probably been unprecedented in recent history when an issue of international relations was concerned.

The United Nations Charter may not indeed be the best possible organizational structure for carrying out the deeply felt need for organized international cooperation. It is, however, a good start. The fact that it exists at all is evidence of a willingness to cooperate and to make concessions for the good of the whole on the part of all the 50 nations who participated in its creation. It is safe to say that whereas the League of Nations Covenant came about because a small group of men from a small number of countries were devoted to an ideal, the United Nations came into being because large numbers of people, and representatives of many nations, felt that the time had come when men must work together or become extinct.

At this crucial stage, when in half the world victory is already achieved, the returns from further negotiations about this or that particular point would not be worth the cost in lost time. The way to begin is to begin. The sooner the Charter is ratified, the sooner we can begin to translate words on paper into a living, functioning body, the better chance we shall have of achieving working arrangements among the nations of the world which will make peace possible.

Mr. Chairman, in the interest of expediting the committee hearings we have made our statement very brief. The League of Women Voters is submitting for the record our memo, Fifty Nations Agree, which explains in some detail our reasons for thinking the United Nations Charter is a good start.

The CHAIRMAN. Your brief will be inserted in the record.

May I ask how many members you have?

Miss STRAUSS. We have about 56,000 in about 550 different communities.

The CHAIRMAN. Are there any questions by any Senators?

[No response.]

Are there any other members of your organization who desire to be heard?

Miss STRAUSS. No. I was speaking for the entire organization.

(The brief referred to and submitted by the witness is as follows:)

FIFTY NATIONS AGREE—THE UNITED NATIONS CHARTER  
(National League of Women Voters)

SAN FRANCISCO AND THE JOB AHEAD

All over the world millions of men and women have paid with their lives because nations did not settle their international difficulties by peaceful means. War does not solve problems; it only increases them. Victory in war simply means that the nations of the world shall have another chance to try to live together in peace. But the two decades of tension between the World Wars are clear evidence that wishing for peace is not enough. There are certain frictions which inevitably lead to war unless constructive measures are taken to remove them. This, the nations of the world are now aware, must be done by international action.

*The Charter for a United Nations Organization is completed.*—In April 1945 delegates from 50 nations met at San Francisco to draft a Charter for orderly world relations. On the basis of the proposals previously agreed upon by the four great powers at Dumbarton Oaks and Yalta, they prepared the framework for an organization. The purpose of the United Nations Organization will be the maintenance of peace and the development of justice under law as a principle of international relations. Machinery was devised through which the representatives of many nations can work toward a cooperative solution of political, economic, and social problems. The Charter reaffirms the faith of the peoples of the world in fundamental human rights and freedoms.

Before any of this machinery can be set in motion, the San Francisco Charter, must be ratified by a majority of the nations who participated in the Conference, including the Soviet Union, Britain, China France, and the United States of America. For the United States this means that the Charter must be approved by two-thirds of the Senate.

Without us the Organization will never get started. Our responsibility is great.

The outlines of the Charter drawn up at San Francisco are basically similar to the proposals which followed the Dumbarton Oaks conversations. Many details of the plan have been altered, however. Some of the changes were suggested by the sponsoring powers as a result of public study and discussion of the Dumbarton Oaks proposals, and others came from nations at San Francisco who had not participated in drawing up the original proposals.

The aim of the Charter is not the use of military force but the substitution of justice for force. The Organization will work through four primary bodies, each with a separate task:

1. The General Assembly, an international forum and policy-making body.
2. The Security Council, concerned with military and political aspects of security.
3. The Economic and Social Council, concerned with the underlying causes of economic and social friction.
4. The International Court of Justice, concerned with the settlement of legal disputes.

THE GENERAL ASSEMBLY

Of the five organs created by the Charter, the Assembly is the basic representative body. Each member nation may have five representatives in the Assembly and shall be entitled to one vote. The Assembly makes important decisions by a two-thirds majority vote of those present and voting. This body must be regarded as the parent of the parts. It is charged with the task of carrying out the larger

purposes of the Organization and given specific powers to see to it that the parts function progressively towards the accomplishment of such purposes. The success of world organization is dependent upon its growth in prestige and effectiveness.

The Assembly admits members to the Organization, upon the recommendation of the Security Council. It suspends members who do not fulfill their obligations under the Charter. It elects the nonpermanent members of the Security Council. It elects the members of the Social and Economic Council. It assists in the election of the justices of the World Court. It elects the Secretary General upon the recommendation of the Security Council, and establishes the regulations for the Secretariat. It is responsible for the trusteeship system for non-self-governing peoples and development of such peoples toward self-government.

The Assembly is responsible for the financing of the Organization. It apportions the costs among the nations. It examines and makes recommendations on the budgets of the various specialized agencies with a view toward the coordination of all the parts.

Throughout the text of the Charter, time after time, the Assembly is charged with initiating studies and recommending and encouraging international cooperation including the principles of disarmament. It must approve the way in which new agencies are brought into the Organization. It is charged with promoting the progressive development of international law and its codification.

The powers of the Assembly to discuss and recommend are inherently great. The Assembly has the right to discuss and recommend on "any matter within the scope of the Charter," except that it may not discuss or recommend on a dispute when it is under consideration by the Security Council.

What is "right" and what is "wrong" in international behavior is at present only partially defined. It is the duty of the Assembly through its debates, its recommendations, and its other responsibilities, to build constructive world opinion and help to provide the means of a new and higher type of international behavior.

*Dependent peoples.*—One way in which the Charter has been strengthened over the original Dumbarton Oaks agreement is in the field of dependent areas. All members of the United Nations Organization accept certain standards of good conduct and agree to administer their colonial areas in the welfare of the peoples concerned. They further agree to report to the United Nations Organization on the economic, social, and educational conditions in the area.

*Trusteeship Council.*—For other than colonial territories, a plan has been set up for trusteeships of such areas as may be placed under the system from the following categories: areas which may be detached from enemy states, areas formerly mandated under the League of Nations, and territories voluntarily placed under the system by the nations responsible for their administration. In order to assist the Assembly in this phase of its work, provision is made for a Trusteeship Council to be composed of equal numbers of representatives of the nations who will administer trusteeships and nations who do not have any such specific responsibilities. The nations who are permanent members of the Security Council must each have a seat on the Trusteeship Council in one of these two capacities. This Council will consider reports and make inspections of trust territories.

The Charter has established excellent aims for the trusteeship system:

1. To promote political, economic, social, and educational advancement of the trust territories.
2. To encourage progressive development toward self-government or independence.
3. To promote the fundamental freedoms without regard to race, language, sex, or religion.
4. To insure equal treatment in social, economic, and commercial matters in the trust territory for all the members of the United Nations.

The question of what to do about strategic bases has been settled so that the trusteeship plan will not in any way interfere with the work of the Security Council in policing the world. Areas which are militarily necessary to the security of any country can be either annexed or placed under the trusteeship of that nation outside the supervision of the General Assembly and under the Security Council. The territory outside the strategic area will be supervised under the trusteeship system with the administration accountable to the Trusteeship Council, which in turn reports to the General Assembly.

The machinery for carrying out these aims is flexible and should be sufficient to insure the attainment of the purposes of the trusteeship system. It will, however, require the whole-hearted will to make it work which will be necessary

in other parts of the Organization. The trusteeship system is a decided improvement over the former League of Nations mandate system, although it loses some of its effectiveness because of the optional provisions.

#### SECURITY COUNCIL

There is a clear cut line separating responsibilities between the Assembly and the Security Council. The Assembly has administrative functions and responsibilities for coordination and policy recommendation. The Security Council is an action body and the strong arm of the Organization. It is made up of 11 members, 5 permanent and 6 nonpermanent. Britain, the Soviet Union, China, France, and the United States will occupy permanent seats. The Security Council makes specific plans and recommends methods for the peaceful settlement of international disputes. It is empowered to take forceful action, first economic and then military, against nations who undertake aggression.

*Voting Procedure.*—(1) The 11 Security Council members have one vote each. (2) Decisions on simple procedural matters are made by an affirmative vote of any seven members. (3) All other decisions are made by an affirmative vote of seven members, but must include the affirmative votes of the five permanent members, except that a party to a dispute must refrain from voting when action for the peaceful settlement of disputes is under consideration.

This means that the five great powers must vote unanimously in order to take any kind of enforcement action such as economic or military sanctions. They must also be unanimous when action is taken to settle disputes by peaceful methods, but in this case no nation which is party to a dispute can vote. For example, if the Syrian incident were being considered by the Security Council, France, as a party to the dispute, would not vote while any of the peaceful means of settlement were under consideration. France would be able to vote if enforcement action were being considered. Any nation can bring a dispute before the Security Council for discussion if any seven members of the Council vote to consider it.

This unanimity rule has been much criticized, particularly by the smaller powers. It is to be hoped that in the future as the Security Council functions and the big powers learn to work together they will be willing to give up this special privilege.

There is historical precedent for the unanimity rule. Always in the past, on the theory that each nation must retain its sovereign rights, it was necessary to have the unanimous consent of every nation concerned before undertaking international action. In the League of Nations all important decisions required the unanimous vote of every member. In the United Nations Organization only the five big powers have to be unanimous, and their ability to veto action is restricted to action in the Security Council and the ratification of future Charter amendments.

The Security Council was kept small and weighted with the big powers in order to assure swift police action with preponderant force. The unanimity rule assures that when the United Nations Organization acts it will do so with overwhelming force. But will the unanimity rule tend to prevent action? There is hope that it will result in a compromise rather than a deadlock, with mutual concessions being made until a joint course of action is agreed upon.

It is generally felt that the United States Senate would not ratify the United Nations Charter unless our delegate had the right to veto Security Council action. One of the main arguments against our joining the League of Nations was the fear that the United States might be outvoted in the League Council. The unanimity rule assures that the armed forces, which the United States agrees to make available to the Security Council, will never be used without our consent, and that the United States will never find itself engaged in economic or military sanctions against another great power. If a great power becomes an aggressor, the United Nations Organization will not be able to act, and the situation will have to be handled outside the Organization. This is because we are still in the experimental stage of collective security, and world opinion has not yet developed to the point where nations are willing to delegate sufficient authority to an international organization to make it capable of coercing a great power.

At San Francisco the smaller powers, led by Canada, insisted that they also needed assurance that they would not be called upon to provide armed forces without their consent. So the Charter contains a provision that when a decision to use force has been made, any state required to put forces at the disposal of the

Security Council, shall be asked to send a representative to the Council to participate in the decision of the employment of its forces. The Security Council is to negotiate agreements with the various member nations as to the number and type of armed forces to be available at the call of the Council. In electing a nation to the Security Council the Assembly takes into consideration that nation's ability to contribute to the maintenance of peace. This will tend to give middle-sized nations who are willing to cooperate on security measures some priority for election to the Council.

The military staff committee advises and assist the Security Council on all military requirements for the maintenance of peace, and such related problems as eventual disarmament. It is composed of the chiefs of staff of the permanent Security Council members. Other nations are to be asked to send a representative to sit with the Committee as occasion demands. Regional military subcommittees may be established after consultation with regional agencies.

*Regionalism.*—A formula has been achieved to fit regional security systems, such as the inter-American system and the European system of security pacts, into the framework of the United Nations Organization. Regional arrangements which are permanent in character such as the Inter-American system are to be subordinate to the United Nations Security Council. But regional agencies are to make every effort to settle disputes locally before referring them to the Security Council, and they are to retain freedom to defend themselves in case the Security Council fails to act. The regional agencies must keep the Security Council informed of their intentions at all times. An exception is made of the European treaties of mutual assistance designed as protection against future aggression by present enemies. These arrangements are to operate outside the jurisdiction of the Security Council until the governments concerned request the United Nations Organization to assume this responsibility.

The insistence by the great powers on the veto right and the above exception for treaties aimed at curbing present enemies reflect the abnormal world conditions under which the Charter was written. The five big powers, as victors, must assume the immediate duty of restoring and maintaining order in a chaotic world, while at the same time they are attempting to work out a permanent system of collective security.

The power of the Security Council to investigate disputes and recommend peaceful procedures and settlements offers great opportunities for the prevention of war. These peaceful functions have been overshadowed in public discussion by the more dramatic power to use force.

#### ECONOMIC AND SOCIAL COUNCIL

In the Economic and Social Council lies the power to solve many international problems. It is the duty of this Council to deal with some of the basic causes of war before they develop into political issues. Some of the delegates have pointed out that if it could succeed in its broad objectives it would reduce the Security Council to the status of the human appendix, an organ with a history but no remaining functions.

The Economic and Social Council has been set up without the rigidity of the Security Council. Its 18 members are elected for 3-year terms by the General Assembly and no nations have permanent memberships. Voting is by a majority of those present, and no one has any veto rights. Under the general supervision of the Assembly, the Council's three main purposes are to promote:

1. Higher standards of living, full employment, and conditions of economic and social progress and development.
2. Solutions of international economic, social, cultural, educational, health, and other related problems.
3. Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, language, religion, or sex.

To carry out its purpose, the Council can:

1. Study, report, and recommend on subjects within its jurisdiction.
2. Set up commissions to deal with special problems, including promotion of human rights.
3. Call international conferences and prepare draft conventions for the Assembly to submit to other nations.
4. Coordinate the work of agencies working in the economic and social field.

The Economic and Social Council has gained both in strength and prestige at the San Francisco Conference. It has been designated a "principal organ" of the United Nations Organization along with the General Assembly, the Security

Council, and the World Court. Under the Dumbarton Oaks proposals it was a subsidiary council. An improvement at San Francisco was to give the Council the right to report directly to the Security Council, which is in continuous session. In the Dumbarton Oaks plan, the Economic and Social Council had to wait for action until the annual meeting of the General Assembly.

In an air age no nation can safely, profitably, or peacefully conduct its social and economic life in a vacuum. Organizations are being set up to work on these problems which transcend national boundaries. The Economic and Social Council will be the overall coordinator of these groups which will include such organizations as the Food and Agriculture Organization, the International Bank for Reconstruction and Development, the International Monetary Fund, the International Civil Aviation Organization, and the proposed International Office of Education.

Previous efforts to stop wars have concentrated on the use of force. Nations have acted like a doctor who gives medicine after smallpox has broken out. The Economic and Social Council would play the role of the doctor who urges vaccinations to prevent smallpox from ever appearing. It is encouraging to see how much emphasis the delegates at San Francisco put on lessening the causes of war.

#### INTERNATIONAL COURT OF JUSTICE

The need for establishing a rule of law in international relations can hardly be overaccented, and in order to establish one, a court for the peaceful settlement of legal disputes between nations is essential. The body of international law, however, is quite different from the body of law which governs the conduct of the citizens of a nation. International law is made only by treaties or agreements between nations, or by the general acceptance of principles which have been customary in governing the relations between states. There is no international legislature which makes such law, and therefore each nation is bound by a law only if it has agreed to it by treaty or acceptance of a general principle. National law applies to all persons whether they wish it or not.

The Charter provides that there should be an International Court of Justice as the judicial branch of the Organization. Joining the United Nations Organization automatically includes membership in the Court. The Statute to set up the Court follows very closely the pattern of the World Court which functioned under the League of Nations, but it is an entirely new body to avoid the troublesome question of membership in the old Court by nations who were not members of the United Nations at the San Francisco Conference. Such nations may, however, apply to the General Assembly to become members of the Court. All members agree to comply with the decisions of the World Court.

The Court is authorized to hear cases which are referred to it by the individual nations in the dispute. It will also have jurisdiction in cases where a specific treaty has designated the Court to decide any controversy which may arise under its provisions. Nations also may, if they choose, accept an optional clause, which gives the Court general compulsory jurisdiction over all disputes covered by international law in which they may become involved. In spite of some hope that the authority of the Court over all such disputes could be established as a part of the United Nations Charter, this was left optional, since many states, notably the United States and Russia, did not yet seem ready to surrender that amount of sovereignty to an international body. Decisions of the Court can be enforced by the Security Council. If the Court is to attain a high degree of usefulness in the peace structure, it will be important for many nations, and particularly the great powers, to adopt the optional clause as soon as possible.

#### THE SECRETARIAT

The administrative work of the United Nations Organization will be handled by a Secretariat under the direction of a Secretary General. A permanent staff is to be employed by the Secretary General according to highest personnel standards of efficiency, competence, and integrity on as wide a geographical basis as possible. The Secretary General as chief administrative officer of the entire organization will hold a position of great importance. Among his powers is the specific authority to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. This power was not accorded the Secretary General under the League of Nations Covenant.



## OTHER IMPORTANT ASPECTS

*The Amending Process.*—Amending the United Nations Organization Charter will be a fairly long and difficult process. First, two-thirds of the General Assembly must adopt the amendment. Then each nation must ratify the amendment in accordance with its own constitutional process. If two-thirds of these nations, including the permanent members of the Security Council, accept the amendment it becomes a part of the Charter. Here, too, the pattern has been kept of a unanimous vote by the big five so that none of them can be outvoted.

At San Francisco there was discussion regarding possible revisions of the Charter. The final outcome was that a general conference for revision could be called by a two-thirds vote of the Assembly plus an affirmative vote by any seven members of the Security Council. Any proposed revision would be acted upon in the same way as amendments. There are special provisions for considering a conference on revision at the end of 10 years if none has been held by that time.

*Preparatory Commission.*—The Preparatory Commission has been appointed to make preliminary plans for the operation of the United Nations Organization after it has been ratified. An Executive Committee of 14, with headquarters in London, will handle the work of the Commission. They will establish salary scales, personnel qualifications, procedures for different sections of the Organization, operational and fiscal plans, and arrange for the first meeting of the Assembly. Careful plans must be laid to assure sound organization in the beginning.

## RATIFICATION

Both in the committee hearings and on the floor of the Senate, the possibility exists that amendments to the Charter may be offered and reservations attached to United States participation. This procedure played an important part in defeating our membership in the League of Nations 25 years ago. Such a move would be dangerous at this stage since any changes would have to be accepted by the other 49 nations who participated in writing the Charter and might set a precedent for like action by other nations. It is possible that some Senators who are opposed in principle to United States participation in a United Nations Organization, but realizing the unpopularity of this stand, may seek to destroy the Charter by attaching amendments or reservations.

The main line of attack from opponents will doubtless take the form of creating doubt of the trustworthiness of other nations. In the League of Nations' fight, British imperialism bore the brunt of the antiforeign attacks. Now it is more likely that Russian communism will be the chief target. War has left the United States and Russia as the world's two most powerful nations. The vast difference between their social and economic systems greatly complicates the problems of understanding each other. Yet it is imperative that the democracies work out a method of cooperation with Soviet Russia. The success of the new collective security system depends on the ability of the great powers to act as a unit in the Security Council.

There is evidence that it is not always going to be easy to get along with Soviet Russia, but there are ample reasons to believe that mutual understanding can and must be attained. A dangerous attitude of mutual mistrust developed between Russia and the capitalistic countries during the long period of Russian ostracism after the first World War. This mistrust affects the actions of all countries concerned and thus influences the trend of international relations. It is therefore of the utmost importance to the success of the United Nations Organization that the Soviet Government and the other great powers show patience, willingness to compromise, and a scrupulous regard for their pledged word so that experience will restore their faith in each other.

There are many differences between Russia and the United States on methods and means, but fortunately their basic needs do not conflict. Russia does not need more space or natural resources. She needs peace to assure her long-suffering people a better standard of living. Evidence of the Soviet Government's good faith in wanting to work out an international order based on cooperation is to be found in past support given the League of Nations, where Russia backed the principles of collective security long after the western democracies had deserted them. Russia has taken an active part, first in formulating the Dumbarton Oaks proposals, and later in perfecting them at San Francisco.

There will always be differences between nations, and we can expect the opponents of ratification to accent all the mistakes and historical sins of other countries, in order to sow the seeds of distrust by playing upon our racial, religious,

and antforeign prejudices. The inflammable statements of the opponents will doubtless make most of the headlines. The task of the advocates of ratification both in the Senate and out will be to speak up loudly and clearly, explaining the need for a United Nations Organization and the alternatives if the United States fails to become a member.

We must remember also that the opposition may not actually try to change the Charter itself but wait and try to limit the effectiveness of American participation in the Organization by restricting the powers of the American delegate on the Security Council, or the members of the military forces to be available at the call of the Security Council. Future opposition could also take the form of opposing American membership in the cooperating organizations of the Economic and Social Council.

*Discussion.*—For 8 months the Dumbarton Oaks proposals for a United Nations Organization were before the country for discussion. There was every opportunity for any citizen, or organization, or any Member of Congress to suggest any change in the plans being made for such an organization or to express his opinion about it. Many thousands did so. In addition, both Houses of Congress and both major political parties were represented on the American delegation at San Francisco. Consultants to the American delegation represented a cross section of public opinion. The radio and press kept the people informed of every stage of the negotiations. By the process of give and take, 50 nations worked out the provisions of a Charter which they could accept. The United States, which initiated the Dumbarton Oaks Conference and was one of the sponsoring powers at San Francisco, had a larger voice than most nations in this process. We have had ample opportunity to influence the shaping of this Charter. Both the House and Senate, through their Fulbright and Connally resolutions, have been on record in favor of American membership in a general international organization since 1943. Now, after so much preliminary work, there appears no reason for prolonged Senate debate on the Charter:

The specific legislative steps to be taken are:

- A. Toward ratification of the Charter:
  1. Submission of the Charter to the Senate.
  2. Hearings in the Senate Foreign Relations Committee.
  3. Report to the full Senate and debate.
  4. Vote in the Senate by a two-thirds majority.
  5. Signature by the President.
- B. Legislation needed following ratification to get the Organization into operation.
  1. Definition of the powers of United States delegate on the Security Council.
  2. Arrangements concerning United States forces to be placed at the disposal of the Security Council.
  3. Appropriations for our share of the United Nations Organization expenses.
- C. Longer-range legislation connected with the Organization.
  1. United States membership in the subsidiary organizations of the Economic and Social Council.
  2. Acceptance by the United States of the optional clause giving compulsory jurisdiction to the World Court.
- D. The peace treaty ending the war in Europe and in Asia will be subject to Senate ratification, and its provisions will indirectly affect the future of the United Nations Organization.

#### EVALUATION

*Is the Charter an Improvement over Dumbarton Oaks? Over the League of Nations? Can it prevent War?*

There is general opinion that the United Nations Charter is a stronger document than expected and represents a definite improvement over both the Dumbarton Oaks proposals and the Covenant of the League of Nations. The United Nations Organization is a league or coalition of sovereign nations. The members agree to abide by certain general principles and laws of international conduct; they assume general obligations to cooperate in achieving the expressed aims of the Organization; and they assume definite responsibilities to act jointly in a system of collective security to maintain or restore the peace. The Organization is in no sense a world government or a superstate. It has no power to legislate, but it represents a concerted attempt to establish a new international order based on law. The members agree to work together to solve economic and social problems and not

to use their armed forces except as parts of international policing action to prevent war. The principle that force is an illegal method of settling disputes, and that security is a collective responsibility was already embodied in the League of Nations' Covenant. Now, after 25 years and a Second World War, the principle is reestablished in the United Nation's Charter. The new Charter goes farther and sets up methods of enforcement. It places the responsibility for enforcement on the five great powers which together have the economic and military power to act effectively. It is true that the five great powers have to be unanimous to take action and that there is therefore no way to coerce a great power, but in the League of Nations, all members had to be unanimous.

The duties of the various organs of the United Nations Organization are more clearly defined than in the League of Nations' structure. For example, it is a step forward that membership in the United Nations Organization includes membership in the World Court, and that the numerous semiautonomous special agencies, like the International Bank and Fund, and the International Labor Office, are all to be coordinated under the Economic and Social Council. The trusteeship provisions mark an advance over the League of Nations mandate system. The task of maintaining peace is now to be a full-time job, with the Security Council, Economic and Social Council, and the World Court in year-round session.

Much was accomplished at San Francisco in reconciling the viewpoints of the big powers with those of the smaller nations. The Dumbarton Oaks proposals were written by the great powers and adequately protected their interests. The problem at San Francisco was therefore to perfect the Dumbarton Oaks proposals so as to assure the smaller "45" that their interests were also protected; and to devise a system to offer protection to the various interests of the world's different peoples. Numerous additions to the Charter made it a more acceptable and balanced document from the standpoint of the small and intermediate powers. For example, the rights and duties of the General Assembly and the Economic and Social Council were extended; and the sections defining purposes and principles were elaborated in order to reassure the small powers that the Big Five would exercise their authority under justice and law. The provisions on human rights were strengthened, and a dangerous trend toward regionalism was subordinated to the need for a strong world organization. Outstanding small-power leaders were a strong liberal influence in the negotiations. The wonder is not that there were serious disagreements but that such a wide area of final agreement was achieved.

The United Nations Charter is admittedly the result of compromise between widely divergent political, economic, and social systems. There has been much criticism on the ground that under the unanimity rule, the five great powers still retain complete control of their own military forces and even their diplomatic actions, and that all nations retain complete sovereignty over their respective economic systems. This is true, but the reason that more authority is not delegated to the United Nations Organization is that public opinion throughout the world, and particularly in the United States and Russia, has not developed to the point where the peoples are willing to join a powerful organization. The weaknesses of the United Nations Organization can easily be corrected when a larger share of the world's peoples want to delegate more authority to it.

In the meantime, is the present organization strong enough to prevent wars? Obviously no machinery alone can prevent war. The proposed machinery is adequate to achieve conditions conducive to peace and to settle disputes peacefully in the nations, large and small, stand together and make use of it, supported by strong public opinion. The chances that the organization will be effective are directly proportionate to the amount of use which is made of its facilities.

In establishing the United Nations Organization the world will be making a vital and constructive move toward an international order, where with persistent effort it can hope to attain justice, prosperity, and freedom from war.

#### CONCLUSION

The United Nations Organization holds vast potentialities for a better future for the United States and the world. The contribution which the Organization will make toward peace and human well-being will depend on the leadership of the member nations. This leadership in turn depends on the will of the peoples of those nations. If the world peoples are to give adequate backing to the new Organization, they must be convinced that it offers them a valuable method of working with other nations, and that this cooperation is their best chance for a

higher standard of living and a peaceful life. The United Nations Organization must become a living reality to the masses of the world.

The world is in the midst of a social revolution from which no military victory can shield us. Victory only gives us the chance to face these problems and to work together to solve them. Now that military restraints have been relaxed, the tensions are already reappearing in Europe and later will do so in Asia. The best possible antidote to future war will be continuing cooperation within the framework of the United Nations Organization in order to find solutions to the problems which cause these tensions. Cooperation does not consist of just talking about what to do, or even agreeing to it. The real test comes in doing it. For the United States this will mean adjusting our military, political, and economic habits so that a new pattern based on international consultation, negotiation, and action can take the place of the old war-breeding pattern of every nation for itself. The United States with its history of leadership in political democracy and its present vast financial, industrial, and military power is in a key position to take leadership in the United Nations Organization.

#### DISCUSSION QUIZ

1. By whom was the United Nations Charter written?
2. What opportunities have the people of the United States and the Senate had to influence and revise the provisions of the Charter?
3. What are the four primary bodies through which the Organization will operate?
4. Is the General Assembly comparable to (a) our House of Representatives, (b) Town Meeting of the Air, (c) a Congressional standing committee?
5. Who are the members of the Assembly?
6. What is the purpose of the Trusteeship Council?
7. Is the Economic and Social Council comparable to, (a) the Interstate Commerce Commission, (b) the National Resources Planning Board, (c) the Social Security Board, (d) the Postwar Economic Policy and Planning Committees of the House and Senate?
8. Can the Economic and Social Council make international economic rules without the consent of the member nations involved?
9. What is the relative importance of the Economic and Social Council in the United Nations Organization?
10. Is the Security Council comparable to (a) the President's Cabinet, (b) a grand jury, (c) the United States Congress, (d) the sheriff's office?
11. How are the members of the Security Council chosen?
12. Can any international dispute which threatens the peace be discussed by the Security Council?
13. Can one of the permanent members veto a peaceful solution of a dispute?
14. Does enforcement action by the Security Council require unanimous agreement?
15. What is the function of the World Court?
16. Are all members of the United Nations also members of the Court?
17. Is there a body of international law on which the Court can base decisions?
18. Are all nations forced to use the Court to settle all disputes which can be judged by law?
19. What is the Secretariat?
20. Is the Charter an improvement over the Dumbarton Oaks proposals?
21. Is the proposed United Nations an improvement over the League of Nations?
22. Will the United Nations insure peace?
23. What specific legislative steps must be taken to make the United States a member of the United Nations?
24. What are some of the arguments of those opposed to ratifying the Charter? What steps can be taken, short of refusing to ratify, to limit the usefulness of the Organization?
25. In the interest of world peace, what kind of a foreign policy must we have in the postwar world?
26. What can we, as citizens, do to influence such a policy?

#### SUGGESTED READING

The United Nations Charter, text, free, Department of State, Washington 25. D. C.

Fifty Questions on the United Nations Charter, Woodrow Wilson Foundation, 45 East Sixty-fifth Street, New York 21, N. Y., 20 copies free, additional copies, 5 cents.

The Congressional Record, June 12, 1945, speech by Senator Harold A. Burton. Hartley, Livingston, It's Up to the Senate, American Association for the United Nations, 45 East Sixty-fifth Street, New York 21, N. Y., 10 cents.

The CHAIRMAN. Mrs. Florence Cafferata. [No response.]

Mr. Thomas J. Reardon. [No response.]

Mrs. Eva Wakefield. [No response.]

Mrs. Van Hyning. [No response.]

Mr. Noel Gaines. [No response.]

Mr. Walter White. [No response.]

Mr. Ulric Bell. [No response.]

Miss Elizabeth A. Smart. [No response.]

Dr. William G. Carr. [No response.]

Mrs. T. W. Johnson. [No response.]

Rabbi James A. Wax. [No response.]

Miss Mabel Vernon. [No response.]

Mr. Alfred M. Lilienthal. [No response.]

Mr. Clark Eichelberger. [No response.]

Mrs. St. Clair. [No response.] She has been called twice.

The committee has already exceeded the speed limit which it set and I know of nobody else that we can hear at this time.

Mrs. JOHNSON. I would like to be heard, Mr. Chairman.

The CHAIRMAN. Please state your name, residence, and whom you represent.

**STATEMENT OF HELENE JOHNSON, CHICAGO, ILL., ASSOCIATE CHAIRMAN, CITIZENS' FORUM, THIRD CONGRESSIONAL DISTRICT, AND REPRESENTATIVE OF WOMEN'S LEAGUE FOR POLITICAL EDUCATION**

Mrs. JOHNSON. My name is Mrs. Helene E. Johnson, 2324 West One Hundred and Eleventh Street, Chicago, Ill. I am associate chairman, Citizens Forum, Third Congressional District, and a representative of the Women's League for Political Education.

The CHAIRMAN. We will be glad to hear your statement.

Mrs. JOHNSON. Mr. Chairman and members of the Senate Foreign Relations Committee, when President Truman in presenting the Charter to the Senate said that he would not go into the provisions of the Charter as he was sure that the Senate was thoroughly familiar with them and that the people of the Nation would have a complete expression of views from the discussion on the Senate floor, his statement was greeted with laughter—why? Was it because the Charter is being rushed through this committee in the Senate with such speed that any informative discussion will be impossible? Or was it because the agencies that present the news to the public have all been set to propagandize the people along the lines prescribed by the backers of this Charter? This suppression of free, informative discussion should create apprehension, not laughter.

The Charter in the beginning was designated as a general international organization based upon the principle of the sovereignty and equality of all peace-loving states, but when Switzerland, Sweden, and other neutral nations were denied representation at the San

Francisco Conference, and Argentina had to declare war in order to seat her delegation, the farcical misnomer was changed to read, "to maintain international peace and security"; and a condition which did not exist at the time the Charter was written nor does it exist now. We have not as yet ourselves achieved the peace and security which this Charter proposes to maintain.

In order to minimize the threat behind the world police force necessary to maintain this so-called peace, its proponents say that peace cannot be preserved in a local community without a police force. But the policeman is hired to enforce the law and apprehend evildoers. He does not indiscriminately shoot down all the inhabitants of his precinct just because a crime has been committed. In war the innocent suffer instead of the guilty and destruction encompasses civilians as well as soldiers.

The dictionary defines peace as the absence of force; so peace and force cannot be maintained at the same time. But now after centuries of war, after many fruitless attempts to outlaw war, these supermen, Roosevelt, Churchill, and Stalin, envisioned world peace in the midst of world war by a plan so comprehensive that they could ignore the causes of war completely. In about 3 months they have accomplished what centuries of effort have failed to do. This triumvirate who could not keep the peace when we were at peace now rushes to fasten this so-called cloak of peace upon the peoples of the world without giving them an opportunity to examine its fabric to determine whether it is fashioned as a protection or as a shroud in which to bury their liberty. Are we to believe that the same forces which created this hell of war will now create the shrine of peace?

This Charter begins with the same words as the preamble to the Constitution of the United States; it is also replete with the familiar phraseology of the Declaration of Independence. By the use of "United Nations," "United States," continuously reiterated and combined with excerpts from our Bill of Rights, the internationalists are attempting to inveigle our people into the belief that this is just such another protection for the so-called common man.

Are we to accept these mouthings of peace and a new world order that the cinema, the controlled radio and press would propagandize us into? How can a Congress that cannot control the OPA, the fabulous lend-lease expenditures, the reckless squandering of the Nation's wealth and the bureaucratic control of our Government, suddenly feel itself capable of assisting in the control of the world?

Wars are not the result of unforeseen happenings, as our warmongers would have us believe, they are planned and executed with malice aforethought; they are the deliberate connivings of power politics and the control of wealth, and the common people are poor dupes who in the guise and frenzy of propagandized patriotism pay in blood and tears for the accumulation of power and wealth for the few.

What are we getting out of this war to compensate for the loss of our youth, not to speak of our resources, but the burned bodies of our sons and a Charter for a world organization that would place the remainder of the people in perpetual bondage, and destroy the progress and development of a hundred years—international planned jobs, regimentation by ratio, and registration cards.

When President Truman presented the Charter of the United Nations to the Senate he stated:

I am appearing to ask for the ratification of this Charter and the statutes annexed thereto in accordance with the Constitution of the United States.

To what constitutional provisions was Mr. Truman referring? The one which states:

The President shall have the power, by and with the advice and consent of the Senate, to make treaties, provided that two-thirds of the Senators present concur.

This Charter is not a treaty. President Truman did not call it a treaty. This Charter sets up a world superstate, controlled principally by the United States, the British Empire, and the Russian Soviet Union and supposedly China. China's part is problematical, since she cannot even remove her partners in the world organization for peace and security from her territory.

Under what constitutional authority can our Senate assume obligations to set up or make laws and treaties for the United Nations who are not a part of the United States? Chapter IV, article 33, takes away from the President and Senate the power to make treaties and places the making of international agreements in officials who are not the elected representatives of the people of the United States; another breach of constitutional authority. Chapter VII, articles 45 and 46, take away the power to declare war from Congress and transfers it to the United States delegate, an appointee of the President. Congress cannot alter nor change the Constitution except by the method provided in the Constitution.

The delegation of power to the members of the General and Security Council and others who compose the administrative body of the United Nations will gradually supersede the powers and duties of Congress until that body will be entirely eliminated, since its functions will consist only in acquiescing to the dictates from the White House. One does not have to read James Burnham's *The Managerial Revolution*, to know that the functions of Congress decline while the powers of the bureaucrats steadily increase. In short, the United States will merge into this world government unless the people exercise the one real power they possess, the power of the purse. Who will pay for the United States share of the expenses of the United Nations, of the Bretton Woods monetary agreements and UNRRA? Again the Constitution clearly limits expenditures by Congress, section 1, article 8—the Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.

In working for the ratification of this Charter do our President and Senate feel that they can bypass or are above the Constitution? Governments have been overthrown by intrigues and infiltration as well as by bloody revolution, which, pray God, will never happen in the United States. In this country our Government is a government of the people, for the people, and it is time that it be by the people. The people can maintain their rights by coming to Washington, petitioning Congress for redress of grievances, or, failing in that, refuse to pay taxes until the spending by Congress for unconstitutional purposes be stopped.

Believe me—I go from house to house, and everybody is in agreement, and they are willing to do it.

The CHAIRMAN. Does anyone have any questions? (No response.) Thank you very much. You stayed well within your time.

Mrs. JOHNSON. I would like to have inserted in the record a resolution adopted by the Women's League for Political Education on July 8, 1945.

The CHAIRMAN. It has already been inserted by Mrs. Keefe. The next witness is Mr. Ray Krimm.

**STATEMENT OF RAY KRIMM, EXECUTIVE DIRECTOR OF THE UNITED NATIONS COUNCIL AT PHILADELPHIA, AND ASSOCIATE CONSULTANT OF THE UNITED STATES DELEGATION AT THE SAN FRANCISCO CONFERENCE, REPRESENTING AMERICANS UNITED FOR WORLD ORGANIZATION**

Mr. KRIMM. My name is Ray Krimm. I am executive director of the United Nations Council at Philadelphia and an associate consultant of the United States delegation at the San Francisco Conference, representing Americans United for World Organization.

Senator Connally, and members of this committee, the United Nations Council at Philadelphia, with 4,500 members in Philadelphia, eastern Pennsylvania, and southern New Jersey, is the largest regional organization of its kinds in the country. We were represented at San Francisco. We have fought for years for a better international understanding and better international good will.

If any man ever died of a broken heart in this country, that man was Woodrow Wilson. But just before he died he told his old friend Josephus Daniels, "Be not discouraged. The things we have fought for are certain to prevail, and I will make this concession to Providence. They may come in a better way than we proposed."

We of the United Nations Council of Philadelphia feel that that better way is here. We are wholeheartedly in favor of immediate ratification of this world Charter. We do not contend for a moment that the Charter is perfect, but, as the lady representing the National League of Women Voters has pointed out, it is definitely a step in the right international direction. It opens the door to better international understanding and good will, and it gives us a chance—another chance—to cooperate with the other nations of the world in the maintenance and preservation of peace.

Twenty-odd years ago, as I do not have to recall to this committee, we "missed the bus," and we in the United Nations Council of Philadelphia fervently hope at this time that the United States does not miss the bus.

I have been intrigued by the testimony today, by two conflicting points of attack against the Charter. One group says that it is an idealistic concept, this new world organization. Other opponents have made quite a to-do about the veto power.

I think we should realize that the Charter is not an idealistic document. It is a very realistic document, which recognizes the fact that the world looks to five nations, the Big Five, to win this war, and it is now looking through the Charter to those same five big nations to preserve the peace. It very realistically sets up the veto power because it realizes—and I am quite sure this was the understanding behind this provision at San Francisco—that unless you do have



unanimity among the five big powers you are not going to have world peace anyhow. I contend that is a very realistic viewpoint. There is nothing idealistic about this world Charter. There is no idealism here. If you will, it is a form of power politics, but it certainly is not idealistic.

Tomorrow morning, or sometime tomorrow, Judge Oliver, chairman of our board, will appear before your committee to go into detail as to why our organization favors immediate ratification of this world charter. I just wanted to state my few words this afternoon.

Thank you very much.

The CHAIRMAN. How many members have you?

Mr. KRIMM. Forty-five hundred, Senator.

The CHAIRMAN. All in Pennsylvania?

Mr. KRIMM. Well, no; in Philadelphia, southeastern Pennsylvania, and southern New Jersey.

I should like to point out also that we have been told by the Department of State that, prior to the San Francisco Conference, we had held by far the greatest number of meetings held in any community in the country on the Dumbarton Oaks proposals, the number of meetings we held in that section being more than 200. We are rather proud of that record.

The CHAIRMAN. Your organization, then, is for ratification?

Mr. KRIMM. Oh, very much so—immediate ratification. We feel that it would be a ghastly mistake for the Senate to take a recess before this was acted upon favorably.

The CHAIRMAN. Are there any questions by the Senators?

(There was no response.)

The CHAIRMAN. Thank you, Mr. Krimm. Have your representative here tomorrow. I do not know whether we will reach him then, but he had better be here.

The committee will stand adjourned until 10:30 tomorrow morning. I shall ask Senator Vandenberg and the members of the subcommittee to remain for a few moments.

(At 4:05 p. m. an adjournment was taken until Thursday, July 12, 1945, at 10:30 a. m.)



# THE CHARTER OF THE UNITED NATIONS

THURSDAY, JULY 12, 1945

UNITED STATES SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, D. C.*

The committee met, pursuant to adjournment, at 10:30 a. m., Thursday, July 12, 1945, in the caucus room, Senate Office Building, Senator Tom Connally, chairman.

Present: Senators Connally, George, Wagner, Thomas of Utah, Murray, Green, Barkley, Guffey, Tunnell, Hatch, Hill, Lucas, Johnson of California, Capper, La Follette, Vandenberg, White, Austin, and Wiley.

Also present: Numerous other Senators, not members of the committee.

The CHAIRMAN. Please come to order.

Mrs. Florence Cafferata.

[No response.]

The CHAIRMAN. Absent without leave. [Laughter.]

A VOICE. She is still on the train, Mr. Chairman.

The CHAIRMAN. Very well. I will call her name again later.

Mr. Thomas J. Reardon, of Hartford.

## STATEMENT OF THOMAS J. REARDON, HARTFORD, CONN.

The CHAIRMAN. Give your name, residence, and whom you represent to the reporter.

Mr. REARDON. My name is Thomas J. Reardon, Hartford, Conn., with direct authorization of a number of citizens of the United States of both political parties, and races and creeds. Under this authorization, of which I will leave a copy with you, it is to appear before committees of Congress for the specific purpose that I will outline to you.

The CHAIRMAN. Was this authorization by the group coming together or writing you?

Mr. REARDON. Each one was an individual authorization for that purpose.

The CHAIRMAN. All right, you may proceed.

Mr. REARDON. In the name of the Father, the Son, and the Holy Ghost, may the blessing of Almighty God enlighten our minds and move our hearts to know and to do rightly.

At the outset I affirm that this so-called Charter is not properly before your honorable committee for the following reasons:

1. The proposed cooperation between the nations is not through constitutional processes.

2. It is not an exercise of treaty-making powers through negotiation and ratification.

3. The Charter is a fundamental, organic, and basic change in the Constitution of the United States.

Man's two major problems are war and economic misery. These being of man's own making, the cause and remedy can be definitely determined and set down. It is an absolute fact that the overwhelming majority of the two billion-odd people in the world do not want war or economic misery. The evidence is clear that minorities have involved majorities in those catastrophes, minorities being the administrators in the different forms of government. The exercise of the common sense of the common people, which Thomas Jefferson said is the greatest force on earth, would be the most potent influence in correcting this situation.

The purpose and intent of our forefathers was to forever prevent men by evil method governing people without their consent. Their set of principles, their doctrines, their idealism, and their realism, they set down in our Constitution, second only to the law of God, is evidenced by their wisdom in implementing good will. Providing for change is evidence that they did not claim perfection.

A set of principles proposing to prevent war and economic misery is subscribed to by the administrators of the various kinds of governments assembled in San Francisco to build a method of government to that end. The method of attaining this end is now disclosed in the proposed Charter, which document itself clearly discloses the falseness of the premises upon which it is based.

The pagan sovereign states and nations have a method of government wherein the people are subjects, while we declared our separation and independence as an evidence of a divine sovereign people's method of government, wherein the people are masters and limit by our Constitution the authority and discretion of the administrators in peace and war.

Congress resolved to cooperate with other nations by constitutional processes to prevent war and economic misery; while at the Convention at San Francisco, attended by our delegates, a constitution for the prevention of war and economic misery has been devised and now awaits adoption.

This so-called Charter is in fact a constitution upon which our delegates voted, although there is no provision in the Constitution of the United States for the adoption or ratification of such a charter or constitution of a world-supreme government; and once we are in we cannot get out, as we have interpreted our Constitution denying the right of any signatory to secede. That's why we fought the Civil War. And, again, when a state ratifies a constitutional amendment it cannot rescind its action. It has exhausted its authority. In the Constitution there are no provisions for the action necessary for this Nation to cooperate with other nations in the manner and form disclosed after the various conferences at San Francisco; and, admitting, as its proponents do, that it is only an experiment, there is no exit in the event of failure.

I have carefully scrutinized the course of this movement, the men, methods, and arguments involved in promoting it, which can be positively proven by direct evidence to be a conspiracy to establish a titanic pagan world government involving false premises and conclusions which will leave the peace of the world disturbed for generations.

Its future interpretation can involve us in the affairs of every nation perpetually and can keep us sending armies to all parts of the world forever.

The great fraud—the veto power in the Charter before you—establishes a travesty on justice. The accused aggressor sits in judgment on his own act; has a voice in the verdict, which must be unanimous. With no record of any nation having pleaded guilty to being an aggressor, the whole premise on which this phase of the constitution is based is false and would inevitably result in the total failure of the purpose sought to be achieved.

I again most earnestly urge upon your consideration the solution that I have advocated before the Congress for some years—that before committing this Nation to any plan of political or economic cooperation with other nations to prevent war or economic misery Congress will summon the voting citizens for their verdict by ballot; and providing that three-quarters of the voters concur.

This alone is a barrier against the evil will of minority manipulators, the cause of war and economic misery all down through the history of man; preventing the unconstitutional surrender of our “Divine sovereignty” by taking this constitutional means to attain this “Divine end.”

Another purpose in mind in the Charter is to solve the economic ills of the world and stabilize the economy of the world. What a failure we have been ourselves. Let us put our own house in order.

For the purpose of stabilizing the economy of this Nation following the collapse of 1907, Congress instituted the Federal Reserve bank, and whereas the direct evidence of the failure of the Federal Reserve bank to prevent an economic collapse of 1929 substantiates the following accusation:

The Federal Reserve bank allowed the credit wealth of the Nation to be siphoned into speculation prior to 1929. That was the period of inflation credited to their false method of valuation and whereas they still insist on using the same false method of valuation which will promote the very thing they are trying to prevent.

The Federal Government treated the effect by Government bond issue—some 47 billion—and had not solved all the unemployment problem. War and production of implements of war employed all the employables and adding some hundreds of billions more of debt as a burden on the peoples of the Nation.

Whereas we are confronted with the problem of production to furnish employment to meet the current expenses of government and liquidate a debt which private enterprise producing the things people desire and will purchase inasmuch as their ability to earn will permit, and the credit wealth of the Nation supporting the production will furnish the bloodstream of the whole economic system when so employed.

To prevent repetition of the experience prior to 1929, it is only necessary for Congress, by legislation, to substitute “yield” for “market quotation” as a method of valuation for the extension of credit for the purchase and carrying of securities as follows:

A bill amending Regulation U (loans by banks) and Regulation T (extension and maintenance of credits to brokers, and so forth):

An amount not greater than 50 percent of the value determined by yield as follows:

On common stock to be at least 5 percent per annum ; On preferred stock to be at least 4 percent per annum ; On bonds to be at least 3 percent per annum.

And the yield that determines the value at the time of the loan shall be the minimum yield per annum for the previous 5 years.

Discontinue the special privileges of brokers and dealers.

Now, we have before us the problem of war. It is real. We need no analogies and we are still not finished, and we have to keep peace by negotiation with the nations we defeated.

We want to solve our economic problems here at home, and we don't want to mislead the peoples of the world and raise their hopes for something, and that method that is before us will only promote and not prevent that.

It is not a treaty, and not being a treaty, the document has no constitutional processes that are in our Constitution for being before your body for action. That is suspending the provisions of the Constitution.

And I would like to bring before you and to your mind Justice Davis'—

The CHAIRMAN (interposing). I want to warn you that you have 1 more minute.

Mr. REARDON. Then I ask you to implement the voice of the people of this Nation, including the boys that are fighting to maintain this Nation of ours. It was fought for and won and let us maintain it. And if there is change, let those who propose the change find provisions in the Constitution of the United States and follow them. Don't bypass the Constitution for any document. No document is as sacred as that.

The CHAIRMAN. Thank you, Mr. Reardon. We certainly shall consider your point that this is all unconstitutional.

Mr. REARDON. Thank you, sir.

(The authorization referred to by Mr. Reardon is as follows:)

UNITED STATES OF AMERICA.

We, the people, hold these truths to be self-evident :

The evil will of minority manipulators, in the guise of good will, has in the past involved the people in war and economic misery. We sinners and citizens of the United States of America petition members of the administration of our Government to implement the "divine formula of peace and tranquillity," "good will," by a constitutional provision directing Congress before adopting or ratifying any postwar international plan, to summon the voting citizens for their verdict by ballot, and provided that three-quarters of the voters concur.

This alone is a barrier against the evil will of minority manipulators, the cause of war and economic misery all down through the history of man.

To prevent the unconstitutional surrender of our "divine sovereignty," I hereby authorize Thomas J. Reardon, of Hartford, Conn., or anyone acting for him, to take constitutional means to attain this "divine end."

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Name

Street

City

State  
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[Reverse side:]

DEAR FELLOW CITIZEN: I am sure that the petition on the reverse side of this sheet is of interest to all citizens of the United States of America. Regardless of differences of opinion on other matters, I am certain that the petition expresses a common conviction on which all who have the welfare of our country at heart must agree.

The purpose of this petition is to place definitely on record the declaration of the signer in favor of the principles and the method of implementing them set forth therein, and for which our armed forces are fighting.

I sincerely hope that this will appeal to you and that you will sign the petition and return it to:

THOMAS J. REARDON.

(Further documents submitted by Mr. Reardon are as follows:)

Justice David Davis, of the United States Supreme Court, said—

"The founders of our Government were familiar with the history of the struggle for liberty and they made secure in a written Constitution every right which the people had wrested from power during a contest of ages. \* \* \*

"Those great and good men foresaw that troublous times would arise, \* \* \* and that the principles of constitutional liberty would be in peril, unless established by irrevocable law. \* \* \*

"The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.

"No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism. \* \* \* Wicked men, ambitious of power, with hatred of liberty and contempt of law, may fill the place once occupied by Washington and Lincoln. Our fathers knew that unlimited power was especially hazardous to free men."

Meet the challenge, "Democracy does not work in a crisis," by implementing the expression of opinion for guidance for Congress in rendering their decision on war or a new theory of our way of life and defend our Nation from minority manipulators and their allies, private polls.

THOMAS J. REARDON,  
*Hartford, Conn.*

(Copy of a letter sent to Senators John A. Danaher and Francis Maloney:)

OCTOBER 25, 1943.

DEAR SENATOR: Inasmuch as no opportunity was given the public to be heard on the matter of postwar plans by either the Senate or House Committee on Foreign Relations, I humbly submit for your consideration the following substitute for Senate Resolution 192:

"RESOLUTION

"*Resolved*, When complete victory is achieved, that the United States, acting through the 'divine formula' for peace and tranquillity—"Good Will"—and article V and amendments IX and X of the Constitution, will cooperate with other free and sovereign people in securing a just, honorable and lasting peace on earth.

"When the testamentary has been prepared and before it has been executed, adopted or ratified, the voting citizens of the United States will be summoned for their verdict by ballot."

Will you kindly read this letter into the record of the Senate as part of the discussion on the Connally resolution.

I would appreciate an answer from you, stating what action you will take on this request.

Yours very truly,

THOMAS J. REARDON.

HARTFORD, CONN.

THE PEOPLE AND FREEDOM VERSUS THE POLITICIANS AND PAWNDOM

Senate Resolution 192 (Senator Connally):

Lines 1 and 2 state the immediate objective.

Lines 3 and 4 designate those with whom it is proposed to cooperate, and defines the purpose.

Lines 5 to 9 define the process for the accomplishment of the purpose.

Proposed Substitute for Senate Resolution 192:

Line 1 assumes the attainment of the immediate objective of the Connally resolution.

Lines 2, 3, and 4 define the process for the accomplishment of the purpose.

Lines 4 and 5 designate those with whom it is proposed to cooperate.

Lines 5 and 6 define the purpose.

Lines 6 to 10 define the method of implementation.

Senate Resolution 192, by ignoring article V and amendments IX and X to the Constitution of the United States, indicates clearly that the proponents of the resolution have, in their minds, suspended those provisions for the exigency of government; whereas the substitute specifically provides that cooperation should be through those provisions.

Both Senate Resolution 192 and the substitute deal with Post-War plans for peace.

Senate Resolution 192 is based upon a false premise, in that it proposes to cooperate with our comrades in arms and with free and sovereign nations; whereas the true premise is that our cooperation should be with free and sovereign people.

Senate Resolution 192 does not clearly define sovereignty, whereas the substitute defines it in no uncertain terms.

Senate Resolution 192 neglects to provide for the implementation of the voice of the people in reaching a verdict on this plan; whereas the substitute sets forth the method of implementing the voice of the people so that the will of the people will prevail factually and not theoretically.

The people are an irresistible force; and thus you have the power to preserve peace when it is properly implemented. Science and mathematics will not discredit the premises and methods of the substitute resolution in the attainment of the objective. They will discredit the premises and methods of the Connally resolution.

The proposed substitute is a resolution to serve one master and it would further the cause of freedom which is possible only in Government of, by and for the people. Senate Resolution 192 is a resolution to serve two masters and would further the cause of pawndom, which is government of the politicians, for the people, by the politicians.

The objective of both the Connally resolution and the substitute I propose is apparently the same, a postwar plan for peace; but the premises for its accomplishment between the two differ in the following respects:

The Connally resolution provides that the United States shall cooperate with its comrades in arms. The substitute provides that it shall cooperate with other free and sovereign people.

The Connally resolution provides that the United States shall act through its constitutional processes. It does not disclose the method by which this proclamation will become an obligation on the citizens of the Nation; and furthermore it is indefinite and subject to subtle interpretation.

The proposed substitute provides that the United States shall act through the "divine formula" for peace and tranquillity—"good will"—article V and amendments IX and X to the Constitution, which is in strict conformance with moral and natural processes and our constitutional provisions.

Article V provides for changes; amendment IX provides for the sovereignty of the people; amendment X provides for the sovereignty of the States. This is our constitutional process in the purpose proposed, and gives the ingredients that have made us a sovereign nation. The method is that, when the testamentary has been prepared, and before it is executed, adopted, or ratified, the voting citizens of the United States shall be summoned for their verdict by ballot.

In conclusion, this substitute asks only that the method provide that the voice of the people of this Nation shall prevail factually, not theoretically. This will further the cause of freedom, where the Connally resolution would further the cause of pawndom.

The CHAIRMAN. Mrs. Wakefield.

Mrs. NORA STANTON BARNEY. I have a letter here, Mr. Chairman, from Mrs. Wakefield, appointing me to represent her before the committee.

The CHAIRMAN. It is a little irregular. We do not usually operate through substitutes, but we will permit you to testify.

Mrs. BARNEY. She did ask for a hearing before the committee, and not for herself, in the telegram.

The CHAIRMAN. Very well; we will hear you. You may put your letter in the record.



**STATEMENT BY MRS. NORA STANTON BARNEY, COMMITTEE TO  
WIN WORLD PEACE THROUGH A PEOPLES' PARLIAMENT**

The CHAIRMAN. Give your name and whom you represent to the reporter.

Mrs. BARNEY. Nora Stanton Barney, and I represent the Committee to Win World Peace Through a Peoples' Parliament, 144 East Twenty-fourth Street, New York, N. Y.

I have here a letter from Eva Ingersoll Wakefield, chairman of the Committee To Win World Peace Through a Peoples' Parliament.

(The letter referred to is as follows:)

JULY 11, 1945.

Senator TOM CONNALLY,  
*Senate Office Building, Washington, D. C.*

MY DEAR MR. CONNALLY: I wish to express our appreciation to your committee for having accorded us time at your hearing tomorrow.

I take pleasure in introducing to you our spokesman, Mrs. Nora Stanton Barney, who will express the views of this committee.

Very truly yours,

EVA INGERSOLL WAKEFIELD, *Chairman.*

The CHAIRMAN. Proceed.

Mrs. BARNEY. I took up the morning paper and read this item which rather upset me about the United Nations Charter and the hearings, and it said that the Charter had the obvious approval by the Senate Foreign Relations Committee. I thought I was going to speak to completely open minds in the matter, and perhaps this is an erroneous impression that the public had gotten that you had already made up your minds.

The CHAIRMAN. Perhaps you can pry our minds open.

Mrs. BARNEY. That is what I was hoping.

The Committee for World Peace through a Peoples' Parliament which I represent today laid the following suggestions before the four participating powers at Dumbarton Oaks. We next laid them before every delegation and delegate at San Francisco. When we asked for a hearing before your committee which you have so graciously accorded us you telegraphed back to know whether we were for or against the Charter.

Our answer is that it is a beginning, but we are for reservations. The Charter starts with a magnificent preamble and the words, "We the peoples of the United Nations," but our main criticism is that it is not subject to the will of the people.

There is no mention in the Charter of how the delegates are to be chosen. Even ours were appointed and not elected, but at least they were appointed by a government recently elected. But in England there had been no election for 9 years, and in many countries there had been no election at all.

In some countries, as in Greece and India, the delegates had been chosen by a foreign power. Other governments were frankly interim governments waiting for their soldiers' return before they had free elections. These are the delegates that framed the Charter. The result of this undemocratic method of choosing delegates is that the conclusions reached by them do not reflect the wills of their peoples at all.

The first instance of this was the admission of the Argentine. I was there at that plenary session and my head hung in shame when I heard the words that she had fulfilled the specifications of being a peace-loving nation by having declared war on Germany. My heart was filled with foreboding of the future. She was admitted. It went through on greased skids with a vote of about 35 to 6. I have not yet met an American who did not deplore that action. The delegates surely did not reflect the will of the people of the world or of the American people.

Our committee urges you to make a reservation adding an article as to requirements for the election of delegates directly by the peoples. This is not interfering with the internal affairs of other nations. You are elected according to the United States Constitution. If our Constitution had allowed the governor of each State to appoint you at 10-, 15-, or 20-year intervals, how effectively would the Congress represent the peoples? Yet that was the situation at San Francisco.

The second reservation we urge has been brought up many times; namely, that one man should not have in his hands the power to plunge a nation of 130,000,000 people into war. The history of fascism has been the delegation of power by democratic bodies to one man. We urge you as our representatives to retain the right of Congress to declare war or to veto it. The Security Council does not even have to call upon the parties in an "aggravated situation" to confer, but can rush right in with armed forces. We urge that "may" be changed to "shall" in paragraphs No. 40 and No. 41.

We wish to make a further suggestion which answers the objection that delay in imposing force might be fatal. Usually situations are seen way in advance as coming events cast their shadows before them. Why not have a real world police completely international in character, with international uniform and flag and captains of all nations trained together to police the strategic waterways and airfields and mandates and islands seized from the enemy in this war. In other words, the Triests and Dardanelles of the world.

These trouble points are centers of dissention just because every nation feels she has a stake in them. So why not internationalize them once and for all? The international police in which all nationalities would be mixed, acting as they would under a council that would be responsive to the will of the peoples of the United Nations, would prevent unilateral action that is already endangering the peace of the world in several quarters.

Let this year be the end of a long epoch of wars and the birth of a new international conscience. It matters not how small a body the international police are, they would be the emblem, the beacon of hope, for security to the peoples of the world for an international flag would fly here and there throughout the world to give welcome to all peace-loving wayfarers whether on land or water or in the air.

Many nations, but mainly the big ones, would continue for the present with great navies and armies but they would have to stay at home and in home waters. Joint the navy and stay at home, in other words, and gradually the feeling of security due to the international police would lead to disarmament.

The international police would act under the Security Council, but if trouble arose and large forces are called for by the Security Council then certainly the matter should be referred back to the Congress so

that the peoples' representatives can pass upon the necessity of shedding their lifeblood. Now, more than ever, is this necessary because if there is ever another war, it will indeed be a total war, with all men and women and even children mobilized and with all the world a battle front. The creation of huge armies will not stop it, a new spirit must prevent it.

There are many kinds of peace. There is peace in Sing Sing and under many dictatorships. There is peace in Spain. It is to be hoped the international organization will strive for a peace born in the contentment of the common man, but if it does not represent the people, it will simply bring about an armed peace. The kind of peace we want needs no greater force than we use within our country.

The importance of the decision arrived at by the Senate of the United States on this Charter is paramount. The whole spirit of San Francisco was haste. Haste in framing the Charter, haste in calling the Conference. Only eight days after the delegates arrived, namely Friday, midnight, was the deadline set by the steering committee for amendments to go on the agenda.

There was much criticism on the part of the delegates on this matter of haste. They saw no reason for it. There was haste again in letting in Argentina. Russia and Belgium urged a 3-day delay, but haste was again in the saddle and won.

In closing I can only say that out of 100 people whom I made a point of asking, and who said they were in favor of the Charter, only 1 had ever seen it and he had not read it—I will revise that, because last night I found the one hundred and first, and she said she had read it from cover to cover and was wholeheartedly for it. I said, "Do you think it is going to prevent war?" She said, "Oh, no; it was never meant to."

I also inquired at random of 100 servicemen if they thought the new international Charter would prevent war. Not one thought that it would—not one. The Committee for World Peace, through a peoples' parliament, feels that the Charter should not be adopted in haste and urges you to consider our suggestions. For in all sincerity, if we thought it would prevent war, as now constituted, we would be wholeheartedly for it.

We also advocate a second house in world government, for surely the one that is there now does not represent the world. We have 300,000 in the Duchy of Luxembourg with a delegate, and 400,000,000 in India without any, and France, with 45,000,000, with one. I mean, it is the most unbalanced affair.

There is much discussion as to whether Hitler is alive or dead. I don't think it matters. The important thing is, are his ideas alive or dead? They are alive, very much alive. They are full-fledged in some countries and they are lurking elsewhere. Is he going to have his fetish of militarism survive? Is he going to impose militarism and armament on the world? That was his thesis. Are we going to arm the youth of the world and fling them against each other?

I am representing today, gentlemen, not only the Committee for a World Peace through a peoples' parliament, but my son who is overseas. He had no vote in the last election, so he is sitting here beside me; in fact, he wrote me to come.

One of your committees, the Judiciary Committee, has voted that they would not consider any amendments to the Constitution of the United States until the soldiers can come back and express themselves.

How can you consistently do otherwise? You know the prohibition amendment was passed during the last war, and it could be rescinded, but if you adopt this we cannot get out, and it is practically unamendable. How can you gentlemen consistently on the one hand with members of the Senate saying that they won't consider amendments to the Constitution, and on the other hand you propose to put this through? We beseech you to wait until the soldiers come home.

The CHAIRMAN. Thank you very much.

Are there any questions from any Senators?

[No response.]

The CHAIRMAN. Is Miss Van Hyning present?

[No response.]

The CHAIRMAN. Dr. Helen Dwight Reid, representing the American Association of University Women, and other organizations.

**STATEMENT BY DR. HELEN DWIGHT REID, ASSOCIATE IN INTERNATIONAL EDUCATION FOR THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN AND CONSULTANT TO THE UNITED STATES DELEGATION AT THE SAN FRANCISCO CONFERENCE**

The CHAIRMAN. Give your name and whom you represent, for the benefit of the record, please.

Dr. REID. I am Dr. Helen Dwight Reid, of the American Association of University Women. Today I am authorized to speak on behalf not only of my own organization but of a large group of representative women's organizations of the country, including the American Association of University Women, Association for Childhood Education, General Federation of Women's Clubs, Girls' Friendly Society of the U. S. A., National Board of Young Women's Christian Association, National Congress of Parents and Teachers, National Council of Jewish Women, National Education Association, National Federation of Business and Professional Women's Clubs, Inc., National Service Star Legion, National Women's Trade Union League of America, and United Council of Church Women.

Those organizations have approved this general statement. I believe they are going to give you also a supporting statement of their own.

The CHAIRMAN. I hope the press will carry all these organizations.

Dr. REID. I have copies here for the members of the committee.

The CHAIRMAN. Thank you very much.

Dr. REID. Mr. Chairman and members of the committee, during the past several months our organizations have been studying the proposals drafted at Dumbarton Oaks and promoting their thoughtful consideration in local communities throughout the country. We can, therefore, assure the committee that the widespread support for the United Nations Charter is not the mere reflection of uninformed enthusiasm, but represents intelligent public opinion formulated after thorough discussion.

It is the reasoned conviction of these organizations that the Charter possesses great intrinsic merit, and includes far-reaching improvements over the Dumbarton Oaks proposals. We urge its immediate ratification without amendment or reservations. We wish to call attention to the following constructive developments embodied in the Charter.

1. The shift of emphasis represented by raising the Economic and Social Council to the position of a "principal organ" of the United Nations, and the expansion of its scope and functions. Realizing that the conflicts which lead to war are most often fostered and intensified by tensions arising from economic controversy, or misunderstandings growing out of distorted education, misinformation, and subversive propaganda, we approve the positive opportunity this Charter gives the United Nations for reducing such clashes before they can endanger the peace of the world.

2. The establishment of a general international organization capable of coordinating the manifold activities of separate specialized agencies created to serve the international needs of nations. Security remains inevitably an essential purpose, for the world has learned from hard experience that without it all the great constructive activities of a cooperative world society collapse. We believe this Charter provides a useful and well constructed mechanism for facilitating joint action in all those aspects of daily life wherein nations have come to recognize a common interest—such as health, education, finance, trade, and social welfare.

3. The new international status accorded the individual human being by including as one of the major purposes of the Charter—

to promote respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion.

The Charter is imbued with this concept of the dignity and worth of the human being, which recurs in the preamble; in the statement of purposes and principles in chapters I and IX; in the powers of the General Assembly in chapter IV; and again in the important trusteeship provisions in chapter XII.

4. Definition of principles of international trusteeship. This represents an important addition to the draft proposed at Dumbarton Oaks, and an achievement in reconciling the differing views of the 50 delegations. In this the Charter provides opportunity for the gradual evolution of new procedures for meeting the problems of dependent areas.

5. Effective planning to mobilize the force of the world to stop aggression. The basic principle of Dumbarton Oaks and Yalta, that the obligation to enforce peace is correlative with the possession of military power, is embodied in the Security Council provisions with their emphasis on united action. On the other hand, the broadening of the power of the General Assembly constitutes an important victory for the principle of equality of states in world affairs.

6. The integration of regional and universal security measures. Chapter VIII represents a significant step toward utilizing regionalism as an aid in the maintenance of world peace without disrupting the unity of the over-all world organization, nor diminishing its authority and prestige.

7. The new emphasis on justice, which was not included in the Dumbarton Oaks proposals. The Charter's insistence that without justice there can be no lasting peace is reinforced by the inclusion of a new statute for the International Court of Justice and by positive provisions encouraging the future development of international law.

This is a dynamic Charter. Its future usefulness depends on the quality of our participation. The organizations for whom I speak

today are deeply concerned that these potentialities shall be fully realized and implemented by necessary legislation. We consider that the authority granted the United States delegate on the Security Council is a domestic question and should be handled separately, not by amendment or reservation to the Charter. We believe further that the people of the United States understand the importance of testing future national policies by the basic principle of international cooperation in conformity with the United Nations Charter.

I thank you.

The CHAIRMAN. Dr. Reid, you were one of the consultants, as I recall, at San Francisco?

Dr. REID. I was; yes.

The CHAIRMAN. And followed the deliberations of the Conference step by step, and you are thoroughly acquainted with the matter?

Dr. REID. Yes, Senator.

The CHAIRMAN. We are very glad to have you appear representing all of these distinguished groups and organizations of American women.

Are there any questions?

[No response.]

The CHAIRMAN. We thank you, Dr. Reid, very much.

Dr. REID. My statement contains signatures of representatives of various bodies.

The CHAIRMAN. We will be very glad to have them included in the record.

(The signatures to the statement of the witness are as follows:)

Dr. Helen Dwight Reid, American Association of University Women.

Mrs. La Fell Dickinson, president, General Federation of Women's Clubs.

Charl Ormond Williams, National Education Association.

Mrs. Glen L. Swiggett, National Congress of Parents and Teachers.

Mildred Welt, president, National Council of Jewish Women.

Margaret A. Hickey, president, National Federation of Business and Professional Women's Clubs, Inc.

Mrs. J. Austin Stone, National Women's Trade Union League.

Gladys Cornell Irwin (Mrs. James), national board of the Young Women's Christian Association.

Marguerite Fisher, Girls' Friendly Society of the U. S. A.

Mary E. Leeper, Association for Childhood Education.

Mrs. Harper Sibley, president, United Council of Church Women.

Mrs. John Matthews, president, National Service Star Legion.

The CHAIRMAN. We will hear next from Dr. William G. Carr. Give your name and whom you represent, please, Dr. Carr.

**STATEMENT BY DR. WILLIAM G. CARR, ASSOCIATE SECRETARY,  
NATIONAL EDUCATION ASSOCIATION; SECRETARY, EDUCA-  
TIONAL POLICIES COMMISSION, WASHINGTON, D. C.**

Mr. CARR. My name is William G. Carr. I am associate secretary of the National Education Association and secretary of the Educational Policies Commission, and a consultant to the United States delegation at San Francisco.

Mr. Chairman, on behalf of the 330,000 teachers of the United States who are members of our association, and the 900,000 teachers who are affiliated with us, I should like to inform the committee that the teachers of America would like to have you approve this Charter without reservations, and promptly.

Our association is very proud of the fact that in 1919 it stood solidly back of the League of Nations Covenant. We are still solidly back of international cooperation.

I shall not take your time with a detailed analysis of the provisions of the Charter, which we specifically approve. Dr. Reid has already done a brilliant job in that connection. I would like to say that our association is particularly grateful and enthusiastically in support of the provisions of the Charter with reference to educational cooperation. Perhaps we magnify the importance of our own profession, sir, but we think that in the long run the way people are taught conditions the way they act; and we are very proud and grateful that the United Nations Charter is going to give education around the world a chance to collaborate in the teaching of the youth of the world how the United Nations are organized, what their purpose is, and to understand one another. We think on the basis of that understanding an enduring peace may emerge. We do not think it can emerge otherwise.

This Charter with reference to education is a very far advance over the League of Nations. The League of Nations Covenant made no reference at all to education. Here, for the first time, in a great international document the teachers of the world really have been given a clear field and every encouragement to use their influence to develop international understanding among the young people of the world.

I should like to say in conclusion that the association appreciates the opportunity to participate in the Conference at San Francisco and the courtesy which your delegation, sir, and your colleagues on that delegation, and the State Department extended to us whenever questions of education were before the Conference. We are pleased, too, to observe that both the Senate and the House of Representatives have passed a joint resolution urging that the United States Government take the lead in creating an International Office of Education.

Thank you, sir.

THE CHAIRMAN. Your association and its membership throughout the United States wield a very powerful influence, both in education and in public affairs, as many candidates for office no doubt are aware.

MR. CARR. We try to be helpful, sir.

THE CHAIRMAN. We are very glad, indeed, to have had you appear and make your statement.

Are there any questions?

MR. DARRIN. I would like to ask a question, Mr. Chairman.

THE CHAIRMAN. My question was directed to the members of the committee. You may talk with the Doctor when he gets through. He will be glad to converse with you.

MR. DARRIN. May I ask whether Dr. Carr represents the unanimous opinion of the teachers of his organization?

THE CHAIRMAN. That is a matter that you can take up with him. I am sure he will be glad to talk to you.

DR. CARR. May I say, sir, that the matter has been formally passed by the official bodies, and I will be glad to file with the committee a certified copy of the action, if that is desired.

THE CHAIRMAN. Like many questions, the answer was not satisfactory to the questioner.

You say you have resolutions by your constituent bodies authorizing the views which you have expressed?

Dr. CARR. Yes; I have.

The CHAIRMAN. You may file them if you so desire.

Dr. CARR. I will, sir.

The CHAIRMAN. We thank you, Doctor, for a very clear and explicit statement.

It has been suggested that since the questioner represents an association which has no membership whatever, Dr. Carr has a larger constituency than he has.

Is Mr. Philip Murray here?

(No response.)

I understand he is not here, but will file a statement for publication in the record in support of the Charter.

The next witness will be Mr. Morris Llewellyn Cooke.

#### STATEMENT BY MORRIS LLEWELLYN COOKE, REPRESENTING INDEPENDENT CITIZENS' COMMITTEE OF THE ARTS, SCIENCES, AND PROFESSIONS

Mr. COOKE. My name is Morris Llewellyn Cooke. I am representing the Independent Citizens' Committee of the Arts, Sciences, and Professions.

Mr. Chairman, as you know, this organization includes considerable groups of writers, actors, painters, musicians, engineers, scientists, et al. With your permission, I would like to present on their behalf a short statement.

With the signing of the United Nations Charter at San Francisco the 50 United Nations have taken the first step toward the achievement of lasting peace. The second step—the ratification of that Charter by the individual governments—must be made quickly and surely.

It is of the utmost importance that the United States approve this Charter as a positive demonstration of our sincerity and earnest wish to assume our rightful responsibility in the program for world peace and security.

The citizens of this country have already made clear their overwhelming desire to join with the other peace-loving nations of the world in setting up the world peace organization provided for in the United Nations Charter. They have given their elected representatives a mandate to vote and work for peace. There must be no delay in carrying out this directive of the American people.

We believe that ratification of the United Nations Charter is essential to the realization of international peace and security. But we believe also, that the Charter is only a framework and that it must be implemented as fully and as quickly as possible. The Bretton Woods legislation which authorizes the establishment of an International Monetary Fund and an International Bank must be enacted. And the unity of purpose which has guided the United Nations to victory over fascism in Europe and which is now leading us to victory over Japan must be continually renewed and strengthened if we are to realize a world of peace.

Therefore, we respectfully urge the Senate of the United States to ratify at the earliest possible date the bill for the United Nations



Charter. We further urge that they support and approve all collateral legislation essential to world peace and international economic cooperation.

Only by such specific action can the American people and their representatives in Washington plan to make concrete the program for world peace. Only then we will have begun to fulfill our sacred obligation to the millions of men and women of this Nation and the other United Nations who have given their lives in the fight to rid the world of fascism and to make it possible for the peace-loving peoples of the world to unite in achieving a workable peace and sound prosperity.

Mr. Chairman, I may say that I had the privilege of presiding, about 2 weeks ago, at a crowded meeting in the ballroom of the Waldorf-Astoria Hotel where our various groups had been assembled, and resolutions embodying these ideas were not only unanimously passed, but very enthusiastically passed.

The CHAIRMAN. I want to identify you for the record. You are an engineer; are you not?

Mr. COOKE. Yes.

The CHAIRMAN. Were you not at one time connected with the Government in Washington?

Mr. COOKE. I have been at various times connected with it. You possibly remember me as Administrator of the World Exposition Commission. I represented our Government as an alleged expert in the settlement of the Mexican oil dispute, and I more recently had a technical mission to Brazil.

The CHAIRMAN. Are there any questions?

(No response.)

Thank you, Mr. Cooke. We are very much obliged to you for your testimony, and you may file any material you care to file.

Mr. COOKE. Thank you, sir.

Senator VANDENBERG. Mr. Chairman, I have just been handed a statement on behalf of the Detroit Annual Conference of the Methodist Church, which represents the eastern half of Michigan, favoring the adoption of the San Francisco Charter, and I would like to present it for the record.

The CHAIRMAN. It will be printed in the record.

(The statement referred to and submitted by Senator Vandenberg is as follows:)

#### THE DETROIT ANNUAL CONFERENCE OF THE METHODIST CHURCH

(East half of Michigan)

##### A STATEMENT UPON PEACE AND THE NEW WORLD ORDER

Introduction: The suggestions of the Federal Council of Churches issuing from the Cleveland Conference should be given due weight as Christian criteria by all the nations. We concur with the Cleveland Conference in the following:

"Our confidence is in God, the Establisher of the order within which men and nations work and in the forces of the spirit which God employs. We believe in the might of truth as against falsehood and deceit and in the power of right to command good will as greater than selfishness and force; in the value of mutual trust as against distrust and suspicion; and in the might of faith as greater than cynicism, doubt, and despair." Specifically we petition, saying:

1. As Methodists of Michigan, we call upon the nations of the world, including the victors, to repent of the social, political, and economic sins which were in part responsible for the coming of the Second World War.

2. The thing most to be desired in world affairs at this time is an effective organization for the creation of an association of nations for the preservation of peace.

3. One of the tests of the integrity of the nations in creating the new world organization is the treatment of minorities. Justice of political, racial, religious, and social minorities which grants security is the only possible way for an enduring association of nations. The commission to achieve such security would seek international agreement on right of both minorities both within States and among them.

4. We favor the action of the San Francisco Conference amending the Dumbarton Oaks Proposals and adopting the revised plan for an association of nations.

5. We believe that our fellow religionists, the Jewish people, should persist in their leadership in religion and human welfare and in other matters which transcend national interests. This service we believe to be far more important than the creation of one more nation.

6. The immediate strengthening of the United Nations Relief and Rehabilitation Act and the speedy development of civilian relief is imperative.

7. Economic stabilization by international agreement seems imperative and we urge upon the Congress of the United States prompt approval of the modified Bretton Woods plan as a fundamental guaranty of the well-being of the peoples of the world.

8. Access to raw materials on the part of each nation appeals to us as a major request and should receive from the Social and Economics Council immediate and sustained attention to the end that the natural resources of the earth be available for all, and available alike for the present and future generations.

9. In recognition of the Christian ethic, we believe in the rehabilitation of all dislocated people at home and abroad and the guaranty to them of the just right to choose the form of government under which they shall live.

10. We believe in an International Office of Education charged with the guidance of the educators in each country as to more effective methods of teaching peace as a dynamic good will to all children and youth; and the exchange of students and professors between the various nations.

11. We oppose peacetime military conscription in our own and all other nations. We believe that full police power for the prevention of aggression by any one nation can be supplied by methods which will emphasize not a war objective but international good will.

As passed June 20, 1945, in Detroit.

Signed by 400 clergy and 200 laymen (voting about 40,000 members directly represented), after 6 months group study.

For the conference:

E. W. BLAKEMAN, *Ann Arbor, Mich.*

The CHAIRMAN. I have a statement from Dr. Bromley Oxnam, president of the Federal Council of the Churches of Christ in America, which he requests be inserted in the record, and he asks that it be read. So if you will bear with me, I will read it into the record [reading]:

STATEMENT BY BISHOP G. BROMLEY OXNAM, PRESIDENT, THE FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA

On behalf of the Federal Council of the Churches of Christ in America, I count it a high honor to submit a statement for the record of these historic hearings.

On June 26, 1945, the executive committee of the Federal Council adopted a resolution on the Churches and the Charter of the United Nations from which I quote a few paragraphs:

"We are grateful to God that the prayers of the Christian peoples of the world for the success of the San Francisco Conference have been answered in the agreement to establish the United Nations organization.

"The Charter of the United Nations offers mankind an important means for the achievement of a just and durable peace. The new organization, projected after so great suffering and sacrifice of this World War, can help governments to join their moral and material resources in support of a system of world order and justice. The churches of Christ in America have long held that nations can better serve God's purpose for the world as they are brought into organic relationship with one another for the common weal. The Charter signed at San

Francisco marks a genuine advance toward this end. It remains for the peoples to make the promise of the Charter a living and growing reality.

"We believe the overwhelming majority of the people of our churches desire to see our Nation join with other nations in a common effort to develop an international society free from the curse of war.

"We believe it is the clear duty of our Government promptly to ratify the Charter and thus to assure cooperation by the United States in the task of making the organization an effective agency for the maintenance of international peace and security.

"We believe that a heavy responsibility rests upon Christians to help create an invincible determination to use fully the procedures provided by the Charter. \* \* \* The will to cooperate requires, as its foundation, a new international morality. \* \* \* The building of a better world order under God's Providence requires better men and women. Herein is to be found the principal challenge to the churches. To establish a strong core of world-minded Christians at the center of international life is the inescapable duty of the ecumenical Church."

This summons to support the Charter is the logical outgrowth of the long study given the question of world law and order by the churches. No question has been studied more carefully and thoroughly in the churches during this generation. This discussion has been carried on in the more than 200,000 Protestant churches in the United States, and literally millions of churchmen have given the subject thoughtful consideration. Thus the resolutions by the great denominations, and by the Federal Council of the Churches of Christ in America, represented considered judgment.

I believe a majority so large as to approach unanimity within the churches desires the earliest possible ratification of the Charter by the Senate and the full participation of our Nation in the organization therein established.

Our sons have fought to destroy totalitarian tyranny and have given their lives gladly that future generations may be free. It is for us to create a world orders that will guarantee our son's sons shall not march a generation hence. We believe the Charter is a first and major step toward this high end. Its chief sponsors recognize that improvements will be made as the experience of the years dictates. But all of us realize that out of the resolve to build a better world that was revealed at San Francisco, mankind now beholds what can be done when creative minds meet in cooperative endeavor for the common good.

Senator VANDENBERG. Mr. Chairman, I think a little emphasis ought to be put on the document which you have just read, because I think it is the most representative statement that has yet come to the attention of the committee, inasmuch as the Federal Council of Churches represents 20,000,000 churchmen in the United States; and, in addition, you will be glad to recall with me that it was represented in our labors at San Francisco by the chairman of its long-standing committee on international affairs, Mr. John Foster Dulles, of New York, who played such an able and distinguished part in the development of the Charter.

The CHAIRMAN. Mr. Dulles was one of the most distinguished advisers to the delegation. He was of great service and made a very fine contribution to the deliberations of the various committees and commissions and in the plenary sessions, and I am glad to pay this tribute to him and to his organization. Thank you, Senator.

I want to interrupt the hearing a moment at this time. We have with us this morning a very distinguished delegation from Australia, and I shall ask Mr. Watt if he will present the various members of the delegation and have them stand as their names are called.

Mr. WATT. Senator Macleay, leader of the opposition in the Australian Senate.

Mr. McEwen, a member of the Australian Lower House and a member of the Australian Advisory War Council.

Senator Nash, one of the Government Labor Party members of the Australian Senate.

Mr. Pollard, member of the present Government Labor Party.

Mr. Walsh, member of the State Legislature of South Australia.

All of these gentlemen were Australian delegates to the San Francisco Conference.

Mrs. Jessie Street.

The CHAIRMAN. We are very happy to have you with us to observe our committee procedure, and we are glad to shake hands with representatives of that great country, Australia. We will be glad to meet all of you, individually, when we recess.

The next witness is Mr. Ulric Bell, executive vice president for Americans United for World Organization.

Most of you will recall Mr. Bell as a very distinguished newspaperman, formerly representing the Louisville Courier-Journal, which I read as a boy, as soon as I was able to read, and which my father read each day. He had a way of taking the Louisville Courier-Journal and reading down as far as he could get, and when the lunch bell rang he would take his pencil out and mark where he had read to, so that he could begin from there and go on through the rest of the day.

Mr. BELL. I am afraid I was not writing for it at that time.

The CHAIRMAN. You probably were not, but some of your distinguished predecessors, Mr. Watterson, and others, were. At the time he followed the procedure which I have mentioned it was a weekly, away back in the early days.

You may proceed, Mr. Bell. Give your name and the organization which you represent.

#### STATEMENT BY ULRIC BELL, EXECUTIVE VICE PRESIDENT, AMERICANS UNITED FOR WORLD ORGANIZATION

Mr. BELL. My name is Ulric Bell. I am executive vice president, Americans United for World Organization.

I would like to say, Mr. Chairman, that only doctor's orders keeps away today Dr. Ernest M. Hopkins, chairman of our organization, and president of Dartmouth College.

Americans United for World Organization is a group which came into existence last year in response to a public demand for activity on behalf of effective world organization. It was organized in June 1944. It represents a merger of the following political action organizations: American Free World Association, Citizens for Victory, Committee to Defend America, Fight for Freedom, United Nations Association, United Nations Committee of Greater New York.

It collaborates with the following 19 additional groups: American Veterans Committee, Catholic Association for International Peace, Church Peace Union, Citizen Conference on International Economic Union, Commission to Study the Organization of Peace, Committee for National Morale, Council for Social Action, Federal Union, Food for Freedom, Freedom House, World Alliance for International Friendship through the Churches, Friends of Democracy, League for Fair Play, League of Nations Association, Non-Partisan Council to win the Peace, Southern Council on International Relations, Union for Democratic Action, Women's Action Committee for Victory and Lasting Peace, World Citizenship Movement.

Americans United also has active local or State organizations or affiliates in 31 States.

Some idea of the nonpartisan nature and of the breadth of thought and activity encompassed in Americans United can be seen in the following list of men and women who comprise the officers and directors of Americans United for World Organization: Ernest M. Hopkins, chairman, board of directors; Hugh Moore, president; Ulric Bell, executive vice president; J. A. Migel, treasurer; Arthur J. Goldsmith, secretary; Mrs. George L. Bell, director, Washington office.

The vice presidents are Donald J. Cowling, Mark Ethridge, W. W. Grant, Mrs. J. Borden Harriman, Charles A. Hart, Chester H. Rowell, Walter Wanger, W. W. Waymack, and Mrs. Vanderbilt Webb.

The board of directors: William Agar, Henry A. Atkinson, C. B. Baldwin, Senator Joseph H. Ball, Mrs. Mary McLeod Bethune, Henry B. Cabot, Leo M. Cherne, Russell Davenport, David Dubinsky, Clark M. Eichelberger, George Fielding Eliot, Victor Elting, Thomas K. Finkletter, Ralph E. Flanders, William Green, Senator Carl A. Hatch, The Rt. Rev. Henry W. Hobson, Henry J. Kaiser, Mrs. Doris Warner LeRoy, Frederick C. McKee, Mrs. Dwight Morrow, Edgar Ansel Mowrer, Philip Murray, Mrs. C. Reinhold Notes, The Rt. Rev. G. Bromley Oxnam, F. LeMoyné Page, James G. Patton, Auguste Richard, Beardsley Ruml, Robert E. Sherwood, Spyros Skouras, James P. Warburg, Sumner Welles, and Admiral H. E. Yarnell.

In the year during which I have been associated with this group, as executive vice president, our operations have been directed toward the establishment of a democratic world organization capable both of providing the environment in which peace may exist and in sustaining, nourishing, and enforcing that peace.

Prior to the Dumbarton Oaks Conference it was the purpose of Americans United to urge the initial steps which led to that conference. In the months which led to San Francisco our activities were designed to recognize and bring to the attention of Congress the overwhelming public will for a world security agency with real power to act.

With the completion of the San Francisco Conference the first phase of this work nears its close. This is an hour for which the American people, in our opinion, have vigorously expressed and set their hopes.

It is our conviction that San Francisco has now given the United Nations at least a chance for realization of the age-old longing for freedom from the fear of war. It is a foothold. The opportunity may never come again. But without peace machinery, war could come again, surely and terribly in a world now too small to withstand war.

Having been in close touch with many groups and individuals throughout the country during its months of activity, Americans United believes profoundly that the yearning of the American people for a chance at a permanent peace will be met only by the quick ratification of the San Francisco Charter—without reservation. If this is done in a wholehearted spirit by the Senate of the United States, it seems obvious a great tonic to the morale of the rest of the world will have been provided. By this action the United States also would reaffirm a leadership and responsibility befitting its traditions and its role as the champion of democracy and freedom. This country has been unable to escape involvement in wars. It should try involvement in peace.

This first step should be followed up by prompt implementing action so that the spirit of San Francisco can be carried forward. We believe that the other nations then will respond in a manner really making possible a world of good neighbors—at least one wherein bad neighbors won't flourish long.

With the committee's permission, I would like to have Mr. Leo Cherne, executive secretary, Research Institute of America, and member of the board of directors of Americans United, make a brief statement.

The CHAIRMAN. Is Mr. Cherne available right now?

Mr. BELL. Yes, sir.

**STATEMENT BY LEO M. CHERNE, EXECUTIVE SECRETARY, RESEARCH INSTITUTE OF AMERICA, AND MEMBER OF THE BOARD OF DIRECTORS OF AMERICANS UNITED FOR WORLD ORGANIZATION**

The CHAIRMAN. Give the reporter your name, address, and whom you represent.

Mr. CHERNE. My name is Leo M. Cherne, member of the board of directors of Americans United for World Organization, and executive secretary of the Research Institute of America.

I am honored with these few moments of your time and will necessarily make no attempt at an analysis of the San Francisco Charter. Several conclusions though, involving the United Nations Organization, are of basic importance in your considerations.

Though the United Nations Charter represented the cooperative and sometimes compromise action of 50 separate nations, almost all students of international affairs are in agreement that the Charter as completed at San Francisco is a substantial improvement on the Dumbarton Oaks formula and in a number of respects over the League of Nations.

The United Nations Conference succeeded in bringing together the representatives of 50 nations with a willingness to take some action to make war more difficult. It succeeded in setting up an economic and social council that will more actively study some of the causes of war and recommend to each of the nations antidotes for some of the diseases that produce war.

The conference succeeded in strengthening the World Court so that a greater number of the world's controversies can be settled under a system of law. The creation of the Commission on Human Rights must be regarded as an historic milestone for which the American delegation must be accorded considerable credit.

The existence of a trust with relation to dependent peoples and some definition of the nature of that trust will also be recorded as one of the basic achievements of the Charter which is before this committee at this moment.

These, if I may borrow Commander Stassen's words, are all important "beach heads" in the fight for the elimination of war. Because of San Francisco it will be possible at some future date to begin the demobilization of the huge military establishments which tragic events have forced upon us.

The menace to security while there are separate military establishments is clear. Disarmament in the absence of an effective interna-

tional organization has proven unreliable. It is only through the United Nations Organization that a nonvisionary method toward disarmament can be undertaken.

The maintenance of peace rests upon the establishment of the basic elements of security throughout the world—social, political, economic. The United Nations Organization has created both a framework within which the methods can be explored and provides us with a foundation upon which accomplishment in this direction can be constructed.

We have come to recognize the contagious character of totalitarianism. But we ignore the fact that the most recent 150 years of the world's history have indicated how much more vital and lasting is the virus of democracy. It is through the collaboration, contact, and cooperation that will be required within the United Nations Organization that our political advance can bring its impressive evidence to other areas of the world.

Americans United urges the most prompt and wholehearted acceptance of the San Francisco Charter. It urges this action in the knowledge that the nations must yet learn to actually use the machinery being constructed; in the knowledge that the democratic process must still be extended within the framework of that organization; in the knowledge that some of the suggested steps are tentative, some halting ones; in the knowledge that there is frequently a great gap between good phrases and blueprints and good results—Americans United urges ratification in the knowledge that, as with our Constitution, the United Nations Charter must grow and adapt itself with passing years and changing circumstances.

Americans United urges the United Nations Charter because—at a minimum level it knows the American people prefer even imperfect collaboration to perfect chaos, and at a maximum level, with this step we have finally found the method which can begin to outlaw war as an accepted social institution.

Thank you, sir.

The CHAIRMAN. Are there any questions of Mr. Cherne?

(No response.)

Thank you very much.

#### STATEMENT OF MRS. BRICE CLAGGETT, REPRESENTING MRS. LA FELL DICKINSON, PRESIDENT, GENERAL FEDERATION OF WOMEN'S CLUBS

The CHAIRMAN. We shall now hear Mrs. Brice Claggett.

I understand, Mrs. Claggett, that you are representing Mrs. La Fell Dickinson?

MRS. CLAGGETT. Mrs. La Fell Dickinson, president of the General Federation of Women's Clubs. This is a national organization with a membership of 2,500,000 women in 16,500 clubs.

Mrs. Dickinson has instructed me to read the following message from her. It is from Keene, N. H., and is dated July 10, 1945:

HON. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee,  
United States Senate, Washington, D. C.:*

I regret that I cannot be present in person to tell you two and one-half million homemakers in the General Federation of Women's Clubs—wives and mothers of servicemen—are on record for an international organization as pro-

vided for in the United Nations Charter. We are depending upon you, the members of the Foreign Relations Committee, and the entire Senate for early ratification of this Charter. Public opinion is behind you. My personal appreciation for your able work in this international movement toward peace. This is our last chance. We must not fail.

Mrs. LA FELL DICKINSON,  
*President, General Federation of Women's Clubs.*

The CHAIRMAN. Thank you, Mrs. Claggett.

Mrs. Claggett will be remembered as the daughter of Senator McAdoo, one of our former distinguished Members of the Senate.

That, as I understand it, Mrs. Claggett, is the statement of the General Federation of Women's Clubs, with membership throughout the country?

Mrs. CLAGGETT. Yes; it is.

The CHAIRMAN. We appreciate your appearance and your testimony before the committee. Thank you very much.

Mr. Ewing Cockrell is the next speaker.

#### STATEMENT OF EWING COCKRELL, PRESIDENT, UNITED STATES FEDERATION OF JUSTICE

The CHAIRMAN. You may proceed, Mr. Cockrell. Please state your name, your residence, and whom you represent.

Mr. COCKRELL. My name is Ewing Cockrell. My permanent address is Warrensburg, Mo. My Washington address is 2125 G Street NW. I am president of the United States Federation of Justice, which is interested in trying to learn and extend the successes of the administration of the law. I am speaking here this morning only for myself.

I am for the Charter as it is, without reservation or amendment. I am for it because, despite whatever defects it may have, those defects can be removed without amendment or reservation.

I have left a memorandum before you, gentlemen, on the table there.

As a matter of fact, this Charter has more proposals, more provisions, for the peaceful settlement of disputes and for the maintenance of peace and economic and social welfare than any other international instrument ever drawn. It has also more provisions for blocking the use of this instrument, and my position is that that blocking can be overcome within the Charter—within the provisions of the Charter.

The provisions of the Charter by which this can be accomplished are in the 19 articles, numbered 2, 5, 6, 24, 25, 27, 33, 37, 43, 45, 47, 48, 49, 51, 52, 53, 54, and 103.

Those articles contain full provisions for the United Nations to do any and all of the things necessary to preserve peace, to settle a dispute before it leads to war, to settle and prevent aggression, and everything else. They are dependent upon the action of the five permanent members acting unanimously.

Now, those provisions do not provide for any prohibition of action if the five or the Council fail to act. The chief provisions are these: For instance, the decisions of the Security Council on all matters are by an affirmative vote of seven members, including the Big Five. Unless those seven vote, there is no decision; there is no action whatever; the nations are left just where they were before.

The nations agree in the Charter to accept and carry out the decisions of the Security Council in accordance with the present Charter.



Now, if for instance there is not an unlimited veto—and I am speaking especially of the difference between a limited veto and an unlimited veto—the limited veto would be if any of the 5 should veto action against themselves or the use of their forces against another state; the unlimited veto which is in the Charter allows them to veto any other action against or involving any other state where they are not parties or are not concerned. For example, whenever one of the 5 blocks action in the United Nations Organization—this is No. 6 on the list—he sets all the other 49 states free to take it outside the organization. There is no authority to prevent them from doing so. Thus, one man can prevent the organization from using provisions for peaceful settlement of disputes; using its forces to prevent aggression; enforcing any decisions of international courts or obedience to any international law; or guaranteeing or promising any protection to any nation. But whenever he does any of these things, he immediately and automatically permits any states to do them outside the organization.

For instance, there is no provision in the organization that guarantees peace or protections to any state.

The Act of Chapultepec, for instance, has a provision that an attack on one should be considered as an attack on all. There are no such provisions in the Charter. Argentina, for instance, may attack Uruguay—

The CHAIRMAN. She cannot under the Act of Chapultepec.

Mr. COCKRELL. That is right.

The CHAIRMAN. That is now integrated with the Charter as a regional arrangement.

Mr. COCKRELL. Except that any one of the five members in the Charter can prevent any action by the United Nations organization.

The CHAIRMAN. In general that is true.

Mr. COCKRELL. Furthermore there is one prohibition in the Charter against action outside of it, and that is the provision that no enforcement by regional organization can be taken except by authorization of the Council.

The CHAIRMAN. Correct.

Mr. COCKRELL. In other words, the Council may prohibit action outside of the Charter by a regional organization.

The CHAIRMAN. That was to preserve the authority of the world organization and not have all these other bodies interfering with its general policy.

Mr. COCKRELL. Yes; that is all right. If, however, we think we ought to interfere—we think we ought to protect Uruguay—we think the Act of Chapultepec ought actually to carry out a peaceful settlement—we can do that by the United States' vetoing any action by the United Nations organization.

Furthermore any regional organization can do anything it pleases under or without the Charter, provided it is a member of it.

The CHAIRMAN. Is that all you have, Mr. Cockrell?

Mr. COCKRELL. No; just a moment, and I shall be finished.

I shall be glad to answer any questions. I am especially interested in the fight made at San Francisco by the Australian people to make a change in the veto, and would like to say that they can do it any time they please by agreeing to go outside of the organization.

All right. Now, that agreement can be overcome, first, by any of the five getting together and saying, "We will not use this unlimited veto. If you want to settle a dispute peacefully, you can do it. If you want to make a recommendation, you can do it."

They can do it by joint declaration.

Furthermore, states can provide in advance, if they want, that whenever the Security Council fails to make a decision, any of those who so desire can act on the matter in which a decision has not been made.

In other words, the Charter of the United Nations is like a great big bus with 50 passengers in it. As to five of them, each has a separate brake with which he can stop the whole bus. Now, the nations can, if they want, provide an auxiliary bus, a safety bus, an extra one, that can come along afterward; and whenever one of the Big Five stops the big bus, all the others have to do is to get out and get into the safety bus. That safety bus can be called an Auxiliary United Nations, if they want to call it that. They can provide in advance who shall compose it. They can provide for the same members of the Council serving in this Auxiliary United Nations whenever the first one fails to act. They can do everything always within the Charter.

Now, any regional organization can operate and do anything that it desires, simply by one of the major members being a member, who will undertake to veto any action by the United Nations against them. We can form a Pan American organization and make any provision we please. We can do anything we please provided the United States will keep the United Nations off.

We can act without United Nations authorization, but if they do act, the United States can prevent them from doing anything about it.

I shall not undertake to pass on the values of the change or not. The present provision has one great value: That there is a pride and prestige of the five to act together. It gives them a lot of credit to act together. It creates a great many responsibilities. If they fail to come up, they may feel badly about it and for that reason have a great many responsibilities and a great many temptations.

No decision of the International Court can be enforced if one of the five says "No."

The CHAIRMAN. There is an obligation, though, on the parties to abide by the decision.

Mr. COCKRELL. As Secretary Stettinius brought out very well, one of the five can veto any kind of enforcement. If Greece and Yugoslavia right now got into a row that had to be settled and the Court passed on it and rendered a decision, Greece could say, "No, we will not"; and Great Britain could protect her. The veto is solely a blocking measure; it does not enforce anything on anybody else. It only keeps the five from acting. If the five all act together, there is not one chance that all five will get together and impose upon one poor little state. There will be some one of the five, or two, that will prevent that. But when anyone vetoes, then all the rest are left to do what they please. They can stop the bus and get into another bus, unless they want to walk.

The CHAIRMAN. You have only 2 minutes left.

Mr. COCKRELL. I shall be glad to answer any of your questions before I stop.

The CHAIRMAN. Are there any questions of the witness?

(There was no response.)

The CHAIRMAN. There are no questions. Go ahead, Judge.

Mr. COCKRELL. Any time this can be done, this agreement—the safety provision can be made—any nation so desiring under it, they can do anything they want to do, and cannot be compelled to do anything they do not want to do. It is a voluntary provision which has worked and can work again.

I will leave this and some other notes.

The CHAIRMAN. Thank you very much for your testimony. We appreciate it very much.

(The papers submitted by Mr. Cockrell are as follows:)

OUTLINE OF STATEMENT BY EWING COCKRELL, BEFORE SENATE COMMITTEE ON  
FOREIGN RELATIONS

CENTRAL FEATURE OF THE STATEMENT

An auxiliary agreement by the states that so approve can overcome all defects of the unlimited veto and enable the states to take outside of the United Nations Organization any action provided in the Charter despite any veto.

No reservation, amendment, or withdrawal is necessary.

1. The Charter contains more practical provisions to settle disputes peacefully, maintain peace, and promote social and economic welfare than ever before agreed upon by the nations of the world.

2. Its unlimited veto gives each one of the five chief powers unique authority to prevent the use of such provisions—to prevent peace enforcement and to permit war. (The situation in Greece, Yugoslavia, and Bulgaria.)

3. Nevertheless this authority can be overcome any time by the nations, individually or collectively, acting outside of the United Nations Organization.

HOW THE STATES CAN ACT OUTSIDE OF THE ORGANIZATION

4. Nineteen articles cover the essential obligations of the members and their relations in and out of the Charter. These are Nos. 2, 5, 6, 24, 25, 27, 33, 37, 43, 45, 47, 48, 49, 51, 52, 53, 54, and 103.

They contain full provisions for the Security Council acting but none when it fails to act. None of them restrains any member from taking any action provided by the Charter which the Council has failed to take. There is no general, blanket prohibition on action outside of the organization. The only exception is against regional enforcement and that exception can be overcome.

5. All actions of the Security Council are by its "decisions" by a seven-member vote including all the five. All obligations of the members are to obey these decisions. There is no obligation to obey a vetoing power.

HOW THE CHARTER AND VETO OPERATE

6. Whenever one of the five blocks action in the United Nations Organization, he sets all the other 49 states free to take it outside the organization. There is no authority to prevent them doing so.

Thus one man can prevent the organization from—

(a) Using provisions for peaceful settlement of disputes.

(b) Using its forces to prevent aggression.

(c) Enforcing any decisions of international courts or obedience to any international law.

(d) Guaranteeing or promising any protection to any nation.

But whenever he does any of these things, he immediately and automatically permits any states to do them outside the organization.

## COLLECTIVE AGREEMENTS FOR ACTING OUTSIDE OF THE ORGANIZATION

7. An agreement by all the states that desire to join in it that whenever there is no decision by the Security Council on any matter within the Charter they will act on it outside the organization in behalf of all who approve the particular action.

They may call themselves an Auxiliary United Nations and provide for Council members and national forces to act within it. (They may, if desired, direct their same Council members, national forces, and other personnel to act in both the United Nations and the Auxiliary, according to which one does act. There need be no conflict between them.)

In the Auxiliary the members may agree to be bound by a majority vote in a large council in which every member has a vote, weighted as agreed. Or may be bound as each agrees for each action.

Any kind of provisions that the members desire may be put into the auxiliary agreement. All would follow and none violate the Charter.

8. B. An agreement for a Pan American or any other regional organization. If any one of the five joins in such an organization, it may have a constitution under which it can do anything it pleases provided in the constitution, whether it be within the United Nations Charter or not. This power would come from the permanent Council member of it vetoing any action by the United Nations Organization against it.

## SOME VALUES OF THE VETO AND OF ACTIONS TO OVERCOME IT

9. There is no need for action outside of the organization if the five make the actions they are authorized to make, when needed or helpful.

10. The veto has great value in causing the five to practice the art of acting together. It specially helps to prevent war involving one of them.

11. It has danger in causing honest differences between the five over matters not directly involving them, e. g., Russia and Great Britain over Greece, Bulgaria, and Yugoslavia.

12. It can encourage future heads of the five to act unilaterally to promote aggression.

13. It can cause endless temptations to influence court decisions. (See accompanying "Twelve Questions for the United Nations" for examples.)

## C. AN ALTERNATIVE AGREEMENT

14. An agreement by the five (approved by the other states) to retain a limited veto instead of the present unlimited one. This would be to allow all Security Council decisions to be by a simple majority vote provided that any one of the five may veto the use by the United Nations Organization of armed forces against itself or the use of its forces by the organization against any other state. (Economic sanctions may also be included with the armed forces.)

## SAFETY FIRST

15. The United Nations is like a big bus with 50 passengers, 5 of whom have each a separate brake to stop it. The Auxiliary United Nations is an extra or safety bus for the passengers who want it; when the other bus stops they get in the safety and go ahead. They have two pieces of machinery to produce peace instead of one.

## TWELVE QUESTIONS FOR THE UNITED NATIONS

(By Ewing Cockrell)

APRIL 11, 1945.

Under the present Dumbarton Oaks-Yalta proposals it appears that each member of the Security Council from China, France, Great Britain, Russia, and the United States has 12 great, unlimited veto powers to prevent the enforcement of peace.

Wide discussion has been had on the power of these five to veto force against themselves. These 12 powers are in addition to that 1. They are powers to veto actions in which they are not concerned. They are vetoes that any one of five men can make against the votes of all the other nations in the world. And he can do so for any reason he chooses, even though his veto leads directly to war.

## DUMBARTON AND YALTA PROVISIONS

These are the provisions which confer these powers.

The Security Council consists of the five permanent members and six others elected by the other states, each with one vote. As stated by Secretary Stettinius, on March 5, 1945, it takes a majority of seven members plus—

“\* \* \* unanimous agreement among the permanent members for:

(A) Determination of the existence of a threat or breach of the peace;

(B) Use of force or other enforcement measures;

(C) Approval of agreements for supply of armed forces;

(D) Matters relating to the regulation of armaments.

(Ch. VIII, sec. B; also New York Times, March 6, 1945.)

(Ch. VIII, sec. B, also includes “determination of existence of an act of aggression,” along with threat or breach of the peace.)

It is also provided that “\* \* \* no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the security council” (ch. VII, sec. C).

There is no provision that restrains any state after one of the five fails to make this unanimous agreement.

Discussion and suggestions on these provisions were asked by Secretaries Hull and Stettinius and President Roosevelt last year and are again emphasized by the President March 3 of this year, when he said:

“Discussions by the people of this country, and by the peoples of the freedom-loving world, of the proposals which will be considered at San Francisco, are necessary, are indeed essential, if the purpose of the people to make peace and to keep peace is to be expressed in action.”

Accordingly, these 12 powers are presented in 12 questions, with some of their results. They are accompanied by proposals for a limited veto, which appears to avoid the evil results and at the same time to give the five powers all the authority they probably desire. The writer also seeks any corrections and any other proposals or suggestions.

## THE TWELVE QUESTIONS

Do you want any one of these five council members to have authority by his lone vote at any and all times to prevent the whole United Nations organization of 44 or more states from doing all these things:

1. Using force to prevent or repel aggression by any state, even if—

(a) It is not used against any of the five states;

(b) All the other 43 states except the aggressor want to have the force used;

(c) The actual forces used are all from other states than that of the lone member?

2. Determining the existence of an act of aggression or threat or breach of the peace from any source against any state, even if—

(a) The aggression, threat or breach is not by any of the five;

(b) All the other states except the aggressor want it to do so?

4. Enforcing any decision of any international court, tribunal, or arbitrators in of the 44 members, even if—

(a) The dispute does not involve any of the five;

(b) All the other states except the one objecting want the organization to enforce them;

(c) The enforcement is solely by other states than that of the lone member?

4. Enforcing any decision of any international court, tribunal or arbitrators in any cases between any and all the 44 members, even if—

(a) The dispute does not involve any of the five;

(b) All the other states except the loser in the decision want it enforced;

(c) Both disputants agreed in advance to abide by the decision;

(d) The enforcement is solely by other states than that of the lone member?

Twenty American Republics are forming an organization for the use of armed force to prevent or repel aggression in the Western Hemisphere. Do you want such lone Security Council member to have authority to prevent us from:

5. Using that force to prevent or repel aggression just among ourselves?

6. Determining existence of aggression, peace threat, or breach among ourselves?

7. Making arrangements among ourselves for the supply of armed forces to protect each other?

8. Making regulations among ourselves to lighten the burden of our armaments, expressed as our aim in the Atlantic Charter?

If all the European nations form an organization among themselves to keep their peace, do you want such lone Security Council member to have authority to prevent that organization from:

9. Enforcing their peace?

10. Determining the existence of a threat or breach of the peace or act of aggression among themselves?

11. Making agreements among themselves for the supply of armed forces to protect each other?

12. Making regulations among themselves to lighten the burden of their armaments?

#### SOME RESULTS OF THESE PROVISIONS

1. The one-man veto is against the use of force only by the Organization. It at once turns loose all the states to act separately any way they please. For example: How war can come.

Greek and Bulgarian troops can fight. Ten Council members vote to compel Greece to pay damages. The American, Greek-sympathizing, Council member votes "No." All United Nations action for force is blocked. Greek troops march on. Russia sends in troops to defend the Bulgarians; Great Britain sends hers to defend Greece; all the other states line up on one side or the other or neither, as they please; and both sides want to get the United States in.

It is like five policemen called to a small neighborhood riot. If one of them says, "Let's leave them alone," all five are forced to go home and let the rioters fight it out among themselves—and maybe against innocent bystanders (like Uncle Sam).

2. The unlimited veto may actually compel unilateral force by a peace-loving state to protect itself against an aggressor. For example:

*Poland and Russia.*—Future bitter Polish troops kill a hundred Russians across their border. A lone American Council member, who resents Russia's "unilateral partition" of Poland, votes against recompense. Whereupon Russia marches into Poland and by unilateral action secures recompense and protection which the lone member has prevented the United Nations Organization giving her by collective action. The peace machinery is stopped by a wheel that works backwards. And the veto has worked not for one of the five but against it.

*Russia and her former enemies.*—*Injustice to all the five.*—Russia has on or near her borders four more former enemies. Finland, Rumania, Bulgaria, and Hungary. Factions in them hostile to her could "frame" her—trump up a frontier or other clash. They could be craftily seeking world support or just wildly antagonistic—five wildcats baiting the big Russian bear. Any one of the four other Council members that at that time happened to have a government cool to her or warm to her opponent could, by his lone vote, put her in the wrong.

Any of the other four could be thus unjustly treated any time for any reason by any one of the four men.

3. The unlimited veto can tempt the five to use it and resort to separate action. Requiring all five to act together for United Nations action is not inducing them to do so. It induces them to act separately.

If Russia has such trouble with any neighbor, why risk the United Nations blocking its settlement when she can attend to it separately and satisfactorily to her? Why not inform the Council in advance that she will do so? Just as Germany and Austria in 1914 informed the Council of Vienna or Concert of Europe that they would attend to Serbia alone. Or if another Pancho Villa repeatedly robs and kills Americans across the border and is not stopped by the Mexican Government, should we let any of the Council members prevent the United Nations Organization even from "determining" there was "an act of aggression."

Why should not any one of the five veto United Nations action any and every time it thinks it can legitimately benefit by its own separate action?

4. The unlimited veto nullifies the recent agreement for a pan-American organization to keep our peace. For example:

*Pan-America and Europe held up.*—Complaint has been made of Argentina arming against her neighbors. Suppose she invades Uruguay. Any future corrupt French Laval or Chinese war lord on the Council, who is bribed by Argentine Nazis, would have authority to keep all the other 20 American Republics from protecting Uruguay through their organization.

The British, Russian, and French Council members and all the nations of Europe could vote for a European organization to protect by force one European state

against another. Any American or Chinese Security Council member could, for any reason he chose, prevent the Organization from using wholly European forces against any state or government he favored.

#### THE WORLD'S JUDICIAL SYSTEM HELD UP

5. The unlimited veto creates a new judicial system, with five bad features.

For example: A court approved by Greece hears her dispute with Bulgaria and awards Bulgaria damages and Greece refuses to pay. Any one Council member can, for any reason, prevent collective Organization action with force. And thereby allow all unilateral action by everybody.

Here are the five bad features:

(a) In power each of the five Council members would become the supreme court of the world. For any state to be sure to receive the dues that any court or tribunal may award it, it must, first or last, get the approval of each of these five men or avoid their disapproval.

(b) All these five would be political appointees of their political governments. Each would be rightly interested in working for the interests of his party or country. It would be as if our Supreme Court today had to have the enforcement of all its decisions unanimously O. K.'d by Franklin D. Roosevelt, Thomas E. Dewey, Norman Thomas, Earl Browder, and Gerald L. K. Smith. And this required by law.

(c) In nominal authority no one of these five is supreme over the other. But in action he is supreme if he decides one way, that is against enforcement. As if either Roosevelt, Dewey, Thomas, Browder, or Smith could reverse our Supreme Court's decisions but it took all five to affirm them.

(d) In our system today an appellant has one chance in two of winning. In this new world system he would have one out of two repeated five times. A losing government could have varied inducements, from its own popular opinion to make such "appeals."

In the past, states have nearly always obeyed decisions of courts to which they have submitted their cases. But there has never been in the past a judicial system which gave them so many temptations not to obey them.

(e) There could be a new era in diplomacy and in mixing international bargaining, politics, and justice. A full 62 United Nations Organization can have 3,080 pairs of nations with any number of disputes, in no one of which any of the five is a party. Yet any one of the five can prevent United Nations enforcement of all the 3,000.

There can be 283 different pairs of nations with disputes between 1 of the 5 and 1 of the other 57.

In this total of 3,365 possible pairs of disputes at any one time, foreign offices could try to get one of the five to use his "influence" in any negotiation whatever.

When the five veto United Nations Organization force against themselves, they are to that extent uniting for their protection. But it is a menace to their unity for any one of them to block all the other four and all the other states in repelling aggression among themselves and enforcing peaceful settlements of their own disputes.

#### *Who gains by the authority in the 12 questions?*

Many would claim the Big Three. That Russia wants to be able to veto Council collective action to settle Balkan disputes peacefully so she can use unilateral action to settle them her way. That is the same way, Britain wants to settle Mediterranean disputes with her fleet, and the United States Central American disputes with her marines.

Actually, however, the writer does not believe any of the five government heads want all this authority, when the following limited veto would bring them the same protection and benefits and none of the evils and unlimited headaches.

#### FOUR SUGGESTED ADDITIONS

First. All Council decisions to be by a simple majority vote, with a limited veto as follows: "Provided, That any permanent Member may veto the use of the United Nations Organization of armed forces (or economic sanctions) against itself or the use by the Organization of such Member's armed forces (or cooperation in economic sanctions) against any other state."

This addition appears to have the following results:

1. The limited veto gives every one of the five just as much protection and the other states no more power than from the unlimited veto. Even though in any case, all the five voted against use of force and the six voted for it, all that happens is that the five don't prevent the other states from using against aggressors Organization forces solely from the other states—and from any of the five if they want to go along.
2. The 39 (or 57) nonpermanent Members would be encouraged to turn their forces over without restrictions to the United Nations Organization for their protection. For they would be assured (a) that United Nations protection would not be blocked by any one man and (b) they would not have to use their separate forces for their protection.
3. These forces of the nonpermanent Members all combined could so overwhelm any state among their number that it would probably never resist them! if it did, it could be quickly overcome.

#### ALTERNATIVE LIMITED VETO

Second. An alternative proviso to cover the veto power would be in substance: "Provided, That the United Nations armed forces used against any permanent Member shall be only those of the states which vote therefor or otherwise so approve. The means for expressing such approval shall be as each state may provide."

This provision appears to have these features:

1. The forces used against any one of the five would be no more than what the states voting for it and approving it could use anyhow, outside of the Organization, whenever the unlimited present veto prevented Organization use.
2. No forces of any state are used against its will against any of the five.
3. All forces of all states that so desire may be used—the big and little.
4. It lessens the odium of special privileges to the five.

Third. Regional organizations.

Omit the unlimited control of the Council over regional organizations and add: "Any dispute between states as to whether a matter between them shall be proceeded with under the United Nations Organization or a regional organization shall be decided at any stage of the proceedings by the Security Council or by any court or agency approved by the disputing parties."

This decision of the Council would also be by simple majority.

Any regional organization that would be formed would be authorized to do some or many of the same things as the United Nations Organization. Disputes as to which should be used are bound to arise. A simple majority vote of the Council (or Court) settles it one way or the other—no blocked decision by one man or a minority that leaves them in the air. All parties could thus use either organization they prefer.

#### ENFORCEMENT OF COURT DECISIONS

Fourth. A logical addition could be:

"The Security Council shall enforce any decision in a matter between two or more states which they have submitted to any court or body and agreed to abide by the decision. *Provided*, That any permanent Member may veto such enforcement by the Organization against itself or with its forces against any other state."

This appears to meet the present situation that nowhere in the United Nations Organization is there any guaranteed peace. Not for any state even under the most deserving circumstances.

This addition and other fine provisions in the present Dumbarton proposals at least guarantee the nonpermanent many Members that decisions in all disputes between them will be carried out—no enforcement hung up by one of the five. And the power to enforce them will be at least that of all the other 39 (or 57) states and so great that it would not be resisted and the decision would be peacefully obeyed.

#### SOME GENERAL RESULTS OF THE ADDITIONS

1. Prevent substantial nullification of the strong Senate Connally resolution passed by vote of 85 to 5. It favored:

"\* \* \* the maintenance of international authority with power to prevent aggression and to preserve the peace of the world."



Present unlimited veto adds to these words the following in effect :

"*Provided*, That any one of the five men representing the five chief states may :

"Prevent the international authority from using any such power with force to prevent or repel any or all aggressions by any and all states ;

"Prevent it from making any determination that there has been an act of aggression by any or all states ;

"Prevent it from effecting the enforcement of peaceful settlements of any and all disputes between any and all states.

"He may do all these things by his separate, unilateral action for any reason he chooses."

2. Prevent a possible new armament race. With the Organization liable to be blocked any time from the use of Organization force to protect them, Members would rely more on their separate forces and would build these up more and more.

3. Prevent weakening the whole United Nations Organization. Separate armaments for protection could naturally be followed by alliances—and then counteralliances. These, even with their evils, could dominate just as the League of Nations was dominated.

4. Prevent autocracy in a world organization intended to promote democracy. In the liberated countries, the Allies are rooting out fascism and autocracy. But in the vital use in their own United Nations Organization of force to prevent war and aggression, they establish five separate autocracies with unlimited authority to prevent the use of that force.

The CHAIRMAN. The next speaker is Mrs. T. W. Johnson.

**STATEMENT OF MRS. THOMASINA W. JOHNSON, LEGISLATIVE REPRESENTATIVE, NATIONAL NONPARTISAN COUNCIL ON PUBLIC AFFAIRS OF THE ALPHA KAPPA ALPHA SORORITY**

The CHAIRMAN. All right, Mrs. Johnson. Please state your name, address, and whom you represent.

Mrs. JOHNSON. Mr. Chairman and gentlemen, I am Mrs. Thomasina Walker Johnson, legislative representative of the National Non-Partisan Council on Public Affairs of the Alpha Kappa Alpha Sorority, whose national office is 961 Florida Avenue NW., Washington 1, D. C.

Our organization maintains and supports the National Non-Partisan Council on Public Affairs for the sole purpose of presenting our collective thinking and that of our communities on legislation, administration of public agencies, and public affairs of all kinds. This is an organization composed of 165 chapters in 46 States with a total membership of some 6,000. Our membership is significant because most of the women might well be considered leaders; they are all college, university, or above in training. Most of them are professional women. Some of the most highly educated women in America belong to this organization; they are physicians, lawyers, teachers, nurses, social workers, musicians, et al., housewives, and voters.

Our membership is composed also of a group of women in America, who by training, background, and experience are prepared to add their thinking to that of all other intelligent leadership in our country in efforts for the judicious solution of the many and difficult problems that face us now; for in a democracy we work for and with each other.

Our membership is composed also of wives, mothers, sisters, families, and loved ones of thousands of men now fighting in the jungles of the South Pacific. It is composed of those "women who wait" for the thousands who fought gallantly, courageously, and victoriously in Europe. It is composed of those who belong to the Gold Star Legion—

the bereft of that great "silent legion" who lie in foreign lands over whom a monument—a white cross—is erected.

We are much concerned that the world never have to experience the tragedy of war for we know what war means. We are much concerned that we use our civilization to settle our differences—whether they be on a local, state, national, or international level—over the conference table. This is one of the earmarks of civilization.

First of all may we say that we have been proud of the statesmanship portrayed by our very capable delegates to the San Francisco Conference. Surely, if world maturity is but embryonic, we can at least feel proud of the fact that America has reached the top rungs of the ladder in statesmanship. The able leadership begun by the late President Roosevelt, assisted in the House and Senate by legislation and followed by the performance of Secretary Stettinius, so ably assisted by Senators Connally and Vandenberg, Congressman Bloom and Eaton, Commander Stassen, and Dean Gildersleeve has been such that all America has been proud. Even though we could not all be in San Francisco, we followed their activity and in our traditional manner we were on the side lines cheering them all along the way.

Another most admirable feature of the whole procedure on the Charter from beginning to end has been the manner in which negotiations have been handled up to this point. It is truly the product of America and the other 49 nations. The frankness with which it has been openly discussed; the State Department and the Foreign Relations Committee taking the leadership and saying, "This is what we have determined, and on the basis of the following reasons we present this to you, the public. We have done our best, but we are neither omniscient nor infallible. We invite your comment, your criticism, your suggestions, and your help." Out of it all has come the best efforts of us all and is truly democracy at its best.

The leadership responsible for the way the United Nations' Charter came into being is to be congratulated upon the very high level to which "representation of the people" has been carried; the statesmanship exhibited and the remarkable degree of democracy in the entire Charter proceedings.

It does not seem conceivable that anyone could fail to admire the tireless and indomitable spirit that led to the finished product which we discuss here today. One is so sympathetic with the apparent sincerity of purpose and devotion of the delegates of the 50 nations of the world to evolve a finished Charter that would bridge heretofore insurmountable obstacles, to keep the sovereignty of the nations, and yet to keep the peace, that, in deference, one feels reluctant to make even criticisms that are just or to mention the shortcomings. One also feels that after all the weeks spent in preparation most of the faults and weaknesses of the Charter are known and have been openly admitted. Yet there are problems that, if they are not solved, eventually will bring only an absence of war.

We, like all other enlightened groups, as have even the persons who developed the Charter, believe that certainly the finished product that we discuss here today is not perfect, but that in an atmosphere of peace and the experience of working together we can come to trust each other and to have mutual respect for all the people of the world and will eventually evolve perfect machinery for not only keeping the peace that

is an absence of war but will evolve the process by which the causes of war will be eliminated. We believe that we all strive for world cooperation rather than power alliances which depend on the ability of the powers concerned to continue to agree among themselves.

One could hardly hope for this ideal at the outset, as has been pointed out before. At this stage there is not enough of world maturity and unity.

Gentlemen, we believe that the United Nations' Charter represents a major step in the right direction toward the realization of the peace and security of the world. We believe that it opens a broad highway toward peace, security, human rights, and justice. How far we shall go on this road is up to us all. The Charter aims at peace. It does not fulfill it. The fulfillment is up to each of us. No document or treaty ever did. Armed might alone cannot guarantee security. There must be such treaties, but there must also be the foundation built on the human interests of the common man.

It is indeed gratifying to find that we have accepted the principle of the maintenance of peace and not merely its restoration, and that we recognize this as a world problem—as declared at Moscow on October 30, 1943, when the United Nations declared—

That their united action, pledged for the prosecution of the war against their respective enemies, will be continued for the organization and maintenance of peace and security. That they recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to memberships by all such states, large and small, for the maintenance of international peace and security.

It establishes the channels through which 50 nations of the world, including 3 of the most powerful and 47 others of varying degrees of power, might cooperatively work together to eliminate the causes of war. In this field lies its greatest strength. We support the ratification of this Charter.

However, we believe that some points should be clarified so that our delegate, and the other representatives of our country, might know what policies should be adopted that would be in keeping with the wishes of the American people whom they will represent.

We hope that you gentlemen will realize, as our very able President has said, that we "do not have a choice of ratifying this Charter or some other charter, but a choice of this Charter or no charter at all." It has been said so many times that it has become truism that civilization cannot stand another war on the scale that mankind is now capable of waging it. It has become a problem of eliminating war or war will eliminate us individually and collectively.

We have been gratified that the Charter accepts among its responsibilities the promotion of certain basic principles without which peace would be impossible among which are those set forth in the preamble in the section stating that we—

reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, and for these ends to practice tolerance and live together in peace with one another as good neighbors, and to unite our strength to

maintain international peace and security, and to insure by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all people.

One is forced to admit that the Charter is not too ambitious in what it attempts to do—namely, to mold together those nations or powers necessary to keep the peace; to provide for peaceful settlement of differences; by putting down aggression when it arises; plus machinery for studying world problems. This type of simplicity is to be expected at the outset and is perhaps one of its virtues. It is a very necessary step in the development of world cooperation. No nation began as it is today, not even America. We have progressed as we have grown in years. So that amicable settlement of differences and the building of "one world" must also go through certain stages.

Much has been said about the power of the veto and many persons have pointed out that it negates collective action. At present the world is run on forces set in motion by one or more nations and if this reasoning be followed to its logical conclusion we could never devise a plan of collective action. Further, if any one of the four nations—the United States, Russia, China, or Great Britain—wanted to start a war, there would be one anyway. Perhaps France could not start one so easily. China could not by virtue of power, but because of her geographical situation; the other three on power alone.

However, it does not seem quite clear as to what our position would be in the event that action might be vetoed by one of the five permanent members of the organization if action were desired by the other four members. What would happen if one or more of the big powers become convinced that military force is necessary? What would happen if force were used? No legal force may be used if one of the permanent members decided against it. Article 51 contains a reservation on resisting attack and action in self-defense, yet this can only be interpreted to include attack upon citizens or property within the borders of one country by another. What is to be done if citizens of country A—or their property owned in country A—are killed and destroyed on a wholesale scale within the borders of country B, which country refuses to protect them or their property, and country A decided that it is necessary to send forces into country B to protect its citizens? The question of whether or not action outside of the Charter is legal or not should be determined.

A word about the future of the World Court: The highest court in most civilized countries allows not only its constituent members and their political subdivisions, but also individuals, to present cases before it. One could not think in terms of our Supreme Court as only allowing states to present cases before it. Individual citizens have a great sense of security in knowing that they may also present their case there too. It does not seem possible that a court set up for the express purpose of interpreting international law could prohibit individuals from bringing cases before the court—citizenship, marital relations, adoptions, property settlement, and many other problems of an individual nature on an international scale are possible and should be permissible before the court.

Another aspect that is rather strange to those of us who are accustomed to the courts of our country: We allow a judge who might have an interest in one of the parties of a case to withdraw from the case.

The statute of the International Court of Justice not only allows such a judge to remain, but makes special provisions so that if one of the parties is not represented, special provisions are made to get a judge who does have a special interest for that particular case. Is this to be interpreted that he would be so soundly outvoted within a group of 15 that his presence would not mean much? There have been too many cases in our Supreme Court history where decisions were rendered by a one-vote majority to believe that this procedure is judicious or desirable.

We have been interested in all phases of the Charter, and our questions on most phases have been satisfactorily answered either by interpretation or by a logical explanation of why certain sections were written as they are.

However, we are gravely concerned about the section on trusteeships and the status of colonial people in general.

We are concerned for we know, as history has proved, that as long as any group of people in the world do not have government in which they have the right to participate, there will be no peace. There will only be an absence of war. As for the Trusteeship Council in the Charter, the Christian Science Monitor has so succinctly pointed out—

There is nothing left in the trusteeship plan to which the most ardent nationalist could object.

It is rather confusing, on the one hand, to read that—

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under chapter VII, in chapter II, section 7—

and then read the section on the international economic and social cooperation, IX and X.

Perhaps the greatest defect of the Charter is that it makes little or no provision for the 750,000,000 colonial peoples. The only provision made is that all nations now having colonial possessions are free to continue as they see fit. There is no provision for representation of the governed people on the Trusteeship Council. There are to be reports but there is no method to see that the country holding the colonial can enforce any recommendations.

The conflict between the French on one side and the Arabs and British on the other in Syria, and the Arab uprisings in Algeria, resulting in casualties running into the thousands, should make it clear to the world that imperialist rivalries and colonial oppression must be eradicated before world security and peace can be realized.

Grave dangers will result from any attempts to deal with such crisis as merely a question of local political consequence or as involving simply the safeguarding of supply routes to the East. The struggle for empire and the disgraceful deceptions practiced against the native people in this area ever since World War I form a pattern characteristic of colonial imperialism in general. That pattern must be changed if there is to be any peaceful solution of the claims of Arab, Indian, African, and other subject peoples.

The natives of South Africa, some 6,000,000 who are ruled by some 2,000,000 whites, want their freedom. Morocco wants the freedom that was taken from her. Algeria and Tunis, too, want freedom.

Agreement has been reached upon the principle that the imperial powers among the United Nations should stand morally committed to certain general objectives of economic, social, and political advancement for all colonial peoples, and more specifically for a small minority of subject peoples who may be brought within a trusteeship system.

There is, however, no legal or compulsory obligation upon the states to adhere to these objectives. It is, indeed, purely voluntary for the governing powers to bring even the present mandates and future World War II mandates, not to mention other colonial territory, within the trusteeship system, which will have slightly stronger supervisory powers than did the Mandates Commission.

In addition to its limited scope, there are other shortcomings in the present formula. No provision is made for representation of the colonial peoples in the Trusteeship Council, or for consultation with them. Nothing is said of how long the trusteeship shall last; the goal of self-government is meaningless unless there is a definite time stipulated for its achievement.

And what about the old mandated territories? What about standards of colonial administration? What about the colonies of Portugal and Spain, which are not in the United Nations family?

We urge that these matters be considered and these problems solved at the earliest possible date. It is also to be hoped that the Economic and Social Council, which has such vast potential powers, will have the courage to mirror these problems before the world and that action will be taken to solve the colonial problem. Even as America found that she could not survive half slave and half free, neither can the world. The freedom, security, and peace of all are inextricably tied up with every group of people under the sun.

Anyone who believes that there will be peace without abolishing the colonial system is only deluding himself.

There must also be established a world "full of rights" or there will be no peace. Mankind is not so constituted that he will accept an inferior status to other men on a group basis.

It was rather interesting to note that there was reference in the deliberation to "territories inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world." This is but indicative of a type of thinking too prevalent. France was not able to stand by herself, and yet, she is now considered one of the Big Five. By what criteria is a nation to be so judged? Further, the conditions in most of the colonial countries are such that they have but one way to go and that is up—judged by the criteria of education, sanitation, standard of living, health facilities, roads, channels of communication, transportation, ownership of land, and all the other criteria for modern living, they are at the bottom. So that it might be deduced that, whatever way they governed themselves, it is inconceivable that they could be in more dire circumstances. Further, the fact that they are allegedly incapable of self-government is an indictment of the type of rule they have been given. Had they been given opportunity for self-government, they would have prepared for it. However, there are those who believe that no man is wise enough, nor good enough, to rule another.

We are further interested in the development of the backward nations of the world. It is to be hoped that the Economic and Security

Council will aid greatly in our ability to help in this way by facilitating our ability to contribute through loans and technical assistance to the development of economically backward areas in such a way as to develop new markets not only for our goods but for those of all countries. Such financial and technological assistance should aim at raising the living standards and promoting the industrialization and mechanization of the areas concerned. The aid should be given through an international investment agency to avoid the dangers of developing American spheres of influence or American imperialism.

Considering Africa specifically, the subject peoples of that continent have contributed greatly toward the achievement of victory and they are justified in expecting that some of the war aims as enunciated in the Atlantic Charter and the "four freedoms" should apply to them and that they too should benefit by their sacrifices in the war of liberation. In the words of a recommendation made by a group of outstanding American citizens to the United States Government:

The guiding principle underlying these policies and procedures in the international, regional, and local sphere, should be that of providing the maximum opportunity for Africans to manage their own affairs within the framework of international cooperation, with a view toward achieving full democratic rights for all the inhabitants of the noncolonial territories, and toward enabling the indigenous people in all colonies, protectorates, and mandated territories to achieve self-government and the right of self-determination within a specified time limit, pursuant with United States policy toward the Philippines (Council on African Affairs, *New Africa*, vol. 3, No. 11, December 1944).

It is to be hoped that the Economic and Social Council will immediately set about to establish a committee on colonial possessions with power:

(1) To receive—and demand, if necessary—periodic reports on the progress made toward self-government of colonial peoples and on their economic and social progress including public health, nutrition, land ownership, working conditions, migration, and education.

(2) To make periodic, on-the-spot inspections of colonial conditions.

(3) To undertake such special studies as it deems desirable and to gather the necessary data for them.

(4) To publish its own reports and the reports received, with appropriate comments.

(5) To advise on colonial matters and to suggest changes in colonial policies to the Council to be forwarded to the Assembly, thence to the Security Council.

(6) To investigate on the spot and report fully on grievances charged by any indigenous group against its suzerain.

The colonial authority should accept as duties such obligations as the following:

(1) To educate the dependent people for self-government and eventual political equality.

(2) To preserve native cultural autonomy.

(3) To avoid invidious racial or religious discrimination.

(4) To provide and maintain decent standards of living, health, education, and civil liberties.

In conclusion and in summary, may we state that we favor the immediate ratification of the United Nations Charter and will share the pride of most Americans if we should be the first to ratify the Charter;

That maximum world development for all the peoples of the world can best reach fruition in a world of peace, and further,

That civilization cannot stand another war;

That we have a choice between this Charter and no charter at all;

That the Charter is not too ambitious in what it attempts to do at the outset, which is perhaps one of its virtues. This is not to be interpreted to mean that we are freezing the status quo but that we shall proceed as fast as is humanly possible to eliminate the causes of war;

That discussion on the veto has fortunately subsided to a whisper, but that we believe that if this plan is omitted that we shall never have any form of collective action;

That clarification of our position in the event of veto and action outside of the purview of the Charter is desirable and should be made;

That steps be taken to permit individual cases before the International Court of Justice. That the matter of judges sitting on cases in which they have an interest be carefully considered to determine the advisability of same.

That we are gravely concerned about the Trusteeship Council jurisdiction. Unless provisions are made for the settlement of and the abolition of the colonial system, there will be no peace. This is something that is not a matter of being nice to 750,000,000 colonials, but a matter that is necessary for the peace of the world. Even though moral obligations are admitted, there is no legal or compulsory obligation upon the nations to adhere to these objectives. It is indeed voluntary as to which states will be brought into the system with few exceptions. There is no provision made for representation of the colonial peoples in the Trusteeship Council or for consultation with them. Nothing is said about how long the trusteeship shall last; the goal of self-government is meaningless unless there is a definite time limit.

That there must be established at the earliest possible moment an "international bill of rights."

That most nations now ruled by nations other than themselves are on such a low level of civilization that self-rule could but be an improvement, and is an indictment of the type of rule perpetrated against them;

That we are interested in the development of backward nations because of the justice and right, but also because of its mutual economic advantage to such nations and to us;

That there be established within the Economic and Security Council a Committee on Colonial Possessions which will have power to carry out the provisions set forth in this testimony;

That we pledge our support and effort in helping to enable America carry out her share of the responsibility of leading us down the broad highway that has been opened toward peace, security, human rights, and justice.

Thank you.

The CHAIRMAN. Thank you very much, Mrs. Johnson.

Are there any questions?

(There was no response.)

The CHAIRMAN. There are no questions. Thank you very much.

I now want to place in the record, with the consent of the committee, a letter from the Independent Citizens' Committee of the Arts,



Sciences, and Professions, Inc., Hotel Astor, New York, signed by the distinguished sculptor, Jo Davidson, chairman, together with a resolution. The only reason why I insert the letter is that the resolution without it would not be very complete. Without objection, they will appear in the record.

(The letter and resolution are as follows:)

INDEPENDENT CITIZENS' COMMITTEE OF THE  
ARTS, SCIENCES, AND PROFESSIONS, INC.,  
New York 19, N. Y., July 10, 1945.

HON. TOM CONNALLY,  
*Senate Foreign Affairs Committee,*  
*Senate Office Building, Washington, D. C.*

DEAR SENATOR CONNALLY: The attached resolution, urging the United States Senate to ratify the United Nations Charter at the earliest possible date, was unanimously approved at a recent meeting of the Board of Directors of the Independent Citizens' Committee of the Arts, Sciences, and Professions.

We respectfully request that, as chairman of the Foreign Affairs Committee, you bring this statement to the attention of that committee and that it be included in the records of the current hearings on the United Nations Charter.

On behalf of the Independent Citizens Committee, I should like to congratulate you on your active leadership in bringing the Charter to the immediate attention of the Senate.

Very truly yours,

JO DAVIDSON, *Chairman.*

RESOLUTION

With the signing of the United Nations Charter at San Francisco, the 50 United Nations have taken the first step toward the achievement of lasting peace. The second step—the ratification of that Charter by the individual governments—must be made quickly and surely.

It is of the utmost importance that the United States approve this Charter as a positive demonstration of our sincerity and earnest wish to assume our rightful responsibilities in the program for world peace and security.

The citizens of this country have already made clear their overwhelming desire to join with the other peace-loving nations of the world in setting up the world peace organization provided for in the United Nations Charter. They have given their elected representatives a mandate to vote and work for peace. There must be no delay in carrying out this directive of the American people.

We believe that the ratification of the United Nations Charter is essential to the realization of international peace and security. But we believe, also, that the Charter is only a framework and that it must be implemented as fully and as quickly as possible. The Bretton Woods legislation authorizing the establishment of an International Monetary Fund and an International Bank must be approved. Collateral economic and political legislation must be enacted. And the unity of purpose which has guided the United Nations to victory over fascism in Europe and which is now leading us to victory over Japan must be continually renewed and strengthened if we are to realize a world of peace.

Therefore, we respectfully urge the Senate of the United States to ratify at the earliest possible date the bill for the United Nations Charter. We further urge that they support and approve all collateral legislation essential to world peace and international economic cooperation. Only by such specific action can the American people and their representatives in Washington begin to concretize the program for world peace. Only then will we have begun to fulfill the sacred obligation to the millions of men and women of this nation and the other United Nations who have given their lives in the fight to rid the world of fascism and make it possible for the peace-loving peoples of the world to unite in achieving a workable peace and a sound prosperity.

Unanimously resolved by the board of directors of the Independent Citizens' Committee of the Arts, Sciences, and Professions.

JO DAVIDSON, *Chairman,*  
FREDRIC MARCH, *Treasurer.*

The CHAIRMAN. I should like to call the attention of the press to certain telegrams that I shall place in the record. We have a telegram from Mrs. Malcolm McClellan, chairman of legislation, National Congress of Parents and Teachers, favoring the Charter.

I may say that all of these organizations favor the Charter.  
(The telegram referred to is as follows:)

JACKSONVILLE, FLA., July 9, 1945.

Senator TOM CONNALLY,

*Chairman, Committee on Foreign Affairs:*

The National Congress of Parents and Teachers, an organization of three and a half million fathers, mothers, and teachers in every State in the United States and Hawaii, is in the very nature of its organization and objectives vitally interested in its ratification of the San Francisco Charter, the hope of the world, and its use today. The United States was host to the United Nations Conference and took the lead in formulating this Charter. We should now take the lead in its ratification. We owe it to those who now are fighting and those who fought and died to take the lead in ratifying this charter for an international organization to keep peace. We look hopefully to your committee for a speedy and unanimously favorable report. Please have this telegram made a part of the record of the committee hearing.

Mrs. MALCOLM MCCLELLAN,

*Chairman of Legislation, National Congress  
of Parents and Teachers.*

The CHAIRMAN. The next telegram is from Mrs. Moses P. Epstein, national president, Hadassah.

(The telegram referred to is as follows:)

NEW YORK, N. Y., July 6, 1945.

Senator TOM CONNALLY,

*Chairman, Committee on Foreign Affairs:*

The national board of Hadassah, the women's Zionist organization of America, speaking in the name of 150,000 members from every State in the United States, hails the new Charter of the United Nations organization as a momentous step forward in the struggle of civilized mankind for progress through peace. We hope our country will take leadership in the solution of peacetime problems with the same zeal and effectiveness which characterized our cooperation with the United Nations in war and toward that end we urge a speedy ratification of the Charter by the United States Senate.

Mrs. MOSES P. EPSTEIN,

*National President, Hadassah.*

The CHAIRMAN. We have a telegram from the National Maritime Union, signed by Joseph Curran, chairman, and Ferdinand C. Smith, secretary.

(The telegram referred to is as follows:)

NEW YORK, N. Y., July 3, 1945.

SENATE FOREIGN AFFAIRS COMMITTEE,

*Washington, D. C.:*

Delegates to the Fifth Constitutional Convention of the National Maritime Union, now assembled in the city of New York, are four-square behind the plea of President Truman for speedy ratification by the United States Senate of the United Nations World Security Charter. We are now in the last stages of a bitterly fought war. There must be no delay in taking the first steps toward a durable peace and the strongest guarantee against the threat of future wars. The peace- and freedom-loving peoples of the world look to us for leadership in putting the United Nations security organization on a firm footing with full ability and authority to organize and preserve the peace. We cannot hesitate or delay in giving this leadership, support, and cooperation. The United States of America must be the first of the United Nations to endorse the World Security

Charter. The United States of America must be a full participating member of the United Nations in peace as in war. Immediate ratification by the United States of the World Security Charter will encourage our armed forces and our allies to greater efforts in the final crushing blow against world fascism. It will stimulate the rebirth of democracy in the newly liberated areas. It will reassure the American people that never again will our Nation follow the disastrous path of isolation and war. We seamen have made heavy sacrifices in the course of this war. We are dedicated to the speediest possible destruction of Japan fascism. We call upon the United States Senate to ratify the United Nations World Security Charter immediately.

JOSEPH CURBÀN, *Chairman.*  
FERDINAND C. SMITH, *Secretary.*

The CHAIRMAN. Then there is the following telegram, which is self-explanatory.

(The telegram referred to is as follows:)

NEW YORK, N. Y., June 25, 1945.

Senator TOM CONNALLY,  
*Chairman, Committee on Foreign Affairs:*

Seven hundred people in an all-day session sponsored by the following organizations, American Association for the United Nations, Carnegie Endowment for International Peace, Church Peace Union, Commission to Study the Organization of Peace, National Peace Conference, Woodrow Wilson Foundation, to discuss the San Francisco Charter, voted as individuals to express our hope that the Senate of the United States will continue in session and will act favorably on the San Francisco Charter.

Henry A. Atkinson, Clark M. Eichelberger, James T. Shotwell, chairmen, conference.

The CHAIRMAN. The next telegram is from the board of trustees of the New Jersey State Federation of Women's Clubs.

(The telegram referred to is as follows:)

NEWARK, N. J., June 25, 1945.

Senator TOM CONNALLY,  
*Chairman, Committee on Foreign Affairs,*  
*Washington, D. C.:*

The board of trustees of the New Jersey State Federation of Women's Clubs urges your support and ratification of the Charter of the United Nations.

EMMA G. FOYE, *Corresponding Secretary.*

The CHAIRMAN. The Indiana Federated Clubs support the charter in the following telegram:

BOONVILLE, IND., June 24, 1945.

Senator TOM CONNALLY,  
*Chairman, Committee on Foreign Affairs:*

Indiana Federated Clubs urge you to support United Nations Charter.

IDA WILSON,  
*Chairman, Department of Legislature,*  
*Indiana Federation of Clubs.*

The CHAIRMAN. The Iowa Federation of Women's Clubs has sent the following telegram:

SPRINGVILLE, IOWA, June 21, 1945.

Senator THOMAS CONNALLY,  
*Chairman, Committee on Foreign Affairs:*

The executive committee and board of directors of Iowa Federation of Women's Clubs assembled in Des Moines, Iowa, on behalf of 30,000 club women of Iowa, go on record as urging Senate adoption of Charter of United Nations.

MRS. LEE A. JOHNSON,  
*Corresponding Secretary, Iowa Federation of Women's Clubs.*

The CHAIRMAN. The United Nations Council of Philadelphia sends the following telegram:

PHILADELPHIA, PA., July 6, 1945,

Senator TOM CONNALLY,

*Chairman, Committee on Foreign Affairs:*

Forty-five hundred members of United Nations Council of Philadelphia heartily endorse immediate Senate ratification of United Nations Charter.

MRS. GREENVILLE D. MONTGOMERY,

The CHAIRMAN. Then, Mrs. LaFell Dickinson, president of the General Federation of Women's Clubs, has sent me a telegram which is as follows:

KEENE, N. H.

Senator TOM CONNALLY,

*Chairman, Committee on Foreign Relations:*

I regret that I cannot be present in person to tell you and the members of the Foreign Relations Committee that two and a half million homemakers in the General Federation of Women's Clubs, wives and mothers of servicemen, are on record for an international organization as provided for in the United Nations Charter. We are depending upon you, the committee, and the entire Senate for early ratification of this Charter. Public opinion is behind you. My personal appreciation for your able work in this international movement toward peace. This is our last chance. We must not fail.

MRS. LAFELL DICKINSON,

*President, General Federation of Women's Clubs.*

Mrs. Dickinson was represented here this morning by Mrs. Brice Claggett.

We have received a letter from the National Commander of the American Legion, supporting the Charter. I will place his letter in the record.

(The letter referred to is as follows:)

THE AMERICAN LEGION NATIONAL HEADQUARTERS,  
Indianapolis, Ind., July 3, 1945.

HON. TOM CONNALLY,

*United States Senator, Washington, D. C.*

DEAR SENATOR CONNALLY: At the last three national conventions of the American Legion the delegates voted unanimously in favor of the establishment and maintenance of an association of free and sovereign nations to maintain peace and prevent recurrence of war. In 1943 and 1944 the convention declared that such association should be implemented with whatever force may be necessary for such purpose.

Soon after the Dumbarton Oaks agreement was reached by representatives of participating powers, the State Department, by all usual media, gave widest publicity not only to the agreement but to the reasons advanced by such representatives for the inclusion of the various provisions of the agreement, as well as the reasons for exclusion of some provisions which certain groups or individuals thought should be included.

The American Legion, with more than 100 other representative American organizations, participated in several discussions of the Dumbarton Oaks proposals either initiated by the State Department or held with State Department cooperation, and American Legion representatives participated as consultants at the UNCIO at San Francisco, together with representatives of more than 40 other American organizations. The American Legion feels that the Charter produced at the San Francisco Conference is a charter arrived at through unprecedented participation of American people, after unprecedented opportunity for every American to know that which preceded and that which occurred at the Conference.

The American Legion feels that the San Francisco Charter is an honest and able attempt to create a workable association of free and sovereign nations implemented with force to maintain peace and prevent recurrence of war.

Obviously, it is the best and only charter which can be produced at this time.

The American Legion believes that the President's hand should be strengthened for the grave and difficult tasks which lie ahead of him in the field of foreign

relations by early ratification of the Charter. It believes that such action is strongly desired by the American people, more thoroughly informed upon the subject matter than they have ever been informed heretofore on any important international undertaking. The American Legion therefore respectfully requests that you support ratification of the charter at the earliest date consistent with due and proper procedure.

Sincerely yours,

EDWARD N. SCHEIBERLING,  
*National Commander.*

The CHAIRMAN. We have received also a letter from the National Council of Jewish Women, Inc., favoring the Charter. I will place that letter in the record at this point.

(The letter referred to is as follows:)

NATIONAL COUNCIL OF JEWISH WOMEN, INC.,  
*New York, N. Y., July 3, 1945.*

The Honorable TOM CONNALLY,  
*Senate Office Building, Washington, D. C.*

SIR: I am voicing the sentiments of every member of the National Council of Jewish Women in offering you my thanks for your valuable contribution to the San Francisco Conference. The National Council of Jewish Women is one of the many organizations and individuals that regard the United Nations Charter as a powerful weapon for establishing world peace and security.

The delegates of the United Nations, in meeting at San Francisco, assumed the full responsibility that the peoples of the world vested in them. We believe that they did a magnificent job. The members of the United States delegation performed a double task, first, in contributing to the formation of the Charter and, second, in using the influence of this country toward creating unity and cooperation among the nations.

The members of this organization believe that the responsibility for making the fullest use of the United Nations Charter now rests with the peoples of the world. The surest sign of United States' cooperation is immediate and overwhelming ratification of the Charter by the United States Senate. I am sure that you will do all in your power to insure this.

Cognizant of the importance of public support, this organization is exerting its efforts toward furthering public understanding and endorsement of the United Nations Charter. To that end, we have prepared the enclosed flier for distribution.

May I congratulate you upon the success of your mission. We hope and pray that the United Nations will live up to the principles of world peace and progress laid down in the Charter you were instrumental in formulating.

Respectfully yours,

(Signed) Mildred G. Welt,  
Mrs. JOSEPH M. WELT,  
*National President.*

The CHAIRMAN. We have received other telegrams that I shall not read, but I will ask that they be placed in the record. The newspaper correspondents, who have good eyesight, can see the large number of them. They all support the Charter.

We shall not call another witness at this time but shall recess until 2 o'clock. I hope that the witnesses who are listed for this afternoon will appear.

The committee will stand in recess until 2 o'clock.

(At 12:30 p. m. a recess was taken until 2 p. m. of the same day.)

(Further telegrams and letters received by the chairman and placed in the record by him, are as follows:)

JACKSON HEIGHTS, N. Y., *June 23, 1945.*

Hon. TOM CONNALLY,  
*San Francisco, Calif.:*

Urge immediate ratification of San Francisco Charter.

DOROTHY EDELMAN.

NEW YORK, N. Y., June 22, 1945.

Senator THOMAS CONNALLY,  
*San Francisco, Calif.:*

Strongly urge that Congress may be kept in session so as to ratify San Francisco Charter immediately.

MARION CHESEBROUGH DAVISON.

NEW YORK, N. Y., June 22, 1945.

Hon. TOM CONNALLY,  
*San Francisco, Calif.:*

I feel it is vital to world unity for United States to ratify San Francisco Charter before recess and before the President goes to Berlin.

Mrs. W. B. PARSONS, Jr.

NEW YORK, N. Y., June 22, 1945.

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

Congress must stay in session to insure ratification of San Francisco Charter.

GERTRUDE B. BAUMAN.

NEW YORK, N. Y., June 22, 1945.

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

Hope you can keep Senate in session to secure ratification United Nations Charter.

LYMAN BEECHER STOWE.

CHAPEL HILL, N. C., June 21, 1945.

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

Legislation committee North Carolina Federation Women's Clubs urges continued session Congress and prompt Senate approval United Nations Charter.

Mrs. EDNA P. FARRAR, *Chairman.*

BROOKLYN, N. Y., June 23, 1945.

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

Five hundred members of Americans United for World Organization, Flatbush Division, urge immediate ratification of Charter.

Mrs. EVA WILLIAMS, *Membership Chairman.*

NEW YORK, N. Y., June 25, 1945.

Hon. TOM CONNALLY,  
*San Francisco, Calif.:*

The youngest of our three sons in service killed in action in the Appennines of Italy wrote of the boys who came through Africa, Sicily, and then Italy, "I keep mum. You cannot give too much credit to those boys, they have undergone suffering like I've never seen yet. May those who are responsible for the coming peace realize that awful extent and do justice to all." We urge and hope the Senate will stay in session and ratify quickly the San Francisco agreement.

DOROTHY and RANDOLPH COMPTON.

NEWCASTLE, WYO., June 30, 1945.

Senator TOM CONNALLY,  
*Chairman, Foreign Relations Committee, Washington, D. C.:*

Please advise all Wyoming Representatives that the Women's Clubs of Osage and Newcastle, Wyo., affiliated with the Federated Women's Clubs of America, urge speedy ratification of world peace Charter.

CÉCELIA E. OLMSTEAD, *Secretary.*

WASHINGTON, PA., June 30, 1945.

HON. TOM CONNALLY,  
*United States Senate, Washington, D. C.:*

The Current Events Club, of Washington, Pa., membership 200, urge ratification of Charter of United Nations.

INEZ A. BAILEY, *President.*

ALTOONA, PA., June 29, 1945.

HON. TOM CONNALLY,  
*Senate Building, Washington, D. C.:*

Please vote ratification United Nations Charter.

MRS. W. B. GILFELLON,  
*Chairman Legislature, Altoona Women's Club.*

SHREVEPORT, LA., June 29, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

The Southern Literary Club unanimously approves early adoption of the Charter of the United Nations.

SOUTHERN LITERARY CLUB,  
MRS. J. W. BETTIS.

NEWCASTLE, WYO., June 29, 1945.

HON. TOM CONNALLY,  
*Foreign Relations Committee,  
United States Senate, Washington, D. C.:*

This local club in meeting today favors congressional ratification United Nations Charter.

TWENTIETH CENTURY CLUB,  
*Member, Federated Women's Club.*

MURPHY, N. C., June 29, 1945.

THE HONORABLE TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee:*

We urgently desire approval of the United Nations Charter.

GETRUDE WORTHEN,  
*President, Murphy June Women's Club.*

FLEMINGSBURG JUNCTION, KY., June 30, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee:*

The Fleming County Women's Club urges ratification of Charter of United Nations at once.

MRS. R. H. SHERWOOD, *Chairman.*

ASHEVILLE, N. C., June 30, 1945.

SENATOR TOM CONNALLY,  
*Senate Office Building, Washington, D. C.:*

Defer Senate adjournment until San Francisco Charter is ratified.

CHARLES ERNEST SCOTT.

AKRON, OHIO, June 29, 1945.

SENATOR TOM CONNALLY:

Our group unanimously request you vote for San Francisco Charter.

MRS. MAURICE E. WHITELAW,  
*Secretary, Alumni of Board Members of Akron and Summit County  
Federation of Women's Clubs.*

FRESNO, CALIF., June 29, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
 United States Senate, Washington, D. C.:*

The members of San Joaquin Valley District, California Federation of Women's Club, approve speedy ratification of United Nations Peace Charter as adopted at Peace Conference held in San Francisco.

Mrs. C. S. TAYLOR, *District President.*

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HOPKINS, MINN., June 29, 1945.

MEMBERS OF THE SENATE,  
*Care Tom Connally, Washington, D. C.:*

In the name of the Father, Son, and Holy Ghost, "The only thing to fear is fear"—Franklin D. Roosevelt. All nations must work together and keep God's Ten Commandments.

Mrs. IDA HUTCHINS.

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CRESCENT CITY, CALIF., June 29, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

Del Norte County Federation CFWC urgently begs the California Senators to ratify the United Nations Charter.

ELEN M. ESTES, *President.*

MOBILE, ALA., June 29, 1945.

TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

As president of the Century Book Club of 30 members we urge the ratification of the Charter of the United Nations.

VIRGINIA B. OGDEN,  
*President, Century Book Club.*

WOOLLEY, WASH., June 29, 1945.

HON. TOM CONNOLLY,  
*Chairman, Senate Foreign Relations Committee,  
 Washington, D. C.:*

Our club urges immediate approval by the Senate of the Charter of the United Nations.

SEDRO WOOLLEY WOMEN'S CLUB,  
 ALTA GREEN, *President.*

PALMDALE, CALIF., June 29, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
 Washington, D. C.:*

Strongly urge ratification United Nations Charter.

PALMDALE WOMEN'S CLUB.

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SALT LAKE CITY, UTAH, June 29, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
 Senate Office Building, Washington, D. C.:*

It is the desire of the Utah Federation of Women's Clubs that the Charter of the United Nations be approved by Congress immediately.

Mrs. ARTHUR GAETH,  
*Chairman, Department of International Relations.*



MINNEAPOLIS, MINN., June 29, 1945.

Senator TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
 United States Senate, Washington, D. C.:*

Your suggestion that the United States be the first nation to ratify the United Nations Charter is the leadership that a hopeful humanity will hail. Minnesota opinion is overwhelmingly for early ratification.

YORK LANGTON,  
*Chairman, Speaker's Panel, Minnesota United Nations Committee.*

WENATCHEE, WASH., June 29, 1945.

Hon. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
 Washington, D. C.:*

Wenatchee Junior Woman's Beta group composed of 22 members unanimously endorse the Charter of the United Nations and urge its ratification. Are in earnest for future peace for all nations. No more war.

Mrs. GORDON BIRD, *President.*

NEW YORK, N. Y., June 21, 1945.

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

Please use all your influence to have San Francisco Charter ratified by Senate.  
 Mr. and Mrs. GARFEIN.

NEW YORK, N. Y., June 21, 1945.

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

We ask Congress remain in session to ratify San Francisco Charter.

HAROLD and MARION BERKLEY.

GRYMESHILL, N. Y., June 21, 1945.

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

Please keep Congress in session for immediately ratification of San Francisco Charter.

HELEN FARRELL PEGGS.

NORTH HOLLYWOOD, CALIF., June 21, 1945.

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

Urge Senate remain in session until United Nations Charter ratified. Demoralizing effect of adjournment without action might be mortal blow to world security organization.

UNITED NATIONS COMMITTEE OF SAN FRANCISCO VALLEY.

BROOKLYN, N. Y., June 21, 1945.

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

We respectfully urge Senate ratification of United Nations Charter before July 15. The world looks to us for leadership.

Dr. and Mrs. H. C. Bricker, Dr. and Mrs. Arthur Blidden, Mrs. P. Brower, Mrs. E. Lief, A. Blidden, Mr. and Mrs. S. Glasner, Dr. and Mrs. S. Hollenberg, Mr. and Mrs. R. Glass, Mr. and Mrs. S. Blum, Dr. and Mrs. Fink.

NEW YORK, N. Y., *June 20, 1945.*

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

Immediate ratification of the San Francisco Charter by the United States of America would inspire other nations to immediate action. So much time has been devoted to public debate that constituencies would certainly welcome early decision by the Senate.

Mrs. STANLEY P. WOODARD,  
*President, World Government Association.*

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DETROIT, MICH., *June 20, 1945.*

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

Our organization of 1,000 women urge you advocate Congress remain in session to consider San Francisco Conference Agreement. The world looks to United States to assume moral leadership of world.

DETROIT WOMEN'S DIVISION, AMERICAN JEWISH CONGRESS.

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BROOKLYN, N. Y., *June 20, 1945.*

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

We want earliest possible ratification of San Francisco Charter.

Mr. and Mrs. A. E. VAUGHAN.  
Mrs. VIRGINIA MCAULIFFE.

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NEW YORK, N. Y., *June 20, 1945.*

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

Requesting immediate ratification San Francisco Charter.

DAVID A. SWICK, M. D.

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NEW YORK, N. Y., *June 20, 1945.*

Sen. TOM CONNALLY,  
*San Francisco, Calif.:*

Request immediate ratification San Francisco Charter.

Dr. J. J. FRIED.

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DETROIT, MICH., *June 20, 1945.*

HON. TOM CONNALLY,  
*San Francisco, Calif.:*

Heard Congress may adjourn before ratification of San Francisco Charter. This would deal severe blow to our moral leadership. We cannot afford such loss of international prestige at a moment when our horizons are unlimited in prospective good will. Respectfully urge your opposition of adjournment of Congress until ratification.

AMERICAN JEWISH CONGRESS, DETROIT SECTION,  
MORRIS LIEBERMAN.

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NEW YORK, N. Y., *June 20, 1945.*

Hon. TOM CONNALLY,  
*San Francisco, Calif.:*

Do all possible to speed immediate ratification of San Francisco Charter. Keep Congress in session.

GREENWICH VILLAGE CENTER OF FRIENDS OF DEMOCRACY,  
GRACE TAFT TAYLOR,  
JANE BLISS TAYLOR, *Vice President.*

PEEKSKILL, N. Y., *June 22, 1945.*

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

Please help continuous ratification work on Frisco Charter. Thanks.

GERTRUDE WHITING.

NEW YORK, N. Y., *June 22, 1945.*

TOM CONNALLY,  
*San Francisco, Calif.:*

Urge San Francisco Charter be ratified before Congress adjourns.

J. RUSSELL PARSONS.

PROVIDENCE, R. I., *June 22, 1945.*

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

We urge your influence to keep Congress in session for early ratification San Francisco Charter so that President Truman may carry ratification new to Big Three Conference.

INTERORGANIZATION PLANNING COMMITTEE, RHODE  
ISLAND TOWN MEETINGS ON WORLD ORDER.

NEW YORK, N. Y., *June 22, 1945.*

Hon. T. CONNALLY,  
*San Francisco, Calif.:*

Believe it is of utmost importance Congress remain in session to permit earliest possible ratification of San Francisco Charter and urge your kind cooperation.

D. EMIL KLEIN Co., INC.

NEW YORK, N. Y., *June 22, 1945.*

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

Urge immediate ratification San Francisco Charter while Congress in session.

J. A. TANNEY.

NEW YORK, N. Y., *June 21, 1945.*

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

Charter ratification by Congress at earliest possible date seems vital enough to keep Congress in session. I hope your influence will accomplish this.

Mrs. HENRY H. ELIAS.

MORRISVILLE, PA., *June 21, 1945.*

Hon. TOM CONNALLY,  
*San Francisco, Calif.:*

Hope Senate stays in session until ratification San Francisco Charter.

STANLEY H. RENTON.

BROOKLYN, N. Y., *June 21, 1945.*

Senator TOM CONNALLY,  
*San Francisco, Calif.:*

Urge Senate ratify United Nations Charter before adjourning.

KATHERINE M. REIGART, *Brooklyn, N. Y.*

MOMENCE, ILL., June 30, 1945.

HON. TOM CONNALLY,  
*Chairman, Foreign Relations Committee:*

The Momence Women's Club unanimously voted ratification of the charter.

MOMENCE WOMEN'S CLUB.

MURPHY, N. C., June 29, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.:*

We urgently desire approval of the United Nations Charter.

W. A. HOOVER,  
*President, Murphy Businessmen's Club.*

AUBURNDALE, MASS., July 2, 1945.

Senator TOM CONNOLLY,  
*Senate Foreign Relations Committee,*  
*Washington, D. C.:*

The Auburndale Woman's Club, with membership of 200, wishes to go on record as endorsing the United Nations Charter, the text of which has been in the newspapers. We urge that you use your influence to get it ratified as soon as possible.

IRMA T. LYNN, *Chairman.*

NASHVILLE, TENN., July 2, 1945.

HON. TOM CONNALLY,  
*Chairman, United States Foreign Relations Committee,*  
*The Senate, Washington, D. C.:*

The Nashville Woman's Press and Authors' Club unanimously requests immediate consideration of the United Nations Charter and its ratification without emasculating reservations.

ANITA WILLIAMS, *President.*

NEW RICHMOND, IND., July 15, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*United States Senate, Washington, D. C.:*

We the undersigned urge you approve Charter of United Nations.

Tuesday Study Club, Mrs. Lewis Withrow, president; Mrs. Gertrude Oppy Carr, secretary; members, Mesdames Eugene Bailey, Fred Bible, Ralph Canine, Lora Maguire, Russell Miller, Herman Nesbitt, Fred Oliver, Albin Raub, Jerome Rund, Charles Taylor, Donald Taylor, George Shelby, William Snellenberger, Howard McCorkel, Melvin Willis.

NASHVILLE, TENN., July 2, 1945.

HON. TOM CONNALLY,  
*Chairman, United States Foreign Relations Committee,*  
*The Senate, Washington, D. C.:*

Twenty-five members of Nashville Metaphysical Study Club hope and believe the United Nations Charter will implement the preservation of the world's peace. We therefore urge the Senate to place on its calendar for immediate consideration and ratification the United Nations Charter.

ANITA WILLIAMS, *Committee Chairman.*  
MRS. P. G. TUCKER, *President.*

OKLAHOMA CITY, June 28, 1945.

Senator TOM CONNALLY,  
*Washington, D. C.:*

The Jurisdictional Board of Evangelism of the Methodist Church, in session June 28, Oklahoma City, unanimously expressed gratitude for progress made

toward peace in San Francisco Charter. It is hoped your influence will be felt in Congress for an early ratification.

Rev. PAUL D. WONELDORF,  
*Executive Secretary, Oklahoma City.*  
Rev. GERALD KENNEDY,  
*Lincoln, Nebr.*

SAN BRUNO, CALIF., June 28, 1945.

TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.:*

We the undersigned urge approval for ratification of the Charter of the United Nations.

SAN BRUNO WOMEN'S CLUB,  
Mrs. E. MARLIAVE,  
*Corresponding Secretary.*

BUENA VISTA, VA., June 28, 1945.

Hon. TOM CONNALLY,  
*Senate Foreign Relations Committee,*  
*Washington, D. C.:*

We are 100 percent behind the ratification of the United Nations Charter.

BUENA VISTA WOMAN'S CLUB.

MEMPHIS, TENN., June 25, 1945.

SENATE FOREIGN RELATIONS COMMITTEE,  
*United States Senate, Washington, D. C.:*

Opportunity Club of Memphis, Tenn., wishes to go on record for ratification Charter of the United Nations.

OPPORTUNITY CLUB.

CONCORD, N. H., June 28, 1945.

Hon. TOM CONNALLY,  
*Chairman, Foreign Relations Committee,*  
*United States Senate, Washington, D. C.:*

We do hereby ratify the approval of the Charter of the United Nations.

CANTERBURY WOMAN'S CLUB,  
RUTH E. WILSON, *Secretary.*

CHICAGO, ILL., June 28, 1945.

Hon. TOM CONNALLY,  
*Chairman, Foreign Relations Committee,*  
*United States Senate, Washington, D. C.:*

The Elmwood Park Woman's Club requests that you give your active support to the United Nations Charter.

EDNA L. CROKER, *President.*

CHICAGO, ILL., June 28, 1945.

Hon. TOM CONNALLY,  
*Chairman, Foreign Relations Committee,*  
*United States Senate, Washington, D. C.:*

Please put the Rogers Park Women's Club, of Chicago, Ill., on record for approval of the Charter of the United Nations.

Mrs. ARCH J. TURNER,  
*Legislative chairman.*

MOUNT PLEASANT, OHIO, June 28, 1945.

Hon. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.:*

Urge your approval of Charter of United Nations.

CHILDS STUDY CLUB.

NORTH PROVIDENCE, R. I., June 22, 1945.

HON. TOM CONNALLY,  
*Senate Foreign Relations Committee,*  
*Washington, D. C.:*

Please note 66 members of the Fruit Hill Women's Club urge approval of United Nations Charter.

Mrs. GEORGE W. COLEMAN, *President.*

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MINNEAPOLIS, MINN., June 26, 1945.

HON. TOM CONNALLY,  
*Chairman, Foreign Relations Committee, Washington, D. C.:*

Department of Minnesota Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, urge ratification of the San Francisco Charter.

Mrs. GRACE E. ANDERSON,  
*Department Secretary.*

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POCATELLO, IDAHO, June 26, 1945.

Senator TOM CONNALLY,  
*Chairman, Foreign Relations Committee,*  
*United States Senate, Washington, D. C.:*

Woman's Club, Pocatello, Idaho, urge ratification of United Nations' Charter.

NELLIE CLINE STEENSON,  
*Corresponding Secretary.*

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PHILADELPHIA, PA., June 26, 1945.

Senator TOM CONNALLY,  
*Senate Office Building, Washington, D. C.:*

Hope and trust that with your leadership and after your fine record at San Francisco the Senate will immediately ratify the San Francisco Charter and put the United States in the vanguard as a member of the new world organization.

SOPHIA YARNALL JACOBS,  
*Montgomery County, Pa.*

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HAVERFORD, PA., June 26, 1945.

Senator TOM CONNALLY,  
*Senate Office Building, Washington, D. C.:*

I strongly urge and recommend to you to defer Senate adjournment until the San Francisco Charter is ratified.

Mrs. ERIC DE SPOELBERCH.

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GENEVA, ILL., June 27, 1945.

Senator TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*United States Senate, Washington, D. C.:*

The Geneva Women's Club urges prompt ratification of United Nations Charter.

NATHALIE R. RECKITT, *President.*

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SPEEDS, IND., June 30, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

Our 40 members urge ratification of the United Nations Charter.

SPEED WOMEN'S CLUB.

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MAMMOTH SPRINGS, ARK., June 30, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

Highly favor Charter for securing and maintaining world peace.

TWENTIETH CENTURY CLUB.

ROSWELL, N. MEX., *July 1, 1945.*

HON. TOM CONNALLY,  
*Chairman, Washington, D. C.:*

The Roswell Woman's Club urges your support of the ratification of the Charter of the United Nations.

\_\_\_\_\_  
Mrs. B. B. WILSON, *President.*

CLOVIS, N. MEX., *July 1, 1945.*

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:*

Hoping and praying that we may find lasting peace, we urge your approval of the Charter of the United Nations when it comes before the Senate.

\_\_\_\_\_  
CLOVIS WOMAN'S CLUB,  
By Mrs. JAMES A. JACKSON.

HAVERFORD, PA., *July 1, 1945.*

TOM CONNALLY,  
*Washington, D. C.:*

Whole country insists that United Nations Charter be approved before Senate vacation. We count on you.

\_\_\_\_\_  
JOHN LEWIS EVANS.

ELIDA, N. MEX., *June 30, 1945.*

HON. TOM CONNALLY,  
*Senate Foreign Relations Committee,  
Washington, D. C.:*

The Elida Woman's Club approves the Charter of United Nations and urges immediate ratification.

\_\_\_\_\_  
Mrs. J. FRANK BYRD, *President.*

STATE COLLEGE, PA., *June 22, 1945.*

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:*

As chairman of international relations of Pennsylvania Federation of Women's Clubs, I urge the prompt approval by the Senate of the Charter of the United Nations as written at San Francisco. Am sending you by mail ballot supporting an international organization by 600 leaders in club work in Pennsylvania.

\_\_\_\_\_  
Mrs. JOHN D. GILL,  
*Chairman, International Relations.*

MORRISTOWN, N. J., *June 22, 1945.*

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
Senate Office Building, Washington, D. C.:*

The members of the Woman's Club of Morristown, N. J., urge prompt ratification of the Charter of the United Nations.

\_\_\_\_\_  
Mrs. E. BERTRAM MOTT, *President.*  
Mrs. WILLIAM R. HALLIDAY, *Chairman,  
International Relations Committee.*

JACKSON, MISS., *June 22, 1945.*

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee:*

Five thousand members Mississippi Women's Federation want ratification Nation's Charter.

\_\_\_\_\_  
MISSISSIPPI FEDERATION OF WOMEN'S CLUBS,  
Mrs. EUNICE M. WESTON, *Treasurer.*

RIVERSIDE, CALIF., June 29, 1945.

Senator TOM CONNALLY,  
*Capitol Building, Washington, D. C.:*

Southern District California Federation Woman's Clubs, 109 clubs, 10,000 members, in conference June 28, 1945, urges all possible effort for ratification Peace Security Charter.

Mrs. F. H. BECKER,  
*Corresponding Secretary.*

VINELAND, N. J., June 27, 1945.

Senator TOM CONNALLY,  
*Senate Office Building:*

Urgently request you do all possible to defer Senate adjournment until San Francisco Charter is ratified.

INDEPENDENT VOTERS LEAGUE OF VINELAND.

KALISPELL, MONT., June 27, 1945.

HON. TOM CONNALLY,  
*Chairman, Foreign Relations Committee:*

We earnestly urge your approval of the San Francisco peace chapter.

MONTANA FEDERATION OF WOMEN'S CLUBS,  
Mrs. JEAN KING, *President.*  
Mrs. EDWARD TURPIN, *Secretary.*

OELWEIN, IOWA, June 27, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee:*

The Women's Federated Club of Oelwein, Iowa, urges the approval and ratification by the Senate of the Charter of the United Nations.

BOARD OF DIRECTORS, OELWEIN WOMEN'S CLUB.

MIDDLETOWN, OHIO, June 27, 1945.

HON. TOM CONNALLY,  
*Chairman, Foreign Affairs Committee,*  
*Washington, D. C.:*

Middletown, Ohio, Federation of Women's Clubs, representing 2,100 members, urges the ratification of the United Nations Charter.

Mrs. B. Y. SPARE, *President.*

BAKER, OREG., June 29, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.*

The Alpha Club, Baker, Oreg., comprising 50 members, affiliated with the General Federation of Women's Clubs, urges your endorsement of the United Nations Charter.

RUTH J. SIMPSON, *President.*

TUCSON, ARIZ., June 28, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Senate Building, Washington, D. C.:*

We, the 307 of the Tucson Woman's Club, urge the ratification of the Charter of the United Nations without delay.

CORNELIA K. DU BOIS, *President.*



STOCKTON, CALIF., June 28, 1945.

HON. TOM CONNALLY,  
*United States Senate, Washington, D. C.:*

Alameda District, California Federation of Women's Clubs, representing 1,400 women, voted today for ratification of United Nations Charter as adopted in San Francisco.

Mrs. MARVIN HERMAN BEIST, *President.*

COLUSA, CALIF., June 28, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:*

Coluso Woman's Club respectfully urge ratification of the Charter of the United Nations.

JEANETTE D. RAGAIN, *President.*

AUGUSTA, GA., June 28, 1945.

HON. THOMAS CONNALLY,  
*United States Senate, Washington, D. C.:*

The Augusta Woman's Club commends your plan for ratification of United Nations Charter.

Mrs. H. R. McLARTY,  
*President, Augusta Woman's Club.*

COALINGA, CALIF., June 28, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:*

Coalinga Women's Club approves ratification of the Charter of the United Nations.

Mrs. C. A. GUSTAVSON, *President.*

ALBEMARLE, N. C., June 27, 1945.

HON. TOM CONNALLY,  
*United States Senate, Washington, D. C.:*

Norwood Women's Club favors adoption of United Nations Charter.

Mrs. R. S. SIMS

KEENE, N. H., June 21, 1945.

HON. TOM CONNALLY,  
*Washington, D. C.:*

Keene Women's Club urges the ratification of the Charter of the United Nations.

Mrs. MARGARET NEWELL,  
*President, Keene Women's Club.*

PHILADELPHIA, PA., June 27, 1945.

Senator TOM CONNALLY,  
*Senate Office Building:*

Sincerely urge you to defer Senate adjournment until San Francisco Charter is ratified.

ELIZABETH CHANINEL

PHILADELPHIA, PA., June 27, 1945.

Senator TOM CONNALLY,  
*Senate Office Building:*

Feel it is duty of Senate to ratify San Francisco Charter before adjournment.

LOIS VINCENT.

PHILADELPHIA, PA., June 27, 1945.

Senator THOMAS CONNALLY,  
*Senate Office Building:*

Urge ratification of San Francisco Charter before Senate adjourns.

JEANNE LOTT.

FONDA, N. Y., June 28, 1945.

HON. TOM CONNALLY,  
*Chairman, Foreign Relations Committee, Senate Chambers:*

The parliamentary school of Fultonville and Fonda, 45 members, of the General Federation of Women's Club, Washington, D. C., urge your committee to ratify the Charter of the United Nations at once. Greeting and congratulations.

Mrs. W. A. P. CASSIDY, *President.*  
Mrs. JAMES I. SPRAKER, *Secretary.*

PHILADELPHIA, PA., June 27, 1945.

Senator TOM CONNALLY,  
*Senate Office Building:*

Please defer Senate adjournment until San Francisco Charter is ratified in order to insure world peace and cooperation.

ALBERT A. PINGUS.

FORT BENTON, MONT., June 29, 1945.

HON. TOM CONNALLY,  
*Foreign Relations Committee, Washington, D. C.:*

Fort Benton Woman's Club urges approval United Nations Organization.

Mrs. A. L. HESS, *President.*

SPRINGFIELD, MASS., June 28, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

The Springfield Women's Club goes on record for ratification of the Charter of the United Nations.

(Unsigned.)

ST. MICHALES, MD., June 28, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
United States Senate, Washington, D. C.:*

Ratification of the Charter of the United Nations is desired.

Mrs. THOMAS W. FLEMING,  
*President, Eastern Shore District, Maryland  
Federation of Women's Clubs.*

PARIS, KY., June 28, 1945.

Senator TOM CONNALLY,  
*Washington, D. C.:*

We urge immediate consideration and approval of United Nations Charter.

EXECUTIVE BOARD, BOURBON COUNTY WOMEN'S CLUB,  
EDNA DRYDEN, *President.*

LAKE GENEVA, WIS., June 28, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

We the women of the Lake Geneva Women's Club urge the ratification of the Charter.

Mrs. JOHN J. BROOKS,  
*Chairman of Legislation.*

DRUMRIGHT, OKLA., June 27, 1945.

HON. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee, Washington, D. C.:

Gentlemen, 23 Oklahoma club women urge you to support the Charter of the United Nations.

Mrs. J. L. BLEIGH,  
Treasurer, Alpha Pi Study Club.

SEWICKLEY, PA., June 27, 1945.

HON. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee,  
United States Senate, Washington, D. C.

The Woman's Club of Sewickley Valley, representing 450 members, urges you to do your utmost to promote the ratification of the Charter of the United Nations.

DORIS L. FREDERICK,  
President, Woman's Club, Sewickley Valley, Pa.

BRYN MAWR, PA., June 26, 1945.

Senator TOM CONNALLY,  
Senate Office Building, Washington, D. C.:

I join many well informed and deeply interested people in urging that you help to postpone adjournment of Senate until the San Francisco Charter is ratified. I am convinced a larger majority of citizens support this request.

GERTRUDE ELY.

SHEPHERDSTOWN, W. VA., June 27, 1945.

HON. TOM CONNALLY,  
Senate Office Building, Washington, D. C.:

Request and urge speedy support in ratification United Nations Charter.

Mrs. K. W. EUTSLER,  
President, Shepherdstown Woman's Club.

TALLADEGA, ALA., June 27, 1945.

HON. TOM CONNALLY,  
Senate Foreign Relations Committee,  
Washington, D. C.:

Club members unanimously approve ratification of charter of United Nations.

MAMIE HEARN,  
Secretary, Argus Club, Alabama Women's Federation.

CORVALLIS, OREG., June 27, 1945.

HON. TOM CONNALLY,  
Chairman, Foreign Relations Committee,  
Washington, D. C.:

Members of the Women's Club of Corvallis, Oreg., urge ratification of the charter of United Nations.

GENEVIEVE BAUM GASKINS,  
President.

SUMMERVILLE, GA., June 26, 1945.

HON. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:

We strongly endorse the ratification of the charter of the United Nations and urge your support.

JANET L. FARRAR,  
President, Junior Woman's Club.

LANSDOWNE, PA., June 26, 1945.

Hon. TOM CONNALLY,  
Chairman, Foreign Relations Committee,  
Washington, D. C.:

The 104 members of the Women's Club of Manoa would like to go on record in favor of the immediate ratification of the charter of the United Nations.

BERNICE JONES,  
Chairman, International Relations.

FRANKFORT, MICH., June 26, 1945.

Hon. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:

The Aux Bec Scies Study Club of Frankfort, Mich., urges the ratification of the charter of the United Nations.

AUX BEC SCIES STUDY CLUB.

TALLASSEE, ALA., June 26, 1945.

Hon. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:

As a member of the General Federation of Women's Clubs, we wish to urge the ratification of the United Nations Peace Charter in the Senate. Will appreciate your influence.

Mrs. LLOYD EMFINGER,  
Libri Club.

CHICAGO, ILL., June 26, 1945.

Hon. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:

The board of directors of Morgan Park Women's Club urge approval of the charter of the United Nations.

BEULAH A. RUSHTON,  
Corresponding Secretary.

HELENA, MONT., June 27, 1945.

Senator TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:

Montana Federation of Women's Clubs urge speedy report from your committee favoring immediate ratification of United Nations Charter.

Mrs. A. J. ROBERTS, Chairman,  
Mrs. DOLLY DEAN BURGESS,  
Vice Chairman, International Relations,  
Montana Federation of Women's Clubs.

NAPA, CALIF., June 27, 1945.

Hon. TOM CONNALLY,  
Senate Foreign Relations Committee,  
Washington, D. C.:

Ratify Charter of United Nations.

MADRONE SOCIAL AND IMPROVEMENT CLUB.

EVANSTON, WYO., June 27, 1945.

Senator TOM CONNALLY,  
Senate Office Building, Washington, D. C.:

We earnestly request that you give favorable consideration to Charter of United Nations when it is brought up for ratification.

ALLIE B. TAYLOR,  
President, Evanston Child Study Club.

NAPA, CALIF., June 27, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.*

DEAR MR. CONNALLY: We the members of the Browns Valley Social and Improvement Club, a membership of 40, do hereby unanimously endorse the ratification of the Charter of the United Nations.

HAZEL S. BROWN, *President.*  
 FRANCES BRYAN, *Secretary.*

NEW YORK, N. Y., June 27, 1945.

Senator TOM CONNALLY,  
*Chairman, Foreign Relations Committee,*  
*Senate Office Building, Washington, D. C.:*

Citizens of the lower east side urge that you use your influence to guarantee the ratification of the World Security Charter.

PEOPLES COMMITTEE FOR WORLD PEACE AND SECURITY,  
 P. GOLDMAN, *Secretary.*

STANFIELD, OREG., June 27, 1945.

HON. TOM CONNALLY,  
*Chairman, Foreign Relations Committee,*  
*United States Senate, Washington, D. C.:*

The 25 members of the Federated Stanfield Women's Study Club urge ratification of United Nations Charter.

Mrs. W. T. REEVES, *President.*

BRIGHTON, COLO., June 27, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.:*

Brighton Woman's Club urges approval of Charter of the United Nations.

Mrs. ARTHUR F. HOOK,  
*President of Brighton.*

MARION, S. C., June 28, 1945.

HON. TOM CONNALLY,  
*Chairman, Foreign Relations Committee,*  
*Washington, D. C.:*

Urge early action and ratification United Nations Charter.

Mrs. FRANK E. WATSON,  
*Secretary, Owls Book Club.*

SALISBURY, N. C., June 28, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.:*

The Woman's Club Salisbury, N. C., approve ratification of the Charter of United Nations.

Mrs. H. A. ROUZER, *President.*

MURPHY, N. C., June 28, 1945,

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.:*

Please use all of your influence to gain approval of the United Nations Charter.  
 Respectfully,

MURPHY BAPTIST CHURCH,  
 By LLOYD W. HENDRIS, *Clerk.*

SAFFORD, ARIZ., *June 28, 1945.*

Hon. TOM CONNALLY,  
*Washington, D. C.:*

Safford Woman's Club urges approval of ratification of Charter of United Nations.

\_\_\_\_\_  
Mrs. M. J. FERGUSON, *President.*

STERLING CITY, TEX., *June 29, 1945.*

Senator TOM CONNALLY,  
*Washington, D. C.:*

The Club women, Sterling City, Tex., favor and urge early ratification of United Nations Charter.

\_\_\_\_\_  
Mrs. R. T. FOSTER, *President.*

GREENVILLE, TEX., *June 30, 1945.*

Hon. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.:*

Ratification of the Charter of the United Nations is urged.

\_\_\_\_\_  
Mrs. T. M. BETHEL,  
*President, Executive Board, Third District,*  
*Texas Federation of Women's Clubs.*

MCKINNEY, TEX., *June 30, 1945.*

Hon. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.:*

The Owl Club, of McKinney, Tex., is hereby expressing itself as favoring the ratification of the Charter of the United Nations before the Senate at this time.

\_\_\_\_\_  
Mrs. OLA G. HAMLIN, *President.*

MCKINNEY, TEX., *July 1, 1945.*

Hon. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.:*

The Edelweiss Club, of McKinney, Tex., urges the ratification of the Charter of the United Nations.

\_\_\_\_\_  
Mrs. H. F. WOLFORD, *President.*

ALPINE, TEX., *June 28, 1945.*

Hon. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.:*

The Alpine Study Club wishes to have a voice in urging approval of the United Nations Charter.

\_\_\_\_\_  
Mrs. GEORGE W. BAINES, *President.*

LUBBOCK, TEX., *June 25, 1945.*

Hon. TOM CONNALLY,  
*Senator from Texas,*  
*Washington, D. C.:*

We, 350 members Society of Christian Service, First Methodist Church, Lubbock, urge work for ratification world peace organization charter before Berlin meeting.

(Unsigned.)

DENTON, TEX.

Hon. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.:*

The City Federation of Women's Clubs, Denton, Tex., with a membership of approximately 500 women, urge approval for ratification of the Charter of the United Nations.

Mrs. R. W. BASS,  
*President, City Federation of Women's Clubs.*

DALLAS TEX, July 9, 1945.

Hon. TOM CONNALLY,  
*Senate Office Building, Washington, D. C.:*

We wish you to know that we appreciate all your efforts to secure early Senate ratification of the United Nations Charter.

BUSINESS AND PROFESSIONAL WOMEN'S CLUB OF DALLAS,  
 GRACE NELSON, *President.*

REDONDO BEACH, CALIF., July 11, 1945.

The Honorable TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

We urge that the Senate remain in session until the United Nations Charter has been ratified.

GENERAL FEDERATION OF WOMEN'S CLUBS,  
 WOMEN'S CLUB OF REDONDO BEACH.

BATTLE CREEK, MICH., July 11, 1945.

Hon. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

The Woman's League of Battle Creek, Mich., are in favor of the Charter of the United Nations to guarantee world peace, and respectfully urge you to do all in your power to obtain prompt ratification.

Mrs. JESSE P. COLEMAN, *President.*

ORANGE PARK, FLA., July 10, 1945.

Hon. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

Please accept our approval for ratification Charter of United Nations.

ORANGE PARK WOMEN'S CLUB.

ORLANDO, FLA., July 10, 1945.

Senator TOM CONNALLY,  
*Senate Office Building, Washington, D. C.:*

The members of the Business and Professional Women's Club of Orlando, Fla., wish to express their sincere approval of the United Nations Charter and commend you for your powerful and effective work in its formation and your inspired leadership for its adoption in the Senate.

Mrs. EDNA G. FULLER,  
*Chairman, Legislative Committee.*

MADISON, N. H., July 9, 1945.

Senator TOM CONNALLY,  
*Senate Office Building, Washington, D. C.:*

Strongly urge favorable action on United Nations Charter before adjournment.

KENNETH AND MADELEINE H. APPEL.

HILLSDALE, MICH., July 9, 1945.

Hon. TOM CONNALLY,

*Senate Foreign Relations Committee, Washington, D. C.:*

Seven hundred, Hillsdale Federation of Women's Clubs urge ratification United Nations' Charter.

Mrs. JAMES MEEKS, *Secretary.*

GIG HARBOR, WASH., July 12, 1945.

Hon. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee,*

*Washington, D. C.:*

Our members favor ratification of Charter of United Nations.

IDAKA CLUB, *Purdy, Wash.*

NEW YORK, N. Y., July 9, 1945.

Hon. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee,*

*Washington, D. C.:*

Permit me to call your attention to indiscriminate mass deportations and mass expropriations in Sudetenland. For the sake of justice and humanity, I appeal to you to intercede on behalf of those large numbers of population who were truly democratic citizens without Nazi beliefs in spite of German language.

HANS FROHLICH,

MURPHY, N. C., July 5, 1945.

Hon. TOM CONNALLY,

*Chairman, Foreign Relations Committee,*

*United States Senate:*

Murphy Women's Club urges approval of United Nations Charter.

Mrs. J. W. DAVIDSON, *President.*

MANHATTAN BEACH, CALIF., July 5, 1945.

Hon. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee:*

We wish to go on record favoring ratification of United Nations Charter.

RUTH L. HAEBERLIN, *Citizenship Chairman,*  
*Manhattan Beach Dolphins.*

CONWAY, ARK., July 5, 1945.

Hon. TOM CONNALLY,

*Senate Office Building, Washington, D. C.:*

We favor immediate ratification of the World Security Charter.

NORTH ARKANSAS METHODIST YOUTH ASSEMBLY.

NAUGATUCK, CONN., July 6, 1945.

Hon. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee,*

*Washington, D. C.:*

The Naugatuck Women's Club of 250 members urges prompt ratification of the United Nations Charter.

Mrs. W. G. KIRBY, *President.*

OAKLAND, CALIF., July 7, 1945.

Hon. TOM CONNALLY,

*Senate Foreign Relations Committee, Washington, D. C.:*

Oakland Section, National Council of Jewish Women, representing 250 women, request your support of ratification of the San Francisco World Charter.

Mrs. I. SCHONWALD, *President.*



BALTIMORE, MD., July 3, 1945.

HON. TOM CONNOLLY,

*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

On behalf of our 200 members we respectfully urge prompt ratification by the Senate of the United Nations Charter.

WOMAN'S CLUB OF LINTHICUM HEIGHTS.

RAHWAY, N. J., July 5, 1945.

HON. TOM CONNOLLY,

*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

The Rahway Women's Club endorses ratification of the United Nations Charter.

MRS. CARL GRAVES, *President.*

DURHAM, N. C., July 2, 1945.

HON. TOM CONNOLLY,

*Foreign Relations Committee, Washington, D. C.:*

As a member of the General Federation of Women's Clubs we favor ratification of the charter of the United Nations.

STUDY CLUB.

TAZEWELL, VA.

LEXINGTON, MO., July 2, 1945.

HON. TOM CONNOLLY,

*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

Second District Missouri Federation of Women's Clubs, representing 2,000 members, urge immediate ratification of United Nations Charter.

MRS. CHARLES LYONS, *President.*

RICHMOND, VA., July 3, 1945.

HON. TOM CONNOLLY,

*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

The Richmond Housewives League favor ratification of Charter.

MRS. W. E. MAYES, *Chairman.*

BIRMINGHAM, ALA., June 2, 1945.

Senator TOM CONNOLLY,

*Washington, D. C.:*

Counting on your splendid leadership toward the prompt ratification of the United Nations Charter.

MRS. M. E. MORLAND,

*Charman, Womanspower General Federation of Women's Clubs.*

WYNNEWOOD, PA., July 3, 1945.

HON. TOM CONNOLLY,

*Senate Foreign Relations Committee, Washington, D. C.:*

During this war our country maintained a position of unparalleled leadership. Our earnest desire for permanent peace and economic security demands our participation in the World Charter Organization. This calls for the immediate ratification of the San Francisco Charter at this session of the Senate. Please give this your support.

MARGARET R. NORTH.

HAVANA, ILL., July 2, 1945.

HON. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:*

Our club is urging the ratification of the Charter of the United Nations.

UTILITY AND INTEREST CLUB.

PASO ROBLES, CALIF., July 2, 1945.

Senator TOM CONNALLY,

*Foreign Relations Committee, Washington, D. C.:*

The Woman's Club of Paso Robles, Calif., respectfully wire favorable consideration of San Francisco Charter.

MARY P. HITCHCOCK,  
*Chairman, Legislative Committee.*

LEXINGTON, Mo., July 3, 1945.

Hon. TOM CONNALLY,

*United States Senate:*

Women's Federated Club, Lexington, Mo., endorses United Nations' Charter; urges ratification.

Mrs. PEYTON TABB.

PASCAGOULA, MISS., July 2, 1945.

Hon. TOM CONNALLY,

*United States Senate, Washington, D. C.:*

The Pascagoula Federated Woman's Club most heartily endorse the Charter of the United Nations and request you approve same.

MARY A. ABBY, *President.*  
WINNIE D. GRANBERRY,  
*Chairman, International Relations Department.*

PECOS, TEX., July 2, 1945.

Hon. TOM CONNALLY,

*Chairman of Senate Foreign Relations Committee,  
Washington, D. C.:*

The city federation of Pecos, Tex., represents 150 women who favor the Charter of the United Nations. We urge you to give it your personal support. Let's let Texas be the first to endorse the Charter.

Mrs. TOM FREESE.

WINSTON-SALEM, N. C., July 2, 1945.

Hon. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:*

The Utopian Club with 20 members are in favor of Congress passing the Charter of the United Nations.

UTOPIAN CLUB,  
Mrs. C. C. ASHBURN,  
*Secretary.*

SPRAY, N. C., July 3, 1945.

Hon. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee:*

The North Carolina Federation of Women's Clubs earnestly hopes that you will vote for ratification of the Charter of the United Nations and that you will use your influence to secure the earliest possible favorable action by the Senate of the United States.

Mrs. KARL BISHOPRIC,  
*President.*  
Mrs. J. HAMPTON PRICE,  
*Corresponding Secretary.*

UPPER DARBY, PA., July 3, 1945.

Hon. THOMAS CONNALLY,

*Chairman, Senate Foreign Relations Committee:*

The Federation of Women's Clubs of Delaware County, Pa., has gone on record for ratification of the Charter of United Nations. Federation urges this ratification at earliest possible date. Feeling is very strong that United States should be first to ratify.

REBA R. DILWORTH,  
*International Relations Chairman of Delaware County, Pa.*

BINGHAMTON, N. Y., July 2, 1945.

Hon. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee:

The Civic Club of Binghamton, N. Y. is in favor of ratification of the United Nations Charter.

Mrs. EDWIN W. HUBBS, *Corresponding Secretary.*

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BURLINGAME, CALIF., July 2, 1945.

Hon. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee:

San Mateo County Federation of Women's Clubs representing 10 county clubs, all belonging to California Federation of Women's Clubs now in executive board session, urges ratification of Charter of United Nations as quickly as possible.

Mrs. BONNIE W. MERRILL, *President.*

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SUFFOLK, VA., July 2, 1945.

Senator TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee:

Woman's Club of Suffolk, Va., urges ratification of United Charter.

Mrs. LOUIS S. CRIP, *President.*

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NEWBURG, IND., July 3, 1945.

Senator TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee:

Favoring immediate ratification of Charter.

INDIANA FEDERATION OF WOMEN'S CLUBS,  
LAURENA BRIZIUS, *Secretary.*

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HOPEWELL, VA., July 3, 1945.

The Hon. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee:

The Hopewell Women's Club is on record for ratification of the Charter of the United Nations.

HOPEWELL WOMEN'S CLUB.  
Mrs. T. EDWARD TEMPLE, *President.*

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CANOGA PARK, CALIF., July 3, 1945.

Hon. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee:

On behalf of the members of the Winnetka Women's Club of Canoga Park, Calif., we send our approval on the ratification of the Charter of the United Nations.

Mrs. GEORGE RENDAHL, *President.*  
Mrs. Lyla MONROE, *Secretary.*

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LOS ANGELES, CALIF., July 3, 1945.

Senator TOM CONNALLY,  
Senate Office Building:

The Los Angeles section National Council of Jewish Women, 1,500 members, urges that you vote for the Brettonwood agreement in the form received from the House without further amendments. We feel this best serves the people of our Nation and cause of world peace. We are grateful for your great and patriotic service at San Francisco.

Mrs. HAROLD STERN, *President.*

PALO ALTO, CALIF., *July 3, 1945.*

HON. TOM CONNALLY,  
*Chairman, Foreign Relations Committee,  
Washington, D. C.:*

The Women's Club of Palo Alto wish to go on record as favoring the ratification of the peace Charter.

Mrs. CARL W. WATTS, *President.*

NEW YORK, N. Y., *July 3, 1945.*

HON. THOMAS CONNALLY,  
*Senate Office Building, Washington D. C.:*

Please accept my deep gratitude for your outstanding service at San Francisco. Your country supports you in urging immediate ratification of United Nations Charter.

ALICE HUNTINGTON.

CORONA, CALIF., *July 3, 1945.*

HON. TOM CONNALLY,  
*Chairman, Foreign Relations Committee,  
United States Senate, Washington D. C.:*

The Women's Progressive Club of Norco, Calif., Riverside County, have gone on record for ratification of the Charter of the United Nations. May we urge you to vote approval when it comes before the committee.

Mrs. GRACE R. MOORE, *President.*

DYER, TENN., *July 4, 1945.*

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee:*

The Woman's Club of Dyer composed of 25 civic-minded members respectfully request and sincerely trust that you will do everything in your power to assure the ratification of the Charter of the United Nations.

NELLE EWELL, *Secretary.*

CLEVELAND, OHIO, *July 3, 1945.*

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:*

We urge ratification of the Charter of the United Nations.

Mrs. M. D. NEFF,  
*President, Past Officers Association of the  
Cleveland Federation of Women's Clubs.*

GUERNSEY, WYO., *July 4, 1945.*

Senator TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
Senate Office Building, Washington, D. C.:*

Local Federated Women's Club sincerely urges ratification Charter, United Nations.

VINA MASTERS,  
*Chairman, Legislative Committee.*

WALTHILL, NEBR., *June 27, 1945.*

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee:*

We approve the ratification of the United Nations Charter.

WALTHILL WOMAN'S CLUB.

RUFFIN, N. C., *June 27, 1945.*

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee:*

We urge you to ratify Charter of United Nations.

RUFFIN FEDERATED WOMAN'S CLUB.

ROCHESTER, PA., June 26, 1945.

HON. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee:

We urge the ratification of the Charter of the United Nations.

WOMEN'S CLUB.

KENSINGTON, MD., June 22, 1945.

HON. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee:

We request ratification of United Nations Charter immediately upon receipt.

WOMEN'S COMMUNITY CLUB,  
MRS. WALTER B. WELLS, President.

PORTSMOUTH, VA., June 22, 1945.

HON. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:

The Woman's Club of Craddock, Va., wishes to go on record with the General Federation of Women's Clubs for ratification of the Charter of the United Nations.

HELEN P. WOODAR, President.

SPRINGFIELD, VT., June 21, 1945.

HON. TOM CONNALLY,  
Senate Office Building, Washington, D. C.:

When the Charter of the United Nations comes before the Senate for vote I urge that you vote your wholehearted approval. I feel strongly that the adoption of this Charter is the first step toward outlawing war and insuring permanent peace.

ANNA HARTNESS BEARDSLEY,  
Chairman, International Relations Committee,  
Vermont Federation of Women's Clubs.

NORTHAMPTON, MASS., June 22, 1945.

HON. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:

Northampton Woman's Club, with a membership of 300, urges approval of the Charter of the United Nations.

ELLA M. HEMINWAY, President.

KINGS MOUNTAIN, N. C., June 22, 1945.

HON. TOM CONNALLY,  
Washington, D. C.:

We urge ratification of the Charter of the United Nations.

KINGS MOUNTAIN WOMAN'S CLUB,  
MRS. E. A. SCHENK, President.

PHILADELPHIA, PA., June 20, 1945.

Senator TOM CONNALLY,  
Senate Office Building, Washington, D. C.:

The 4,000 members of United Nations Council of Philadelphia strongly urge you to do everything in your power to have Senate act immediately on World Organization Charter. We believe Senate recess at this time would be costly mistake.

RAY KRIMM, Executive Director.

PHILADELPHIA, PA., June 20, 1945.

Senator TOM CONNALLY,  
*Senate Office Building, Washington, D. C.:*

Extremely important that Senate act immediately upon World Organization Charter. I believe Senate recess at this time would be ghastly mistake and would jeopardize favorable reaction of American public to results achieved at San Francisco.

STUART F. LOCHEIM,  
*Treasurer, United Nations Council of Philadelphia.*

RICHMOND, VA., June 20, 1945.

Senator TOM CONNALLY,  
*Senate Foreign Relations Committee,  
Senate Office Building, Washington, D. C.:*

Virginia Federation Women's Clubs urges your approval Charter United Nations and your active support in passage through Senate.

Mrs. O. F. NORTHINGTON, Jr., *President.*

COLLEGE PARK, MD., June 21, 1945.

Hon. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:*

The Progress Club, of College Park, Md., a member of the General Federation of Women's Clubs and comprised of 93 members, wishes to instruct the chairman of the Senate Foreign Relations Committee of its endorsements of the Charter of the United Nations, and urges its approval by Congress.

JEAN B. CRAWFORD,  
*Corresponding Secretary, Progress Club.*

BAYONNE, N. J., June 21, 1945.

Senator TOM CONNALLY,  
*Washington, D. C.:*

The Bayonne Woman's Club urge ratification of the Charter of United Nations.  
THE BAYONNE WOMAN'S CLUB.

DURHAM, N. H., June 21, 1945.

Hon. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:*

Please use influence to secure passage of United Nations Charter.

HELEN F. MACLAUGHLIN.

PAOLA, KANS., June 20, 1945.

Hon. TOM CONNALLY,  
*United States Senate, Washington, D. C.:*

Urge your favorable action on Charter of the United Nations.

Mrs. P. A. PETITT,  
*President, Kansas Federation of Women's Clubs.*

BRYAN, OHIO, June 21, 1945.

The Honorable TOM CONNALLY,  
*Washington, D. C.:*

We urge your support to ratify the Charter of the United Nations.

Mrs. KARL KING,  
*Northwest District President, Ohio Federation of Women's Clubs.*

TORONTO, ONTARIO, *June 21, 1945.*

CHAIRMAN OF FOREIGN RELATIONS COMMITTEE,  
*Washington, D. C.:*

My humble opinion that German people can be conquered by using same underground people of their own kind to create peace and desirable conditions. Allies wish to maintain in Germany not swaying militaristic supervision only creating peace with their own kind, the underground.

SOPHIE KOHEN.

WHEELING, W. VA., *June 23, 1945.*

Honorable TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee:*  
Woman's Club, Warwood, endorse ratification Charter United Nations.

WARWOOD WOMAN'S CLUB,  
By Mrs. EARL MORRISON, *Corresponding Secretary.*

VIDALIA, GA., *June 23, 1945.*

Hon. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee:*

The Vidalia Woman's Club insists ratification of the Charter of the United Nations.

Mrs. FRANK E. HOWALD, *President.*

LA SALLE, ILL., *June 23, 1945.*

Hon. TOM CONNALLY,  
*Chairman of Foreign Relations Committee:*

The board of directors of the La Salle Woman's Club in executive session Friday at 2 o'clock, June 22, voted to urge their approval of the Charter of the United Nations.

THE EXECUTIVE BOARD, LA SALLE WOMAN'S CLUB,  
Mrs. CHARLES WILMEROOTH, *Secretary.*

ABBEVILLE, LA., *June 23, 1945.*

Hon. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee:*

We endorse ratification of Charter of the United Nations.

WOMAN'S CLUB OF ABBEVILLE.

PHILADELPHIA, MISS., *June 23, 1945.*

Hon. TOM CONNALLY,  
*Washington, D. C.:*

The Philadelphia Woman's Club goes on record favoring ratification the Charter of the United Nations.

Mrs. M. W. SPIVEY.

ANDOVER, MAINE, *June 23, 1945.*

Hon. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee:*

Andover Friday Club goes on record ratification Charter United Nations.

BERTHA P. FOX,  
*Secretary Andover Friday Club.*

NORTHWOOD, N. H., *June 22, 1945.*

Senator THOMAS CONNALLY,  
*Washington, D. C.:*

The executive board of the Harvey Lake Woman's Club of Northwood, N. H., strongly urges the ratification of the charter to be submitted by the San Francisco Conference.

MARY L. TURPIN, *Secretary.*

COFFEYVILLE, KANS., June 23, 1945.

HON. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

We hope for action by Senate be not delayed in accepting Charter for world peace prepared by delegates of United Nations at San Francisco.

TRAVELER CLUB,  
Mrs. E. O. SQUIRE.

MANCHESTER, N. H., June 23, 1945.

Senator TOM CONNALLY,

*Senate Office Building, Washington, D. C.:*

Manchester, N. H., branch, Americans United for World Organization, hopes Congress will remain in session, that San Francisco Charter may be ratified soon as possible.

Mrs. ROBERT BINGHAM, *Secretary.*

TOCCOA, GA., June 22, 1945.

HON. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

Woman's Club, Toccoa, Ga., 100 active members, urges prompt ratification of Charter of United Nations.

Mrs. J. E. GARDNER,  
*Chairman, International Relations.*

SHARON, S. C., June 22, 1945.

HON. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

The Women's Club, of Sharon, S. C., wishes to record its ratification of the Charter of the United Nations.

Mrs. W. S. GIBSON, *President.*

MINNEAPOLIS, MINN., June 22, 1945.

MEMBERS OF SENATE FOREIGN RELATIONS COMMITTEE.

*Washington, D. C.:*

Officers and members of the executive board of the Minnesota Federation of Women's Clubs are unanimous in urging early approval of the Charter of the United Nations.

Mrs. GEORGE W. SUGDEN,  
*President, Minnesota Federation of Women's Clubs.*

BEVERLY HILLS, CALIF., June 22, 1945.

Senator TOM CONNALLY,

*Washington, D. C.:*

I believe it imperative that the Congress act on the San Francisco Charter and the reciprocal trade agreements before adjourning.

JOHN CROMWELL.

SWARTHMORE, PA., June 26, 1945.

Senator TOM CONNALLY,

*Senate Office Building:*

Because I have 15 grandchildren, I beg you to defer Senate adjournment until San Francisco Charter is ratified.

CAROLINE S. SILLOWAY.

HAVERFORD, PA., June 22, 1945.

Senator TOM CONNALLY,

*Senate Office Building, Washington, D. C.:*

Urge you to do all in your power to secure ratification of San Francisco Charter before Senate summer recess.

Mrs. GRENVILLE D. MONTGOMERY.



PEMBERTON, N. J., *June 25, 1945.*

Senator TOM CONNALLY:

Strongly urge Senate not adjourn until ratification San Francisco Charter.

ANNE P. CHAMBERS.

PITTSFORD, VT., *June 25, 1945.*

HON. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee:*

We are urging fullest support for Charter of United Nations.

Mrs. L. E. SMITH,

*President, Housekeepers Club.*

PHILADELPHIA, PA., *June 25, 1945.*

Senator TOM CONNALLY,

*Senate Office Building:*

Defer Senate adjournment until the San Francisco Charter is ratified.

KATHARINE R. WIREMAN.

SARASOTA, FLA., *June 25, 1945.*

HON. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee:*

Our group as a whole is on record for ratification of the Charter of the United Nations.

THE WOMAN'S CLUB OF SARASOTA, FLA.,  
Mrs. BOB NEWHALL, *President.*

PHILADELPHIA, PA., *June 25, 1945.*

Senator TOM CONNALLY,

*United States Senate, Washington, D. C.:*

Strongly urge you to defer Senate adjournment until the San Francisco Charter is ratified.

Mrs. CYRUS ADLER.

BRYAN, OHIO, *June 25, 1945.*

HON. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee:*

Members urge ratification of Charter of the United Nations.

ANN BRYAN WOMEN'S FEDERATION.

RUTH DECKER, *President, Taine Club.*

HURRICANE, W. VA., *June 25, 1945.*

HON. TOM CONNALLY,

*Senate Foreign Relations Committee, Washington, D. C.:*

By all means vote for United Nations Charter. We heartily approve.

HURRICANE WOMAN'S CLUB,

Mrs. F. C. COLEMAN,

*President.*

FORT MORGAN, COLO., *June 23, 1945.*

HON. TOM CONNALLY,

*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

Argonaut Club Federated, 28 members urge ratification of United Nations Charter.

CLARA L. DIERDORFF.

RACINE, WIS., *June 24, 1945.*

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.:*

Women's Club, Racine, 450 members, urges ratification Charter United Nations.  
MRS. CARROLL HEFT, *President.*

CULBERTSON, NEBR., *June 24, 1945.*

HON. TOM CONNALLY,  
*Senate Foreign Relations Committee,*  
*Washington, D. C.:*

The Culbertson Women's Club wish to go on record as being in favor of the ratification of Charter of United Nations.

MRS. ORPHA CREWS, *Secretary.*

NEVADA, MO., *June 23, 1945.*

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Senate Office Building:*

Progress Club Federated Organization of Nevada, Mo., wishes to go on record for ratification of Charter of United Nations.

MRS. J. D. PRATR, *President.*

MRS. R. M. JONES, *Secretary.*

DURANT, MISS., *June 23, 1945.*

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.:*

The Woman's Club of Durant, Miss., urges the approval of the ratification of the United Nations Charter.

MRS. W. E. McCUNE, *President.*

PUEBLO, COLO., *June 23, 1945.*

HON. TOM CONNALLY,  
*Chairman of the Senate Foreign Relations Committee:*

The City Federation Women's Clubs, Pueblo, Colo., wishes to support the General Federation in its approval of the ratification of the United Nations Charter.

MRS. P. K. HUDSPETH.

PORTSMOUTH, VA., *June 26, 1945.*

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee:*

Our members are urging you and your committee to ratify the United Nations Charter which will be presented to you this week.

MRS. CLAUDE WARNER,

*Chairman, International Relations Committee, Richard Dale Women's Club.*

TROY, OHIO, *June 26, 1945.*

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee:*

Our club urges approval Charter of the United Nations.

ATHENA CLUB,  
*Covington, Ohio.*

DAVENPORT, WASH., *June 26, 1945.*

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
*Washington, D. C.:*

The Davenport Study Club of Davenport, Wash., hereby notifies your committee that our organization desires our Government to ratify the United Nations Charter.

MILDRED SIEGEL, *Corresponding Secretary.*

HAVERFORD, PA., June 26, 1945.

Senator TOM CONNALLY,  
Senate Office Building, Washington, D. C.:

Please defer adjournment until San Francisco Charter is ratified.

MARGARET PRICE SMITH.

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CARLSBAD, N. MEX., June 25, 1945.

Hon. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:

We urgently ask your approval of the Charter of the United Nations and ask your efforts toward immediate ratification.

Mrs. J. W. LEWIS,  
Chairman, Legislative Committee, Woman's Club.

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SILVER SPRING, MD., June 26, 1945.

Hon. TOM CONNALLY,  
Senate Office Building, Washington, D. C.:

Urge ratification by Senate of United Nations Charter.

SILVER SPRING WOMAN'S CLUB,  
M. L. SCHNEIDER,  
Corresponding Secretary.

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WARSAW, VA., June 25, 1945.

Hon. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:

Westmoreland County Woman's Club urges support of United Nations Charter.

Mrs. CHARLES S. BAKER, Vice Chairman.

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ANNISTON, ALA., June 25, 1945.

Hon. TOM CONNALLY,  
Chairman, Foreign Relations Committee,  
Washington, D. C.:

The 24 members of the Europa Club, of Oxford, Ala., approve the ratification of the Charter of the United Nations.

Mrs. E. B. ROBERTS,  
President, Europa Club.  
By ISABELLE CONKLE,  
Corresponding Secretary.

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POCAHONTAS, VA., June 25, 1945.

Hon. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:

The Pocahontas Woman's Club urges that you approve ratification of the Charter of the United Nations.

POCAHONTAS WOMAN'S CLUB.

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NEW ORLEANS, LA., June 25, 1945.

Hon. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:

One hundred and fifty members of the New Orleans Women's Club urges your acting favorably on the World Charter when it is presented for approval. Our women are heartily in favor of this world organization for maintaining peace.

Mrs. J. H. FORCELLE,  
President, New Orleans Women's Club.

TALLULAH, LA., June 25, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,*  
 Washington, D. C.:

The Tallulah Book Club wishes to go on record as favoring the ratification of the Charter of the United Nations. We have a membership of 57.

MRS. NEAL T. HOLT,  
*President, Tallulah Book Club.*

PHILADELPHIA, PA., June 25, 1945.

Senator TOM CONNALLY,  
*Senate Office Building, Washington, D. C.:*

Defer Senate adjournment until the San Francisco Charter is ratified.

SARAH RICHARDSON.

ABSECON, N. J., June 25, 1945.

HON. TOM CONNALLY,  
*Chairman, Foreign Relations Committee,*  
 Washington, D. C.:

We urge approval Charter United Nations.

ABSECON WOMEN'S CLUB,  
 Mrs. EDWARD, McDONEL, *Federation Secretary.*

VERMILLION, S. DAK., June 25, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

We urge endorsement of the United Nations Charter.

NAUTLIUS FEDERATED CLUB.

SHERIDAN, WYO., June 25, 1945.

TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

Sheridan Woman's Club urges approval of Charter United Nations.

HELEN EDELMAN, *Secretary.*

PADEN CITY, W. VA., June 25, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

Approve United Nations Charter. Thank you.

PADEN CITY WOMEN'S CLUB.

BOSTON, MASS., June 26, 1945.

TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

We urge approval for ratification of the Charter of the United Nations. Public opinion is with you.

MAY DICKINSON KIMBAL,  
*Mothercraft Chairman, General  
 Federation of Women's Clubs.*

CONWAY, N. H., June 26, 1945.

TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee, Washington, D. C.:*

The 80 members of the Conway New Hampshire Women's Club strongly urge ratification of Charter of United Nations.

DOROTHY FENTON,  
*Corresponding Secretary.*

WYNNEWOOD, PA., *June 26, 1945.*

TOM CONNALLY,  
*Washington, D. C.:*

Urging you to defer Senate adjournment until ratification of San Francisco Charter:

Wm. W. TOMLINSON.

PHILADELPHIA, PA., *June 26, 1945.*

TOM CONNALLY,  
*Washington, D. C.:*

Consider it vital to world that Senate defer until after ratification of San Francisco Charter.

Mrs. JOHN C. ATWOOD, Jr.

AFTER RECESS

(The recess having expired, the committee reconvened at 2 p. m.)

The CHAIRMAN. I have some additional telegrams that I would like to put in the record along with those others that were favorable to the Charter. I will hand them to the reporter. I have some here opposing the Charter that I will put in a little later, because I do not want to be one-sided.

(The telegrams referred to are as follows:)

HOUSTON, TEX., *July 12.*

Senator TOM CONNALLY,

We are behind you 100 percent in the splendid work you are accomplishing for the United Nations Charter.

DEMOCRATIC GOVERNMENT CLUB OF HARRIS COUNTY.

LANGHORNE, PA., *July 11.*

Hon. TOM CONNALLY,  
*Senate Foreign Relations Committee,*  
*Washington, D. C.:*

As international relations chairman of the Langhorne Women's Club I urge the prompt approval by the Senate of the Charter of the United Nations as written at San Francisco.

Mrs. ARTHUR M. LEIBOWITZ.

SCARSDALE, N. Y., *July 11.*

TOM CONNALLY,  
*Senate Office Building, Washington, D. C.:*

Your splendid work at San Francisco has earned the gratitude of all peace-loving citizens. They are counting on your efforts to secure prompt Senate ratification of the United Nations Charter with authority for United States delegate to vote for use of force without consulting Congress.

MARION W. MYER.

WENATCHEE, WASH., *July 12.*

Hon. TOM CONNALLY,  
*Senate Foreign Relations Committee, Washington, D. C.:*

We, the members of the Wenatchee Woman's Club of Washington State Federation of Womans Clubs go on record as ratifying the Charter of the United Nations. We, a club of 100 women, want everything done to bring about a lasting peace. No more war, ever.

Mrs. L. M. ROWE, *President.*

BLOOMINGTON, ILL., July 11.

Hon. THOMAS CONNALLY,  
*Chairman, Foreign Relations Committee,  
 United States Senate, Washington, D. C.:*

Illinois State Women's Trade Union League urges prompt ratification of World Charter. It indicates United States intention to assume responsible participation in maintaining an orderly world society. Congratulations on your splendid speech in Senate. It gave Charter a wonderful send-off.

Mrs. JOHN N. LENNON, *Treasurer.*

PALO ALTO, CALIF., July 11.

Senator TOM CONNALLY,  
*Senate Chambers, Washington, D. C.:*

The East Palo Alto Women's Club of Palo Alto wishes to go on record of favoring the ratification of the United Nations Charter.

Mrs. BERTHA HANNAH, *President.*

ROCHESTER, N. Y., July 11.

Hon. THOMAS CONNALLY,  
*Senate Office, Washington, D. C.:*

Board of directors of the Federation of Churches of Rochester and vicinity urge the early ratification of the United Nations Charter by the United States Senate without reservation.

HUGH CHAMBERLAIN BURR,  
*Executive Secretary.*

The CHAIRMAN. Mr. Clark M. Eichelberger.

#### STATEMENT OF CLARK M. EICHELBERGER, DIRECTOR, AMERICAN ASSOCIATION FOR THE UNITED NATIONS, INC., NEW YORK, N. Y.

Mr. EICHELBERGER. Senator Connally, I represent the American Association for the United Nations, formerly the League of Nations Association, and also its research affiliate, the Commission to Study the Organization of Peace, of which Prof. James T. Shotwell is chairman.

The CHAIRMAN. You were also a consultant, were you not, at San Francisco?

Mr. EICHELBERGER. I had that privilege, Senator.

The CHAIRMAN. I thought that should be in the record.

Mr. EICHELBERGER. Thank you. I will leave with you a list of the officers of our association and simply content myself by saying that our association has 14 regional offices and 65 local committees and councils, and has tried to do a workmanlike job on behalf of the Dumbarton Oaks proposals which led to the charter, and was instrumental in distributing over a million pieces of literature.

(The list of officers is as follows:)

Honorary presidents: Sumner Welles and James T. Shotwell.

President: William Emerson.

Director: Clark M. Eichelberger.

Honorary vice presidents: Mrs. Carrie Chapman Catt, John W. Davis, and Michael Francis Doyle.

Vice presidents: Mrs. Emmons Blaine, Major George Fielding Eliot, Louis Finkelstein, Francis J. Haas, Manley O. Hudson, Theodore Marburg, Mrs. Dwight Morrow, Raymond Swing, John E. Davies, and Mrs. James Lees Laidlaw.

Chairman, executive committee: Hugh Moore.

Treasurer: Frederick C. McKee.

Mr. EICHELBERG. I should like to say that our association supports the United Nations Charter because it believes that it offers a workable, practical means for the achievement of political security, justice, and economic and social cooperation. Although closely following the pattern of the League of Nations, it is much better than the League and an improvement over the Dumbarton Oaks proposals. We should like at the outset to pay a tribute to you, Senator Connally, to Senator Vandenberg, and to other members of the American delegation for the important contribution which you made to the finished product.

We should like to point out that we believe the United Nations will be a well-rounded organization with adequate machinery to carry on in the fields of security, justice, and welfare.

The Assembly of the United Nations, while not given legislative powers, has nevertheless broad authority for the mobilization of world public opinion in support of obligations taken under the Charter. The Assembly will be the world's "town meeting." It will become the world's parliament in which all nations, irrespective of size, may make their contribution to the development of a world conscience in favor of justice and human rights. The Assembly, with authority to discuss any questions within the scope of the provisions of the Charter, may deal with practically all subjects of international relations. Furthermore it—

may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, \* \* \*

The authority of the General Assembly is clearly established by virtue of its control over the budget; its right to create agencies of the United Nations as needed, and by its authority to elect the nonpermanent members of the Security Council, all of the members of the Economic and Social Council, the nontrust members of the Trusteeship Council and to participate in the election of the judges of the International Court of Justice.

The Security Council will have at least four important advantages over the League of Nations Council:

1. It is restricted to security alone, thus enabling it to concentrate on this subject, leaving other questions to other bodies.

2. It will be in continuous session. If all governments select, as their permanent representatives, men of authority and distinction as the United States has done, the Security Council in continuous session should be able to anticipate trouble and meet it before it becomes serious.

3. The Security Council can prevent as well as stop aggression.

4. It will have at its command contingents of military forces contributed democratically by the member states on the basis of their capacity. We congratulate you in substituting for the unfortunate phrase in the Dumbarton Oaks proposals that the contingents were to be earmarked by agreements among the member states, the much more effective clause that the contingents are to be the result of mutual agreements reached between the members and the Security Council upon the initiative of the Security Council. This is important.

While the provisions for great power unanimity in the Security Council are rather stiff, there is room for day-by-day discussion by the Security Council and the hearing of complaints without the veto as the result of the interpretation of the voting procedure finally agreed upon at San Francisco. And when the nations proceed to enforcement action they will have the combined weight of the great powers who would make an important contribution to such action.

Thanks to the intervention of the American delegates, as well as others, the provisions for justice in the Dumbarton Oaks proposals have been strengthened all along the line, both by repeated reference and by implication. The International Court of Justice will lose none of the experience of the old World Court. But by making the Court an integral part of the United Nations with membership automatic for members of the United Nations, a definite weakness of the old World Court will be corrected.

The provisions for economic and social cooperation to be carried out by the Economic and Social Council as an executive body of the Assembly are in effect a proclamation of hope for mankind of freedom from misery, poverty, and bankruptcy, provided these provisions are wisely used by the governments and the people. The achievements of modern science which man so far has succeeded in using to destroy a considerable part of the human race can be used for the happiness of all people if the purposes and spirit of the Charter are carried out. The authority provided under this section is recommendatory, not mandatory. But principles are established and machinery made available for higher standards and prosperity for mankind.

We believe that the provisions of the Charter toward dependent peoples mark an improvement over the mandate system. A very great advance has been made, not yet fully appreciated, in the provisions that all governments, not simply trusteeship governments, accept as a sacred obligation the welfare of their subject peoples and must file regular reports with the Secretary General.

While the trusteeship plan leaves to future choice what territories are to be placed under the trusteeship system and the general supervision of the Trusteeship Council, and while no reference is made as to what strategic bases shall be placed under the trusteeship system and the general supervision of the Security Council, the fact remains that a plan is here presented which can be widely used if public opinion and statesmanship so desire.

The repeated reference to human rights and fundamental freedoms and the provision for the establishment of a commission on human rights open a new era in the history of freedom. From the very first phrase, "We, the peoples of the United Nations \* \* \*," the Charter emphasizes the dignity of the human person with human rights and fundamental freedoms. It is the very antithesis of nazi-ism against which we have been fighting. The Commission on Human Rights will encourage cooperation for greater liberty for the individual.

Fortunately, in insisting upon the supremacy of the Security Council in ordering enforcement measures, the San Francisco Conference avoided a considerable danger to the United States. Had the security system of the Western Hemisphere been excluded in its enforcement measures from reference to the Security Council, the United



States might have found itself blocked off from having anything to say about the settlements of Europe and Asia, despite the fact that hundreds of thousands of American boys have lost their lives because of wars that have originated in Europe and Asia.

Another feature of the document which impresses us favorably is that while membership in the United Nations is limited originally and quite properly to the United Nations allies, the laws against war and for the peaceful settlement of disputes are binding upon all states. A nation may refuse to join; it may cease participation, but it cannot escape the law.

There are parts of the Charter which we wish might have been strengthened. That is probably true of everyone. But we are impressed by the fact that the Charter is an excellent document. Mr. Chairman, I have had some experience with the League of Nations; I was at San Francisco as a consultant to the American delegation. I know the criticisms that have been made of the Charter, but I want to say after being at San Francisco for 7 weeks and examining the Charter carefully, I think it is a surprisingly good document. Great principles have been gained and the machinery can always be expanded better to meet these principles.

Obviously, the organization will not of itself guarantee peace, security, and prosperity, but it furnishes us with an adequate instrument to achieve these aims if the peoples fulfill their obligations.

In closing we should like to urge very prompt consideration by the Foreign Relations Committee and by the Senate for at least two reasons:

1. The world needs the United Nations very badly. Each day's delay deprives the world of that means of cooperation under which great economic and political problems need to be met.

2. Because of its position of leadership in the world many nations are wondering what the United States will do. Let us give the demonstration quickly. Let the Charter be reported by the Senate Foreign Relations Committee unanimously, and let it be passed unanimously.

We urge that there be no reservations of any kind attached. The power which the American representative on the Security Council will wield is a domestic matter and not a matter for amendment to the Charter. Amendments now, besides violating the Charter, would prompt other nations to similar action and greatly weaken the Organization to start with.

The size of the contingents which we are to contribute is also a matter of subsequent negotiation.

It is our observation that public opinion is almost unanimously in favor of the United States joining the United Nations through ratification of the Charter. The tragedy of two world wars which has touched almost every home in some way or another has produced this overwhelming public opinion. Not only do the people want the United Nations, but they are familiar with the details of the plan.

We wish to assure you that when the Charter is ratified our association will continue its efforts to help promote an understanding of the obligations which the United States has taken and of the ways in which the Organization must be expanded to meet the ever-changing conditions of modern life.

I don't know how my time has run, Mr. Chairman, but if there is a moment or two I would like to introduce, if you will permit it, Mr. Livingston Hartley, my Washington associate, who was in the service as a lieutenant commander and whom I should like to have say a word or two about the attitude of the men in the service.

The CHAIRMAN. Very well, we will hear from Mr. Hartley.

#### STATEMENT OF LIVINGSTON HARTLEY, WASHINGTON, D. C.

The CHAIRMAN. Give your full name and address to the reported and your association.

Mr. HARTLEY. I am Livingston Hartley, 2906 N Street, N.W., Washington, D. C., director of the Washington office of the American Association for the United Nations.

Mr. Chairman, I have been asked to testify today because I have served overseas in this war and may therefore reflect the view of others who have served overseas. Both in Sicily and Italy I had an opportunity to hear the reaction of many men from many units on the question of peace and war. Two reactions were almost unanimous. First, having fought in a war, they did not want their sons to have to fight in a war. Second, having seen what war does to cities and civilians, they wanted to keep war away from our country.

I believe these men, if they had a chance to study and understand this Charter, would be, as I am, wholeheartedly in favor of its acceptance by the Senate.

In the discussion of the Charter in this country, a small minority have opposed its acceptance for one reason or another. They have claimed that some unfavorable developments may occur if we accept it. But they have not considered the alternative—the developments which would follow its rejection.

The employment of power politics, for example, will be limited by the entry into force of the Charter. One limitation will be imposed by the far-reaching obligations contained in the Charter. Another will be imposed by the need of all the great powers, who have created the Charter to serve their most vital interests, to refrain from action which might lead to its failure. A third will result from their continuous consultation and adjustment of views in the Security Council.

If there were no Charter, there would be no limitation upon power politics. Rejection of the Charter would cause all the great powers, including the United States, to seek their security alone by successful pursuit of unrestrained power politics, in a world based on rivalry instead of cooperation.

In the economic field, the Charter provides the basis for expanding trade upon a world-wide basis, long the objective of American policy. Without the Charter, the unlimited pursuit of power politics would result in exclusive economic blocs. And the armaments race such a power competition would create, as well as the necessity to prepare economically for the next war, would cause economic costs impossible to estimate now.

Finally, the Charter lays the best basis now possible for the continuance and improvement of our American way of life. Without the Charter, the basis of our American way of life would be progressively undermined by these economic costs, and by the military and

political requirements of seeking to preserve our national security alone in a world of unrestricted power competition.

Mr. Chairman, the points mentioned above are considered in a pamphlet I have here. I should be glad to submit it for the record.

The CHAIRMAN. Very well, it may be submitted for the record.

(The pamphlet entitled "It's up to the Senate," above referred to, is as follows:)

### IT'S UP TO THE SENATE

#### THE CONSEQUENCES FOR AMERICA OF ACCEPTANCE OR REJECTION OF THE UNITED NATIONS ORGANIZATION

(By Livingston Hartley)

Livingston Hartley is the author of two books, several pamphlets, and many feature articles on American foreign policy. He has been engaged in work in this field for 20 years, including 5 years in the United States Foreign Service.

His last book, *Our Maginot Line*, on the defense of the Americas, which was published just 6 months before Hitler attacked Poland, foretold Germany's march across Europe, her mortal threat to Britain, and the German-Japanese threat to the United States, and advocated the defense policy developed since.

After Pearl Harbor Mr. Hartley joined the Navy and served 18 months overseas in Africa, in Sicily, and with the Fifth Army on the main Italian front and the Anzio beachhead. He has recently been released from service.

#### BALANCE SHEET.—*United Nations Organization*

	If the Senate votes "Yes"	If the Senate votes "No"
American security.....	Strengthened.....	Ultimately endangered.
American leadership.....	Enhanced.....	Reduced.
Power politics.....	Limited.....	Unlimited.
Third World War.....	Best chance of preventing.....	No hope of preventing.
Relations with our allies.....	Cooperative.....	Antagonistic.
Pacific war casualties.....	Reduced.....	Increased.
Germany.....	Kept powerless.....	Will regain power.
Foreign trade.....	Expanding.....	Restricted.
Jobs.....	Maximum.....	Curtailed.
Standard of living.....	Rising.....	Kept down.
Armament costs.....	Declining.....	Continuing heavy.
Taxes.....	Decreasing.....	Continuing high.
Democracy abroad.....	Growing.....	Declining.
Democracy at home.....	Strengthened.....	Weakened.

NOTE.—This graphic presentation precludes qualifications and explanations. For these see the text.

#### INTRODUCTION

As the Charter of the United Nations Organization goes to the Senate, the American people stand at a cross roads in their history. Before them stretch out two alternative roads into the future. One is the road of success and the other the road of failure in the endeavor of both parties and an overwhelming majority of the people to create effective international machinery for preventing a Third World War.

In order that the people of our democracy may make their wishes known to the Senate on this crucial issue, they must consider just where each road leads.

Millions of words have been written and spoken on our need to participate now in the world machinery for international security. But so far most of us have not tried to figure out in practical terms what is likely to happen if we do—and if we do not.

This pamphlet attempts to fill this need. It attempts to examine the consequences for America which can be expected to follow the Senate's decision as to whether our country shall play her part in the international organization.

Such an analysis necessarily deals with hypothetical situations. It cannot be expected to be right in all details; it can only be sound in its major conclusions. These merit a thoughtful search by every American when a decision affecting our entire future must be made this year.

One point of departure should be stressed right here. Whatever the decision, our country cannot revert to the position it occupied in 1939. Whatever the decision, we shall occupy an entirely different position in a radically different world.

#### PART I. IMMEDIATE CONSEQUENCES

##### 1. RELATIONS WITH OUR ALLIES

*If the Senate votes "Yes"*

The United Nations Organization will fulfill two major functions for the principal Allies:

(a) It will be an over-all mechanism through which questions affecting the security of any of them can be handled.

(b) It will act as a solvent for differences which exist and which will arise among them.

The principal Allies are setting up the Organization primarily to safeguard their long-range security. It will not do this unless it works successfully. So, to achieve this overriding aim, they must sacrifice lesser interests and ambitions which would prevent the successful functioning of the Organization.

Partnership of the principal powers in the Security Council will increase their mutual understanding, teamwork, and cooperation. In the last analysis, the Great Powers must either work together for their common safety or each must work against the others in efforts to assure its safety alone.

American participation in the Organization will remove still-lingering fears that we are again going to walk out on our allies. We shall thereby gain new influence in the shaping of the settlement in both Europe and Asia. Today, when our country is paramount among the Allies in naval and air strength, wealth, and industrial capacity, it has also another great potential asset, the support of most of the smaller nations of the world. If we get into the postwar machinery with both feet, we will be able to capitalize upon this asset. For these reasons acceptance of a full part in the world Organization will bring America a maximum of influence in the postwar settlements and in the postwar world.

*If the Senate votes "No"*

If the Senate should refuse to accept the Charter of the United Nations Organization the relations between the Allies would promptly deteriorate. Here are some of the consequences that must be expected:

1. There would be no world organization this time. So the United States could not again step aside and hope that a league of the other nations would maintain European and Atlantic peace. Instead, the major Allies would turn to power politics, with each one endeavoring to create balances against the others.

2. The present relations of the United States with all the other Allies would fall apart. For the Senate's refusal to enter the world organization, after it had been favored by the President and the leaders of both parties, and after it had been promoted by our Government in two conferences held in the United States, would seem to all other nations an enduring proof that the United States could not be relied upon in international cooperation.

It is because Germany set out on world conquest a second time that the world is now determined to keep Germany shorn of aggressive power. The first time most people put the blame on the German Imperial Government and thought that a different Germany, even if strong, could be a peaceful state. But now that the same thing has happened twice, we are all convinced that a powerful Germany is an inherent menace to peace.

When we turned down international cooperation the first time our withdrawal was not regarded as a permanent characteristic of the United States. But if we do the same a second time, the other nations will regard it in just that light. They will be convinced that no American Government can be trusted in this respect, since, through our unusual constitutional procedure, its most fundamental policies can always be rejected by the Senate.

This attitude would have shattering results. Most of the smaller nations would turn to Russia or Britain instead of the United States. Our prestige, influence, and voice in the European settlement and in world affairs would decline abruptly. Anti-American feeling would spread throughout the world, undoing all that our men overseas have done to win gratitude and respect for America. Recrimination against the United States abroad would set off anti-British, anti-Russian, and anti-French recriminations here. The world stage would then be set for progressively mounting ill feeling between our people and the people of our allies.

## 2. POWER POLITICS

Power politics are likely to exist in some degree as long as the world is divided into sovereign states of different sizes. Take, for instance, the United States and the Central American republics. Because these republics depend on us for their security and for most of their trade and investments, their governments are most unlikely to promote the interests of an overseas power against important interests of the United States. Furthermore, should they do so, they would soon run into serious trouble at home, due to the extent to which the interests of their people are bound up with the United States.

*If the Senate votes "Yes"*

Within the framework of the United Nations Organization, power politics will be limited. There are two reasons for this:

1. The Great Powers would sacrifice their overriding interest in international security if they were to push power politics so far as to make the United Nations Organization fail. This places a limit on the pursuit of power politics. For example, Russia's security in Europe and Asia will remain more important to her than her local political or economic interests in Bulgaria or Iran.

2. If power politics are pressed too far by any Great Power, the victim will be able to appeal to the Security Council. Inquiry by the Security Council, which cannot be prevented by a member engaged in a dispute, might prove in a flagrant case exceedingly damaging to the prestige and position of that Great Power.

Moreover, such a question can be considered by the General Assembly before or after consideration by the Security Council. Because the General Assembly will comprise most of the nations, it will be the conscience of the world.

In the immediate future, acceptance of the Charter by our Senate will mean that the Organization is coming to life. This very fact will curtail the pursuit of power politics; we have had a glimpse recently, while the fate of the projected Organization has not been certain, of what their unlimited pursuit could mean. With world security machinery taking shape, there would be less need for Great Powers to seek security by grabbing territory or establishing satellite states.

The limitation of power politics is important to the American people for two reasons:

1. We don't approve of power politics because we don't like to see the big man push the little man about. Even when we ourselves are doing the pushing, as in Nicaragua during the twenties, our people do not like it.

2. We are not good at power politics, because our people don't like them, and their wishes are decisive in our democracy. That means that other nations can play power politics better than we can and also gain more from them.

*If the Senate votes "No"*

If there is to be no world security organization, each large nation must seek its own security itself. Each would turn wholeheartedly to expanding its power to the utmost in order to prepare the best possible position for the next war. The result would be power politics unlimited.

This situation could not be avoided by treaties between the Great Powers relating to Germany and Japan. Such treaties might, at least for some time, enable the powers to work together to keep Germany and Japan demilitarized. But, as history has frequently shown, such treaties could not prevent the pursuit of power politics in relation to other nations. The only visible means to that end is an international organization which contains the smaller nations as well as the great, establishes common obligations, and provides common machinery for their fulfillment.

Without such an organization, each of the major Allies would eye its present partners as potential enemies. Common sense would say to each, "Grab while the grabbing is good in order to be as strong as possible 10, 20, and 30 years from now."

The United States could grab a lot of bases in the Atlantic and Pacific, but it does not seem likely, because of our traditional attitude, that we should establish control of populous areas overseas. Thus we could strengthen our hemisphere defenses, but we could not add much outside our borders to the central elements of war capacity, such as manpower and industrial strength.

Here it is necessary to ask a frank question. "What would you do, under such conditions, if you were sitting in Moscow?" Remember, in answering it, that though the capitalist powers have been loyal Allies to Russia during the war, they were antagonistic for two decades before 1941. In a free-for-all competition for power supremacy, Russia must expect that they might become an-

tagonistic again. Remember also, that there is no other powerful state between the Elbe and the Pacific.

The logical answer would be to capitalize on Russia's immediate strength and the fluid conditions caused by the war to play power politics to the limit. No American could then blame Russia for pursuing this course, because it would be our own Senate which had destroyed the framework for Russian-American cooperation she is now ready to accept—our own Senate which had forced this course upon her.

An objective for Russia, in accordance with the customary practice of power politics, would then be to establish so dominant a position in Eurasia that no future political alignments could create a balance against her. To achieve this objective she would have the prestige and the threat of the Red Army, the support of Communist groups abroad, and political chaos in Europe and Asia which would facilitate expansion of her influence and control. The other overseas Great Powers would be driven by the same situation to seek similar expansion to the limits of their capacities.

The full consequences for America of such a trend would be felt only later on. They will be examined below. But the immediate consequences would be a peace very different from the kind of peace our men overseas have been fighting to win. There would be no hope of real independence for little nations in most of the world. A cold wind of despair would chill the hearts of men as all the Great Powers turned for security to power politics unlimited, knowing that only the strongest and most successful could ultimately survive.

### 3. THE GERMAN DANGER

Ever since 1870 Germany has been the most powerful state in Europe. Stronger than any in industry, larger than all but Russia in population, she has occupied a strategic position in the heart of the Continent. Her people have shown themselves more warlike, ruthless, efficient, and hardworking than any of their neighbors. They have shown also a love of militarism, a lack of moral courage, a slavish obedience to their leaders, and a willingness to be led twice into attempts to conquer Europe.

After the experience of the last 25 years, no one has the right to risk his countrymen's lives on a belief that a strong Germany will be peaceful. So we are faced with the problem of keeping Germany from becoming strong, as the Allies have now agreed to do. This is a long-range problem, because it will take more than 50 years before all the Nazi-educated Germans are too old to play a political role in German life.

#### *If the Senate votes "Yes"*

This problem can be solved within the framework of the United Nations Organization and the continuing partnership of the Great Powers. What is vital is that no one of them shall seek to re-create a strong Germany as an ally against the others. If that happens, Germany will stage a come-back and then be in a position to strike again.

On the Security Council, which will be continuously in session, the Great Powers will be working together daily. Its Military Staff Committee will keep their General Staffs in intimate contact. Their representatives on both these bodies will be constantly collaborating on many problems. From this cooperation will come mutual understanding and teamwork, essential foundations for confronting the present-present problem of Germany. This problem, moreover, is one for the Great Powers alone. The smaller victims of Germany's lust for conquest have a vital interest in preventing another German war. In both the Security Council and the General Assembly they will have every opportunity of initiating international action if they see any dangerous developments on the German front.

Since Germany is responsible for two world wars, it is only common sense that her future course should be critically observed and guarded against by a world organization. This system provides defense in depth against the German danger. In the front line will be the powers actively engaged in policing Germany. Behind them will be arrayed the other nations of the world, determined that what happened in 1939-40 shall not happen again.

#### *If the Senate votes "No"*

Even the early policing of Germany would work out entirely differently if the Senate voted for power politics unlimited. The United States would still have a

voice in what was done, but our allies would be pursuing different aims. Turning to power politics for security, they would handle the problem of Germany as one of the factors in that highly competitive game.

At once the voice of the United States on this problem would count for less. The voice of Russia, in consequence, would count for more. The British, feeling cut off from American support by the destruction of the anticipated international security system, would be impelled to give more heed to Russian views and less to American.

In these circumstances, power politics and geography would be exceedingly likely to create a sort of a European balance of power. On one side of Germany would be Britain and France. On the other side would be Russia. Germany, although powerless, would occupy the middle position. She might then hope to stage a "come-back" if either side should seek to use her to weight the balance against the other. Such a situation could eventually result in the European Great Powers courting Germany for the purpose of power politics instead of cooperating together to keep her harmless.

One aspect of such a situation must be kept in mind. After a few years, when Russia has built up her industries, she will be much too strong for even a rearmed Germany to attack. Consequently, if Germany does rise again to power, her threat will be directed toward the west.

If the Senate votes "no," the surviving Nazi leaders and officers of the general staff will see a course to follow as they turn to making plans for the next world war.

Here it may be worth while to glance at one possible consequence of a German come-back. Eminent experts have suggested that Germany, if she were ever again able to make war on the west, would remember that the United States had twice before turned the tide against her and the next time attack the United States first. Many writers on military subjects believe that in 20 years giant rockets will be able to cross the Atlantic. One more possibility is at least equally likely—that in 20 years an atomic type of explosive will be developed which will raise the destructiveness of aerial warfare into a new dimension. One rocket then might wreck as much havoc as hundreds would now.

Add together these possibilities and you get an ominous picture of what a future attack by a rearmed Germany upon an isolated United States could mean. For Germany would find us a nice, wide target for that kind of warfare. If we shot similar rockets back, ours would have to pass over neutral countries where some of them would fall. That might bring some of the injured countries into the conflict on Germany's side. In this war we have learned how difficult it is to attack Germany effectively from the west without allies and bases in Europe. Let the isolationists figure out just how an isolated America could compel a rearmed Germany to stop shooting the V weapons of the future at our cities.

#### 1. THE PACIFIC WAR

##### *If the Senate votes "Yes"*

Acceptance of the United Nations Organization will ensure a maximum of cooperation by our Far Eastern Allies in the Pacific War. It will thus save the lives of thousands of American soldiers and sailors.

At this time it is not known whether Russia will formally enter the war against Japan. But even if Russia should not, there are many ways in which she could give us help, such as granting air-base facilities and tying down a maximum of Japanese troops on the northern borders of Manchuria.

Two factors will determine the value for us of such assistance as she may provide: first, when it starts; second, how far it goes.

It is only reasonable to conclude that Russia will give us more and earlier assistance if we have accepted partnership with her in the world security organization. For that will mean that we shall continue to collaborate together in the postwar years. It will then be to Russia's interest to create the best foundation for that collaboration, because it will promote her security in both west and east and provide assistance in rebuilding her industries.

With China the situation is more intangible, but it seems evident that American acceptance of the world organization will contribute directly to Chinese morale and to her hope of peace and prosperity after victory. Thus it will stimulate her war effort and spur her people to do more than they could if they did not have these bright hopes. The prospect of greater Russian assistance and an earlier defeat of Japan will work in the same direction.

*If the Senate votes "No"*

As regards Russian assistance in the Pacific, we come again to the question, "What would you do in such conditions if you sat in Moscow?" Remember that the Senate's negative vote would turn all the Great Powers to power politics and torpedo the prospects of effective American-Russian cooperation in world affairs.

In these circumstances, it would be logical for the Russians to abstain from making any great sacrifices to pull American chestnuts out of the fire. In power politics it is the custom to work for the weakening of rival Great Powers. This objective is served when they are kept engaged in a costly war. So it would then be logical for the Russians to limit their participation in the Pacific War to what was essential for their own interests, and to make their contribution as late as possible.

To China the negative vote of the Senate would come as a heavy blow. For the Chinese, gravely weakened as a nation by 7 years of war and by divisions among themselves, would have little prospect of internal peace and prosperity in a power-politics world. So it could only be expected that Chinese morale would suffer and that Chinese military assistance to us would be less effective than if the Senate voted "yes."

The effectiveness of Russian and Chinese assistance against Japan will be of great importance to the United States, particularly if victory should require, as many experts think, major operations in China and Manchuria. Russia and China both have armies on the spot; together they could do a great part of the job on the mainland.

So it seems clear that a negative vote of the Senate would probably add many months to the war with Japan and many billions of dollars to our total war costs. More important, particularly in the eyes of those who have served in the war overseas, it would add many thousands to the number of Americans killed in action or seriously injured for life.

## 5. AMERICA'S POSITION

*If the Senate votes "Yes"*

American entry into the United Nations Organization will give the United States leadership and unparalleled influence among the nations of the world. The British Empire contains more people. Russia has the largest army and may, in the future, with her vast area and rapidly expanding population, become the most powerful country. But the United States, in this year 1945, is supreme in naval strength, air strength, industrial power, and wealth. Our power, moreover, is now mobilized, and our country has not been damaged by war.

The two conferences to build the United Nations Organization were called in the United States, at the initiative of our Government. The Dumbarton Oaks proposals, as Senator Austin and others have made clear, were basically the American plan. Thus a favorable decision by the Senate will place America in the lead in world affairs, free to exert her unequalled influence, through a largely American system, to guide world evolution in accordance with American ideals.

Here is a broad, straight road for international progress into the future via the goals we believe right. It leads to international security and the prevention of a Third World War. It leads to expanding trade and prosperity on a world-wide scale and greater employment in all nations. It leads toward freedom from fear and freedom from want, for other peoples as well as Americans.

We ourselves have built our country upon cooperation, in strong contrast to the Germans and Japanese. This road opens the same way to the entire world. Success in traveling along it offers to Americans and to all men progress into an era of security and well-being unparalleled in the history of the past.

*If the Senate votes "No"*

If the Senate rejects the international security organization, the United States will have the same military power in 1945. But it will not have the same influence and the same position of leadership.

We have considered above the reaction of the other powers if the United States should again refuse to enter the international security system of which it has been chief architect. This anti-American reaction would be likely to grow with the passage of time and the development of power politics. Holding us largely responsible for the crash of their hopes for the future, other peoples, including even some in our hemisphere, would voice bitter criticism. We would reply in kind. The stage would be set for a collapse of our policy of international cooperation and a retreat toward isolation.



One consequence is evident. By preventing a world security system, we would have created a new basis for a world system of power politics. This basis would be a balance of power between Russia and the United States. Because the world has become so small and these powers are each so big, this balance of power would appear likely to endure far beyond the end of this century.

It is necessary to see this clearly to consider what it implies. Russia and the United States are the two principal nations today in terms of intrinsic power and must be expected to increase rather than lose their present primacy during the next generation. Both possess huge continental areas; both are largely self-sufficient; both have relatively weak states on their borders; neither could be conquered by anything less than a stupendous effort of most of the rest of the world.

The British Empire, in contrast, is spread over the seven seas. Its heart is in the British Isles, vulnerable to Europe and containing only 45,000,000 people. In industrial production it lags way behind the United States and will soon lag far behind Russia. Although a mighty and influential force in a world of peace, it would be much weaker than these two continental nations in a world geared to war.

France can no longer be measured against these giants. It will be a great many decades before agricultural and divided China could even begin to approach their level of power.

Russia is in a position where she might dominate a large part of Eurasia, a supercontinent which contains seven-eighths of the world's people. The United States is in a position to dominate, as far as our people are willing to do so, the two American continents, containing one-eighth of the people of the world.

## PART II. LONG-RANGE RESULTS

### 1. POLITICAL

A quick glance at some long-range considerations may help us to see in better perspective the consequences of the Senate's decision.

This decision will determine whether the basis of future world development is to be international cooperation or interbloc balances. The choice is of the utmost importance to the future of our country and the lives of our children and grandchildren.

In the present stage of history the world is shrinking fast and the relationships between nations are increasing rapidly. All nations are being forced more closely together, and ahead, however far, looms an eventual world political unity which will match its present economic unity.

One road to this unity is by international evolution on a world-wide scale. Nations would become progressively more interdependent until they finally agreed to set up a world government in which each nation might occupy a position somewhat comparable to that of the States in our Union. The United Nations Organization is clearly one step along this way. It is a road very suitable for America for three reasons:

1. This kind of evolution can be peaceful and in accordance with the interests of all.
2. By following this road, the United States will eventually become one of the most influential and prosperous units in a world government.
3. Even at the end of the road, it will be able to run its internal affairs in its own way.

The other road to world unity is that of evolution by means of regional power blocs and balances of power between them. In the end one of the blocs would dominate the others and set up a centralized world government. Rejection of the United Nations Organization would definitely be a step along this way. It is a road very dangerous to America for these reasons:

1. The regional bloc open to our domination is smaller, less powerful and more vulnerable than regional blocs open to the domination of other powers.
2. We could not travel as fast or as far as other powers along this road because we are a democracy and don't believe in dominating other peoples.
3. This kind of evolution leads directly to interbloc wars, that is, to more world wars. If our bloc is less powerful than others, we are not likely to win all these wars.
4. If we don't win them, a centralized world government will ultimately be set by force by some overseas power. Then we will not be able to run our own internal affairs in our own way.

So the choice between these roads of evolution involves peace and war, democratic institutions and ultimately the freedom and liberty of the American people.

Furthermore, a broad view of world geography makes it clear that one thing we Americans must avoid is a world balance of power in which most of the Eastern Hemisphere is arrayed against our smaller and more vulnerable Western Hemisphere. One reason we are fighting this war is to prevent such a balance between the two ends of Eurasia and the Americas.

*If the Senate votes "Yes"*

The most effective way in sight both of avoiding interbloc balances and of preventing any power or combination from consolidating most of the Eastern Hemisphere against the Americas is to set up the United Nations Organization and make it work effectively.

The action of the Security Council, the common interest of the Great Powers in its success, and the teamwork they will develop will work directly to limit domination by these powers over the smaller nations in their regions. Power blocs cannot be consolidated readily when smaller nations can appeal to the Security Council and discuss anything they want before the General Assembly. Hitler has demonstrated how easily such blocs can be built when the only effective obstacle is power politics.

*Conference method.*—Turning to the more immediate future, an over-all international organization will confer on the United States an influence and a position of leadership in world affairs which it could not have in any power politics system. For the following reasons, the United States stands to gain more than any other nation by the method of international conference:

1. We have in this hemisphere 20 neighbor republics, most of whom have interests parallel with ours in world affairs. Nine of them are tiny states in the Caribbean and Central America, so bound to us by economic and financial ties and so subject to our influence that we can count on their votes when we seriously want them. As there are only some 60 sovereign states in the world, we can start off with a large number of votes in international conferences.

2. The United States is so largely self-sufficient and so relatively secure that it has fewer ambitions at the expense of smaller states than any other Great Power. Our people, moreover, are opposed to using our power against smaller states in any way that seems flagrantly unfair. Consequently, the small nations of Europe and Asia feel that the United States is relatively disinterested where they are concerned and is usually seeking ends which are for the general good. So many of them follow our lead in international conferences.

3. Because we have no fear of our neighbors in this hemisphere and are separated by oceans from the Eastern Hemisphere, our interests tend to parallel world interests in the greater part of the earth. For example, we are seeking now security and prosperity for the entire globe.

4. Finally, our wealth and industrial capacity count heavily in any conference. In power politics they have to be geared to forceful politics to be equally effective.

All these assets give the United States today an unparalleled position for leadership in international conferences and organizations. Most of these assets would be thrown away if the Senate voted instead for power politics unlimited.

*Russia.*—The shape of things to come during the rest of this century depends very largely upon the relations between the two intrinsically most powerful nations, the United States and Russia. The immediate difficulties which now beset these relations do not alter this basic situation.

Because they are in different continents and each possesses a huge area, rich resources and a large degree of self-sufficiency, neither needs to take anything from the other. Moreover, they have not now, and they have not had before, any basic conflict of national interest such as both have had with Germany and Japan.

In considering the position of Russia, it is necessary to realize that she has been evolving since 1917 more rapidly than any other great nation. She will be transformed further by the war, by its development of patriotism and nationalism, by the new importance of the Red Army, by its travels abroad, and by the knowledge of many of her people that their victory is largely due to aid from the capitalist West.

After the war another fundamental transformation will take place. Until now, Russia's internal economy and standard of living have had to be sacrificed to the desperate need to build up her war capacity, first against the feared threat of a capitalist coalition, later against the evident threat of Nazi Germany. International security will mean for Russia her first real chance to concentrate her energies on internal welfare.

When victory has come, Russia will hold a dominant position in much of Europe and Asia. But, unlike Germany and Japan, she has no compelling need for empire-building. Each of them was clearly destined to shrink in importance as the United States and Russia developed unless they could, before it was too late, build up vast power blocs by war. Russia, with her great area and huge resources, is not driven to that course to maintain her world position. She can maintain it through peace and international security and gain immensely thereby in living standards and internal prosperity, welfare, and progress.

If the United States and Russia can work together inside the United Nations Security Organization, it will mean two things in their relationship:

1. Their possibilities of cooperation will be developed to a maximum. This means that their possibilities of conflict will be reduced to a minimum. Partnership and the pursuit of a common interest in world security will increase mutual confidence and minimize existing differences, while American money and materials will help rebuild Russian industries and develop a mutually profitable trade. Since the existence of the Organization will limit power politics, it will limit actions by either power outside its borders which might cause dangerous conflicts of interest.

2. This relationship will deflect the dynamic evolution of Russia to a direction closer to our own. It will thus decrease the gap that has existed between the political and social structures of the intrinsically most powerful states, and in turn facilitate their future collaboration.

*British Commonwealth.*—Our ties with the British Commonwealth now override in importance and intimacy those with any other nation. We complement each other in security; the United States is the central powerhouse of the combination and the British have the positions and bases from which our power can be exerted overseas. During this war, in combined staffs and combined operations, we have learned how easily and intimately we can work together.

Before the war more than a third of our total foreign trade was with the British. In the dark hours of the war, we learned how the British Isles guarded our Atlantic shores, and the vital importance of Australia to our Pacific campaign. Our forces have since been scrambled beneath unified commands on seas and fronts all over the world. After the war we will have a unique opportunity to continue this collaboration as a solid guaranty of our joint security, peace, and well-being.

Here again the United Nations Organization provides the best mechanism for concerting our power and policies and simultaneously obtaining world-wide support for goals we seek in common—security, peace and prosperity on a world-wide scale. An attempt to base our partnership on an Anglo-American alliance instead would inevitably tend to create counter alliances between other nations.

*China.*—The future of the Pacific depends largely on the future of China. The world security organization offers the best means visible for limiting the play of power politics and foreign pressures inside China and enabling her to evolve peacefully into a modern industrialized state. Special treaties for such a purpose between the principal Pacific nations are unlikely to produce this result, as the failure of the Nine Power Treaty of 1922 showed.

*If the Senate votes "No"*

Rejection of the United Nations Organization by the Senate would open an era of power politics checked only by available power and self-interest. And the sentiment in America which was reflected in the Senate's decision would grow as the ugly shape of the post-war world the Senate had chosen became more and more clear. Our influence in Europe and Asia would then be undermined in any case. Developments at home, the antagonism of the other powers and the consequences of the policies they would pursue would all tend to force us to retreat toward isolation, leaving the future of Eurasia primarily to the decision of others. Here are some of the logical consequences we should have to expect:

Under these conditions, Russia would be thrown back upon power politics for her security and, at the same time, placed in a position where she could capitalize them to the full. In Europe and the Middle East, she would be at one end of a balance of power with Britain. In the Far East, as well as in the world as a whole, she would be at one end of a balance of power with the United States. In this situation, and faced with American antagonism instead of cooperation, her only reasonable course would be to take full advantage of the balance of power game. A fundamental feature of that is expansion of power at the expense of rivals. We could reproach neither her leaders nor her people for following

that course, if we reject the cooperative system she is now ready to accept and thereby determine that the world is to work that way.

Success in that course, which would then appear necessary for her own security no matter how costly, would have world-wide consequences. It could be based upon Russia's great intrinsic strength, her rapid postwar growth in industrial production and manpower, her unique strategic position in Eurasia and the absence of any comparable power on that continent.

One apparent means to such success, under these conditions, could be expansion of Russian influence and control outward in the Eastern Hemisphere. This could exert a mounting pressure on the British Empire and might ultimately limit Britain's capacity to pursue an independent policy. Such expansion in the Far East would be facilitated by instability and divisions in China and a common land frontier which extends most of the way across Asia.

Consequently, if the Senate decides on that kind of world, the logical tendency will be toward the eventual creation overseas of a power grouping likely to include the greater part of the Eastern Hemisphere. The world could move a long steps toward forcible political unity in that way.

It seems clear that the United States would not join this kind of system unless compelled to by overwhelming force. How many of our American neighbors would remain with us would depend upon how far inter-American solidarity could be maintained in that kind of world.

So, if the Senate votes "no," it will set in motion forces of power politics which would tend to create exactly the type of world system most dangerous to our future, an eventual world balance of power between two great regional blocs. We, with perhaps most of the Western Hemisphere, would be arrayed against most of the Eastern. On our side would be less than one-eighth of the world's people by existing count. On theirs would be the greater part of seven-eighths, who are now only beginning to undergo the expansion of population and power which accompanies the industrial revolution.

Those who would like to vote "no" should first weigh the long-range consequences for our country.

## 2. ECONOMIC

### *If the Senate votes "Yes"*

Within the framework of the United Nations Organization world economic development, like world political development, will proceed on a broad international basis.

American economic policy has long sought a world-wide market. This objective has been approached in our most favored nation treaties and in our reciprocal trade agreements. We know that in our situation this is the way to get the greatest expansion of our foreign trade and consequently the widest employment and the highest standard of living. Some reasons are:

1. The region open to us in an exclusive system does not have enough population or buying power to serve as an adequate market. In 1938, for instance, Latin America bought only 16 percent of our exports. Canada bought more than 15 percent, but much of our Canadian market would be lost if the British Commonwealth formed an exclusive trading bloc. To trade as we wish, in order to create enough jobs at home, we must have a fair access to the markets of the world.

2. Nations like Britain which depend for their existence upon imports and which normally import more than they export have a better bargaining position than we have in creating closed-trade systems. Russia, where the state handles foreign trade, is also much better geared for that kind of cutthroat, dog-eat-dog competition.

3. Because of our democracy and our people's point of view we cannot use power politics and threats as effectively as other Great Powers to secure exclusive economic advantages.

Acceptance of the United Nations Organization by the Senate will fix the trend of world economic development in the way we want to see it go. It will give us a full opportunity to employ the leadership we can have in international conferences and our present paramount position in production and wealth to guide the trend that way. Comprehensive machinery for that purpose will be created in the General Assembly and the Economic and Social Council. Already it is clear that if the Organization works successfully in the security field, the latter Council will fairly soon surpass the Security Council in the scope of its activities and the points at which it touches the interests of mankind.

Many economists believe that the United States must export \$10,000,000,000 worth of goods a year and import an equal amount in order to have full employment and freedom from want at home. This can be done only by trading on a world-wide basis; under equal conditions for all, and improving progressively by international action economic conditions throughout the world.

There is another side to the economic picture, the cost of armaments and preparations for war, and the taxes with which they burden the people at home.

The Great Powers will have far less need of huge armaments if they seek common security together than they will if each seeks security by itself. They will not be under an unrelenting pressure to prepare for the next war. So there will be a definite tendency, becoming stronger as stability is restored, toward a reduction of armament costs.

The Security Council, moreover, will have the responsibility for formulating plans for establishing a system of regulation of armaments. Its military staff committee will have the duty of assisting and advising the Security Council on all questions relating to this question.

We are all a little soured at this point about armament limitation, because between the wars it weakened us and our Allies. That result came from going about it in the wrong way. Forty million Frenchmen have been proved right in their insistence that before there could be disarmament, there must be security. But the objective of the new Organization is security on a world-wide scale. If it succeeds, it appears inevitable that reduction of armaments will follow. Even more important than the direct savings made by such reduction may be the diminishing need of all great nations to gear their economies to the requirements of total war.

By setting up the United Nations Organization we set the world stage for the widest possible markets, the greatest possible employment, and the highest possible living standards.

*If the Senate votes "No"—*

If the Senate rejects the United Nations Organization, these benefits will not be achieved. The whole economic development of the world would proceed, instead, in a way directly contrary to American policy and interests.

For a time this situation might be obscured by the needs of countries shattered by the war for American economic assistance. But when they get on their feet it would follow inexorably beneath the pressure of power politics unlimited.

If the postwar world is to be based politically not on cooperation but upon conflicts and balances between the Great Powers, the same thing will happen in the economic field. The recession of the United States toward political isolation would mean a large degree of economic isolation as well.

Just as progress in the expansion of trade on an international basis will generate further progress, restriction of trade by the creation of regional systems would generate further restrictions. The economic effect in the United States would be progressive, because restricted markets mean less freedom of enterprise, less production, less employment, higher costs, and a lower standard of living. Furthermore, it would decrease the capacity of our economic system to meet the interest charges on the national debt and simultaneously to meet the heavy costs of preparation for war in a power-politics world.

We cannot sell a quarter of \$10,000,000,000 worth of goods to Latin America, plus the additional meager markets we might obtain in regional economic areas controlled by other Powers. The British Empire and much of Western Europe would become a sterling area and buy British instead of American. The Commonwealth used to take two-fifths of our exports before the war. It won't buy anything like that amount from us if the Senate makes its only hope of survival the consolidation of a regional bloc.

We have hopes of a great expansion of future trade with Russia and with China. But Russia would not want to depend, except temporarily, upon American exports if we were at opposite ends of a world balance of power. Instead, if she followed the rules of that game, she would seek to weaken us by manoeuvres in economic policy in other markets which private industry cannot match. If we are to live in that kind of relationship, she can undersell our products whenever she wants, and charge off the loss to her budget.

An unstable China won't be the great market we hope to find in a stabilized China which is able to build up essential industries and communications. In the former, moreover, trade would tend to follow political penetration.

Turning to the other side of the picture, it would be rash to estimate how many billions we would spend every year for armaments in seeking to maintain security for ourselves in a power politics world. It is not rash, however, to suggest that they might amount to considerably more than our exports.

The indirect costs of seeking security alone might amount to much more than the direct cost of armaments and military establishments. Now that war between Great Powers has come to mean total war, we could not afford to go back to a real peace economy. We would have to gear our economy to war and put up with all the inefficiency and regimentation which that implies so that we could be ready next time when the first shot was fired. And we should have to build effective defenses on a Hemisphere scale, since South America is exceedingly weak and exceedingly vulnerable.

In the days when rocket bombs will be able to fly across oceans and when their destructive power may be expanded into a new dimension by an atomic explosive, preparations for isolated defense would require economic costs unimaginable now. It might be necessary, for example, to construct many key war industries underground and to disperse others widely in areas far from their natural markets.

These are only a few of the logical economic consequences for America of a negative Senate vote. The direct and indirect costs for the next generations of Americans would be a burden beyond anything we can now imagine.

### 3. FOR THE AMERICAN PEOPLE

#### *If the Senate votes "Yes"*

Our America has two characteristics which stem from far back in our history and which form a central pattern in our thoughts.

One of these is our democratic institutions. We were pioneers in liberty, and we believe that liberty and democratic ways represent the path of progress, not only for Americans but for all men. We don't want a world in which our American liberty, freedom, and democracy wither away.

The other is our standard of living. This stems from our vast resources, but also from our energy and inventive genius. We want a world in which it will grow, not one in which it will be whittled away.

The creation of the United Nations Organization will affect every American in these two fields. More international security means more freedom from fear for all men. As governments can turn their energies from the threat of war and preparations for war, they have less need to control the political and economic life of their people. This opens the way for the growth of liberty and democratic institutions.

The General Assembly will be a practical application of the principle of democracy between states. The manifold activities which will develop under it, particularly in the economic and social fields and in the promotion of human rights, will reach people of all lands. The conduct of international life in this way will tend to promote and expand on a world-wide scale both individual liberty and democratic ways.

If it is true, as most people believe, that depressions weaken democratic institutions, it is also true that prosperity strengthens them. Acting through the Economic and Social Council and developing international trade on a world-wide basis, the United States and the other Great Powers have the best visible means of creating general prosperity. If to this result is added increased freedom from fear of war, the whole world can move into an era favorable to the spread and increase of liberty and democracy.

These trends are of immediate concern to the United States and to every American because we live in a shrinking world. Our prosperity and our living standards at home are closely linked with prosperity and living standards abroad. And our own democracy is intimately affected by what happens to democracy beyond our borders. Our own liberties could not be preserved for many decades if our country were the sole island of democracy in an authoritarian world.

For these reasons the United Nations Organization will be a direct means for the preservation and promotion of our American way of life. To the individual American the Senate's decision this summer may be actually the most important event in his life. The shape of the rest of his life and of the society in which he lives will be determined by that decision. Take the serviceman returning from overseas and consider some of the things it will mean for him:

1. The safety and perhaps the lives of his children—for there can be no assurance that the United States would have fewer casualties in a Third World War, and there can be little hope that it could be kept away from America.

2. His standard of living—whether it will soon begin to follow a rising curve, or whether it will be kept low by depressions, unemployment, and costs of preparing for war.

3. His job—for his prospects of a job will be intimately affected by international action to increase prosperity abroad and increase world trade.

4. His taxes—whether they will soon decrease sharply, or whether they must be maintained at a high level to prepare for the next war and take care of millions of unemployed.

5. Finally, his liberty and that of his children, since the future of our American institutions will be largely influenced by the shape of the world in which we live.

#### *If the Senate votes "No"*

The extent to which the Senate's decision will affect the average man becomes clearer when we consider the consequences for American institutions of a negative vote.

As we have seen above, such a vote would mean a power politics world in which the United States would have to seek security by itself. This objective would override any other in our national life, just as it has done during the war, because when they are pushed to it, a people will sacrifice anything for security.

As long as we maintain our democratic institutions and our present form of government, we will be at a great disadvantage in power politics. Authoritarian governments would be able to outmaneuver us all around the world, to follow policies which our people would not allow, and to use the threat of war to gain their ends where we could not.

In that kind of struggle for survival, there would be a mounting pressure to change our form of government, to reduce the control of Congress over national policy, and to give the President permanent authoritarian powers. As the next world war loomed nearer and the danger from overseas power blocs grew, this pressure could sweep all obstacles away.

Furthermore, the economic consequences of a negative Senate decision, such as depressions, reduced trade, unemployment and pyramiding costs of preparations for war, would undermine our democratic institutions at their roots.

Altogether there are convincing reasons to believe that not only our future safety and economic welfare but also our American way of life, our liberty and our freedom, are at stake in the decision of the Senate.

#### CONCLUSION

So, it's up to the Senate. But it's up to the American people, too. It is up to us to show on this crucial issue that our democracy does work and that the will of the American people to live in a peaceful, better world shall be decisive.

As Franklin D. Roosevelt told Congress on March 1, "There will soon be presented to the Senate of the United States and to the American people a great decision which will determine the fate of the United States—and of the world—for generations to come.

"There can be no middle ground here. We shall have to take the responsibility for world collaboration, or we shall have to bear the responsibility for another world conflict."

Let's not fool ourselves on this issue—and let's not let any other people fool us as they did 25 years ago. Let's insist that those who urge a negative vote show us exactly how the consequences outlined here could be avoided.

This issue is bigger even than whether or not we have to fight a third world war. It is the future of our country, whether our America is to go forward and upward as the leader of a decent world, or whether it is to turn away again, to fail again, and to begin to go backward and downward toward a possible ultimate defeat in a final world war against most of the world.

Those of us who have served overseas feel we have the right to ask that those at home do not fail again—that instead, they follow through and ensure the future of our country for which we fought this war.

Senator JOHNSON of California. How are you going to apportion the sending of the number of boys that we will send for any breach of the Covenants of the Charter?

Mr. HARTLEY. Personally, Senator, I think we would have to send very few.

Senator JOHNSON of California. What is that?

Mr. HARTLEY. Personally, Senator, I think we would have to send very few, particularly to Europe, because the other powers on the Security Council have a lot of men in Europe already. I think what would be needed of us primarily would be our naval assistance on the high seas and some air power.

Senator JOHNSON of California. You say that it will be problematical how many boys we will have to send to add to the million that we have now lost, in case there be any breach of this charter?

Mr. HARTLEY. I think a breach of the charter could be dealt with with very few people in the way of an armed force. It is not like this war where everybody had a chance to mobilize and build up great armies of millions. If you stop the thing in the early stages and if you have the great powers together—

Senator JOHNSON of California. Will you speak into the microphone before you?

Mr. HARTLEY. Yes; thank you.

Senator JOHNSON of California. Have you thought at all about the number of lads we would have to send in case of a breach?

Mr. HARTLEY. Sir, I believe it would be just guesswork at this time, but I think it would be very small.

Senator JOHNSON of California. You think it would be very small?

Mr. HARTLEY. To prevent a war; yes, sir. I think when the powers do not get together to prevent it, then they have to send a great many men.

Senator JOHNSON of California. I understand you to say that the casualties now in those we have lost is something like a million, isn't it?

Mr. HARTLEY. Yes, sir.

Senator JOHNSON of California. Do you contemplate that that million, if there were another war, the greater portion of it would come from America?

Mr. HARTLEY. No, sir; I don't think so. I think it depends in what part of the world there was an outbreak of aggression. I think in South America it is possible that the United States might have to play the greater part, but that in Europe we would not. I think we would assist primarily with air power and with naval power.

Senator JOHNSON of California. And you estimate the number to be sent as what?

Mr. HARTLEY. I cannot estimate it, but I think a police force is a very small force.

Senator JOHNSON of California. You think it would be very small?

Mr. HARTLEY. If we would have had the Security Council and Charter before this war, we would never have had this war, or if it had been started, it would have taken relatively few of our men.

Senator JOHNSON of California. I hope that the number we will have to send will be infinitesimally small and that it would not equal anything like the 1,000,000 that now we have expended.



Mr. HARTLEY. I should think it would be a case of a few thousand for police action.

Senator JOHNSON of California. A few thousand might be how many?

Mr. HARTLEY. Sir, I don't know. I cannot estimate about a thing that is going to happen perhaps in the future.

Senator JOHNSON of California. That is an important element in the Charter, is it not?

Mr. HARTLEY. Yes, sir.

Senator JOHNSON of California. You must have thought of that in your nightly studies of the provisions of this Charter, have you not?

Mr. HARTLEY. Yes, sir.

Senator JOHNSON of California. And you consider that the number would be not more than a few thousand?

Mr. HARTLEY. Yes, sir; I think this is the way to avoid sending millions of men overseas again.

Senator JOHNSON of California. Where would you get the number required?

Mr. HARTLEY. I don't think there is any need of great numbers of troops if you are stopping a dispute in the early stages. In the parts of the world where an explosion is likely, where there are big powers, the other powers there represented on the Security Council have armies which can be used, and there would be no sense in sending an American Army from the United States where there are other armies available from other countries on the spot.

Senator JOHNSON of California. You think the air power would be sufficient?

Mr. HARTLEY. I should think it would be our primary contribution in Europe, but I do not think so in South America.

Senator JOHNSON of California. Can you estimate the number that would be sent?

Mr. HARTLEY. I was just saying I think a few thousand.

Senator JOHNSON of California. Sir?

Mr. HARTLEY. A few thousand instead of millions, that is what I think.

Senator JOHNSON of California. Our experience thus far is it has cost us a million young lives, isn't it?

Mr. HARTLEY. Yes, sir; because we did not do anything about preventing a war starting and until it had gotten well under way, and we had to prevent it from being lost.

Senator JOHNSON of California. There is something the matter with those phones in front of you and I do not catch half of what you say, and I would not want to miss any part of what you say.

The CHAIRMAN. He just said that he thought if it had been stopped in the beginning we would not have had to send millions of men.

Mr. HARTLEY. In each case in the two World Wars, we have come into them when the side we came in on had almost lost and we have had to send a great many men to redress the balance and to win. If we had stopped them in the early stages, it would have taken very few men. If we had stopped Hitler on the Rhineland, a show of force would have stopped him and this war could not have happened.

Senator JOHNSON of California. Very few men, you say. You make that estimate upon what?

Mr. HARTLEY. Upon history and the provisions of the Charter.

Senator JOHNSON of California. Do you know what nation would send those few men?

Mr. HARTLEY. I think it depends upon where the outbreak is and what the time element is. If something has to be done quickly in Europe they don't want to wait for American troops to come from the United States.

Senator JOHNSON of California. They would not want the American troops, is that correct?

Mr. HARTLEY. I think very few—relatively few—nothing like today.

Senator JOHNSON of California. If you can give me no better estimate than "a relatively few," I will cease questioning you.

Mr. HARTLEY. I think it is a question of a few thousand.

Senator JOHNSON of California. You say relatively a few thousand Americans would be required to be sent to stop this breach of the Charter?

Mr. HARTLEY. If there is a breach.

Senator JOHNSON of California. Of course you would not send them if there were no breach, would you?

Mr. HARTLEY. No, sir.

Senator JOHNSON of California. All right. Then if there is a breach you would send a few thousand; is that correct?

Mr. HARTLEY. It is my judgment that would be the answer.

Senator JOHNSON of California. What is that?

Mr. HARTLEY. I think so.

Senator JOHNSON of California. If that did not suffice to put down the trouble, would you send a few thousand more?

Mr. HARTLEY. Sir, I think under the provisions of the Charter, the amount of force at the disposal of the Security Council is so great that the measures taken by the Security Council would suffice, and I think more and more in modern war it is not a question of sending a lot of infantry to stop an outbreak. It is a question of mobilizing the machinery of war, the bombing planes and the mechanized weapons.

Senator JOHNSON of California. Excuse me for suggesting this, but there is some difference between what you convey through these telephone instruments and what you speak. Perhaps it is the fault of hearing of mine, but I am unable to follow you wholly in that regard.

Mr. HARTLEY. Sir, I think with joining the Charter it would be a limited contribution that we would have to make to stop another war. If we do not join the Charter we will have to go all out into another world war, and that is what I want to prevent. It would be millions instead of thousands.

Senator JOHNSON of California. There is a meeting being held at the present time, that will determine all those facts?

Mr. HARTLEY. I don't know of any meeting that can determine the future to that extent.

Senator JOHNSON of California. What is that?

Mr. HARTLEY. I don't think any one meeting can determine the future to that extent.

Senator JOHNSON of California. Is not this meeting that is being held at the present time a meeting to determine all of the weak problems of the Charter and to take means to correct those things?

Mr. HARTLEY. No, sir; I thought it was a meeting to consider problems relating to Germany and Europe and the settlement in Europe.

Senator JOHNSON of California. I don't catch you.

The CHAIRMAN. He says this present meeting is called to settle questions arising in Germany in settlement of the war.

Senator JOHNSON of California. Certainly. And if they find themselves in a situation where one of those great nations shall have violated the Charter, they would have to send the requisite number of troops to put it down, would they not?

Mr. HARTLEY. Sir, as I understand it, the Charter depends upon the Great Powers acting together to prevent aggression. If one of them starts aggression, then the Security Council cannot act.

Senator JOHNSON of California. I cannot follow you because there is some difference between this implement in front of me and that in front of you, and I don't want to say it is your fault any more than it is my fault, but I don't follow you how you reach the conclusions that you do, and for that reason I will cease any further examination.

Senator WILEY. Mr. Chairman, may I make this point? Having in mind what was said by a witness today less than an hour ago, a distinguished gentleman stated that if we had had 400 bombers available in the Near East we could have stopped with those 400 bombers the southern march of Japan.

Senator JOHNSON of California. How much do you consider those bombers will do against the immense roll of the dead, the dying, and the wounded thus far and published officially by the Army and the Navy? What I am trying to get at, and this is in no invidious spirit at all, is how many troops will be required of the United States of America to put down any breach of the Covenant?

Mr. HARTLEY. I do not believe anyone can answer that, but I would estimate in Europe it is a question of a few thousand, because I think we would use other means primarily.

Senator JOHNSON of California. Are you including Japan in that statement?

Mr. HARTLEY. I don't think at the present stage of the war in the Far East that one can estimate.

Senator JOHNSON of California. I reiterate that I hope that the sending of our youngsters into Japan will be in some way avoided. Is that your view?

Mr. HARTLEY. Sir, I think we ought to win the war.

Senator JOHNSON of California. What?

Mr. HARTLEY. I think we ought to win the war in the Pacific, whatever has to be done.

Senator JOHNSON of California. Of course, we have got to win the war. There is not any question about that at all. We have got to win the war with Japan. Now, do you contemplate any such loss of life as has occurred thus far?

Mr. HARTLEY. Sir, I cannot speak about that now.

Senator JOHNSON of California. What?

Mr. HARTLEY. I don't know about that. I think that is guesswork.

Senator JOHNSON of California. Of course you don't know about it. That is what I am getting at. It is that you are testifying here about

matters that you have no conception of at the present time; isn't that so?

Mr. HARTLEY. No, sir; because this concerns a war in which Japan has been mobilized and we are mobilized, and it is a war that has been going on for 3 years. When we are talking about the Security Council, we are talking about police action to prevent a war and not joining a war when everybody is mobilized.

Senator JOHNSON. Well, I cannot follow you and so I will cease.

The CHAIRMAN. We have 11,000,000 in the Army and the Navy now; have we not?

Mr. HARTLEY. Yes, sir.

The CHAIRMAN. And we have no Charter?

Mr. HARTLEY. Yes, sir.

The CHAIRMAN. With the Charter we would hardly send over 11,000,000, would we?

Mr. HARTLEY. I think we would send a few thousand at the most.

The CHAIRMAN. All right. Are there any other questions?

Senator TUNNELL. Yes; I would like to ask a question.

The CHAIRMAN. Senator Tunnell.

Senator TUNNELL. Would not the number sent in each case in all probability be different from each other? The numbers sent would be different in each instance, wouldn't they, in all probability?

Mr. HARTLEY. I should think so.

Senator TUNNELL. There is not any way by which you can put a number down that would be sent no matter what the trouble is?

Mr. HARTLEY. I should think that you could reach an amount which all countries would agree to make available under the special agreement which would cover any situation that was going to come up under police action.

Senator TUNNELL. But for any particular difficulty you would have to be governed by the circumstances of the case.

Mr. HARTLEY. Yes, sir; that is what the Security Council and the Military Staff Committee would do.

Senator TUNNELL. That is all.

The CHAIRMAN. Thank you very much.

Judge Oliver, of Philadelphia.

#### STATEMENT BY JUDGE L. STAUFFER OLIVER, CHAIRMAN OF THE BOARD OF UNITED NATIONS COUNCIL OF PHILADELPHIA

Judge OLIVER. Mr. Chairman and members of the committee, I am speaking as chairman of the board of the United Nations Council of Philadelphia. It is an organization that has more than 4,300 members, representing a cross section of the life of the city. We have spent the last 2½ years in promoting discussion of problems relating to international relations and the preservation of peace, and to that extent we may claim to be a reasonably well-informed body of citizens.

We urge immediate ratification of the Charter without reservation, and also the prompt approval of the Bretton Woods agreement.

It has been said that the Charter is not perfect. That is true only to the extent that no written instrument in a complicated situation is ever perfect. If any instrument was perfect, was perfect for a

given moment and a given situation, and it would become imperfect when there is a slight change in time or situation.

This, in our opinion, comes as close to being a perfect document as can be prepared in a practical and imperfect world. We think that it is a marvelous document, notable for its directness, simplicity, and completeness. We urge that this Charter be approved promptly because of the effect upon other nations of the world. I can say we can say with a certain feeling of justifiable pride that they look largely to the leadership of this Nation and we should furnish that leadership.

I believe it will be admitted that the spirit in back of this document is far more important than the mere phraseology of the document, and if we fail to ratify with promptness and dispatch, we injure that spirit of cooperation and good will which was so manifest at San Francisco.

We further have recommended that the document be approved promptly and without limitations or reservations.

We have two reasons for that—one is that any attempt to amend this document, which is the result of the labors, the conscientious labors of the delegates of 50 nations, would only result in what may be called throwing a monkey wrench into the machinery of international good will.

Secondly, we point out that this document contains within itself the method of amending in the future. If some amendment is necessary, let time point out what is and what is not necessary, and then amend the document according to the provisions of the document, and if the documents are sound, we have no fear that the rest of the world won't approve them. We are strong believers of the thought that if your ideas are good enough they will be accepted, and if our ideas in the future as to amendments are sound, we need not worry.

Furthermore, we believe that in addition to the prompt ratification without limitation, that our country should do its utmost in bringing about the proper removal of economic maladjustments and frictions and other causes of human misery and anxiety and dissatisfactions which lead to war. Our view is that any sum this country may risk in such a venture as the Bretton Woods proposal, even though it may run into billions of dollars, is trifling compared with the cost of another modern war in human lives, in misery, and the waste of economic reserves.

We understand that it has been commented by some objectors that there should be a limitation on the power of the representative of this country on the Security Council, that he should have no right to vote for the use of armed forces without recourse to Congress. It is our view that that stems from a misunderstanding of the provisions of the Charter. That instrument does not provide for the establishment of a new high office, that of a United States representative to the United Nations with independent powers of his own. The representative should be and is clearly intended to be merely a diplomatic agent of our executive branch of the Government. He should be appointed by the President, confirmed by the Senate like any other diplomatic office, and he should be a diplomatic agent. Many times in our past history our President has had to call upon our forces for armed intervention in international matters, and we have never re-

garded it as a violation of our Constitution, and we submit that it is no violation of our constitutional provision to have this agent, this diplomatic agent of the executive branch of our Government, have that same power that the Chief Executive has so far as this Council is concerned.

Therefore, we urge prompt ratification without reservation and that no limitation will now or hereafter be placed on the authority of our representative on the Council, and that our country make this Charter workable in a practical sense by assisting vigorously in removing the international causes of war.

The CHAIRMAN. Any questions of Judge Oliver?

(No response.)

The CHAIRMAN. Thank you very much, Judge Oliver.

Gentlemen, we have next former Senator Owen, of Oklahoma, who was a distinguished Member of the Senate for many years and very active in the affairs of the Senate. Proceed, Senator.

#### STATEMENT BY HON. ROBERT L. OWEN, FORMER SENATOR FROM OKLAHOMA

Senator OWEN. Mr. Chairman and gentlemen of the committee, my deep affection and respect for the Senate and my ardent desire to reciprocate in some degree the deep obligations I owe to others brings me here to express the hope that your committee will take prompt action, will favorably endorse the United Nations Charter, will take the steps necessary to make it effective. I trust that the proceedings in the Senate may not be greatly prolonged lest it weaken the power of the people of the United States to establish what now appears to be a great opportunity for which the world has waited long and made innumerable sacrifices. In my humble opinion the world is now prepared to make completely effective the objectives of the United Nations Charter.

I will not attempt in the few minutes at my disposal to analyze the Charter itself. I have taken great pains to examine the splendid report of the Honorable Edward R. Stettinius. It is a large volume. I have studied it carefully; it has given me profound satisfaction.

I heard the President of the United States here in the Senate advocate speedy action, and his reasoning, in my humble judgment, was sound. I heard, read, and studied the masterful address of the chairman of this committee, the Honorable Tom Connally, of Texas. The argument was absolutely unanswerable.

I heard Senator Vandenberg and I approved the substance of both of these great speeches urging the adoption of the United Nations Charter.

I am profoundly impressed with the colossal fact that the accredited representatives of 50 peace-loving nations have, after prolonged and careful collaboration, submitted the United Nations Charter and endorsed it unanimously. The closing speeches of the representatives of 10 leading nations is impressive in the highest degree of the good faith behind this Charter. I am glad to give it my loyal adherence.

I do not represent anybody except myself, an American citizen who has lived long and loved much. When I came into this world

on February 3, 1856, I entered an atmosphere of unselfish friendship and loving kindness, and every day since then I have been fed, clothed, sheltered, and instructed by God's little messengers, and to them I owe a debt which I am trying now to pay.

What I want to say in brief is this: That during the last 30 years the world has been going through a gigantic change through modern education, through modern means of communication, through radio, through the moving pictures, through the wonderful modern newspapers and magazines and books published in our country and elsewhere throughout the world.

The education of the world has been proceeding apace and there have been devices and means by which any person of intelligence can learn to read and write his own language within a day or two. Of this matter America has taken but little note nor has it been very much the subject of discussion in the Senate or the House of Representatives of the United States. But there has been taking place a revolution of tremendous force and tremendous character which never can be stopped by any force on earth. Illiteracy is being abolished by using phonetic alphabets and by means of this reform the poverty and the disease and the weakness which follow ignorance will be abated. Over 350 nations using phonetic alphabets now can read and write their own language.

With education as a base, there has been a gigantic change for the better throughout Russia to whose great people I take off my hat with deepest respect and with the firm hope and belief that in their integrity, in their common sense, in their fundamental goodness of character, they will sustain the work being done by the United Nations Charter. Russia under this intensive education based upon their phonetic alphabet has increased its production over 400 percent, and the end is not near. Education in that country is being financed by the Government from the kindergarten and elementary schools, to the high schools, universities, laboratories, technical establishments engaged in modern production through their many factories. In 1939 Russia printed four times as many books as the United States did, and 700,000,000 copies were issued as of that year for the use of the Russian people.

I know the propaganda attributed to the Third International, the Trotsky idea of world revolution and the taking from those who had to give to those who had not, but I remind you that Trotsky was compelled to leave Russia because of his views, and that Russia has gone through a change by which they have established a rule based upon common sense and based upon production, in which the principle is recognized that the welfare of all of the people is concerned in protecting the rights of every individual. That is the fundamental principle upon which alone the world can proceed with safety and security.

I have faith in the common sense and in the character of the human race. I believe in a divine power guided by loving kindness, and that that power is irresistible.

I look with great approval upon Franklin D. Roosevelt in his four inaugurations putting his hand on his mother's Bible on the thirteenth chapter of Corinthians, teaching the doctrine of love. The doctrine

that right makes might is sound and justifies the Charter. The power of education for good is unsurpassable. The power of education for evil is a tremendous force with which we are now contending and which we have just overthrown.

The Nazi organization pleaded social security, patriotism, individual self-respect, prosperity, a place for Germany in the sun, and misled the people into transferring their governing power into the hands of Hitler and the military group. When this governing power was vested in Hitler and he commanded the army as well as the Gestapo in the precinct, he led the German people into war and controlled them by fear with consequences the world now knows.

I believe in the goodness of the human race. I look at our own country and the education of our people. I look at the forces for good, the mothers of this country from one end of our land to the other, teaching their children to pray as soon as they can speak, teaching them the doctrine of good behavior. I look at the number of churches in this country, over 200,000 individual churches with their officers, their Sunday schools, their teachers. I look at the fraternal organizations in this country, over 200,000—Masons, Elks, Woodmen, and very many others—all bound by the doctrine of brotherhood. I look at the college fraternal societies, I look at the Young Men's Christian Association, the Young Women's Christian Association, the Federal Council of Churches, the Boy Scouts, and the Girl Scouts.

I take great pride in the National Education Association and what the association with its officials and membership have done in promoting education in this country. I take pride in what they did for the United Nations Charter and what they are doing now to sustain the Charter. I most respectfully urge that the teachers of this country be provided with compensation sufficient to attract to the teaching profession well-trained men and women.

The services of trained teachers is a great national asset where maximum production in quantity and quality is a national objective.

I look at the tremendous work done in abolishing illiteracy by the organized foreign-mission societies of the country, operating through a committee on world literacy; I look at the work done through teaching over 100 different communities how to read and write their own languages—China, India, the Pacific Islands, Africa, the Caribbean Sea, South America, and Mexico. Look at what Mexico is doing now in abolishing illiteracy. By the 28th of February, next, it proposes by the phonetic alphabet and the "each one teach one" plan to accomplish this objective.

A tremendous campaign is going on there.

I call your attention to these things, because when the attack on Pearl Harbor took place, when that great tragedy occurred, I determined to perfect a mechanism by which the whole world could with ease learn to talk to each other directly. That plan is perfected. That plan I submitted to the Senate in Senate Document 49, Senate Document 133, and Senate Document 250 of the last Congress. I have presented it on many different occasions and it is now before this committee on the petition which I sent to the Senate and upon which this committee has never had an opportunity to act (S. Doc. 133), because of the demands of the World War.



I knew how occupied they were and I was not insistent, because the time had not come. But the time has come now, and I am calling your attention to the fact that there is before your body a mechanism by which a Chinese can learn to speak the English language in 90 days; and the same thing is true with regard to a Russian.

I do not speak lightly. I graduated in six languages nearly 70 years ago. I was taught to speak French and German before I was 16. I have had occasion to study the matter of converting audible sounds of the voice into written symbols.

I am not going to take up your time further because I know that it is precious. I do not want to take up your time, but I want to leave for the record the evidence that this plan which I have offered to the Senate is supported by the best linguists of the world.

The CHAIRMAN. We will be glad to have it, Senator.

Senator OWEN. I ask that it be put into the record.

The CHAIRMAN. It will be put into the record.

Senator OWEN. As another exhibit, I would like to place in the record Senate Joint Resolution 94, introduced by me in the Senate of the United States on the 23d day of August 1917, demanding an organization of the peace-loving nations of the world for the purpose of suppressing aggression and establishing peace and good will on earth (Congressional Record, p. 6887.)

The CHAIRMAN. Thank you very much, Senator. We will be glad to publish it in the record.

Senator OWEN. With your permission, I want to pay one tribute to Woodrow Wilson.

The CHAIRMAN. That is always welcome.

Senator OWEN. That great man—a saint on earth, a martyr—who urged this country to establish the League of Nations did not succeed in having the United States enter the League. The world was not then ready for it. The world is ready for it now. The world has had another blood bath. The sorrow caused by this world war is absolutely unspeakable.

I want to say that General Eisenhower, in his address to the Senate and to the House of the 17th of June, impressed upon my mind and upon my heart the supreme importance of organizing and financing durable peace.

When we can find ourselves willing to expend \$300,000,000,000 and a million of our precious lives to win the war—when we can do that, we can afford to implement the education of the world by the expenditure of a sufficient amount of money to accomplish durable peace. Frank C. Laubach says it can be done with \$5,000,000. I say it would be worth \$5,000,000,000. I want to say more: That it would be a good investment, because now two-thirds of the people of the world are not able to read and write their own language. If their illiteracy is abolished they could increase their own production by untold billions of dollars. It would be a good investment from a money standpoint, a better investment from a social standpoint, and a necessary investment for durable peace.

Please accept my grateful thanks for your permission to be heard.

(The documents referred to and submitted by Senator Owen are as follows:)

RESOLUTION PROPOSED BY HON. ROBERT L. OWEN, OF OKLAHOMA, IN THE SENATE OF THE UNITED STATES ON THURSDAY, AUGUST 23, 1917

(Congressional Record, p. 6887)

A JOINT RESOLUTION (S. J. Res. 94) Proposing as a war measure an international convention for the purpose of terminating international anarchy, establishing international government in lieu thereof, and coercing the Teutonic military conspiracy by the organized commercial, financial, military, and naval powers of the world

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the opinion of the representatives of the people of the United States assembled in Congress that international government, supported by international force, should be immediately organized to take the place of the existing international anarchy; that competing armaments should be replaced by a noncompetitive international army and navy; that the Teutonic military conspiracy to dominate the world should be overthrown by the combined commercial, financial, military, and naval powers of the world.

That international government should be based upon the following principles:

First. Every civilized nation and informed people should have the unquestionable right of internal self-government, with exclusive control within its own territory over immigration, emigration, imports, exports, and all internal affairs, with the right to make its own political and commercial affiliations.

Second. The oceans and high seas should be free and open under international rules. All international waterways, straits, and canals should be open on equal terms to the citizens of all nations. Equal terms should be arranged for fuel, repairs, and dockage in all ports for the ships belonging to the citizens of all nations.

Third. All interior nations having no seaports should have the right of shipment of their goods in bond on equal terms and conditions, without tax, through any intervening territory to the seaports of any other nation with equal access to shipping facilities.

Fourth. That there should be established by international agreement an international organization of all civilized nations with an international legislative council to draft rules of international law to be submitted to the several nations for approval. That when such rules of international law are approved by the parliaments, or lawmaking branch of the governments of three-fourths of the member nations, representing three-fourths of the total population of all the member nations, such international rules should be binding on all member nations. Such rules should be limited to the powers expressly delegated to such international legislative council and strictly confined to international affairs.

Fifth. The international legislative council should elect and define the duties of a representative international executive cabinet to execute and enforce the rules established as international law.

Sixth. The international legislative council should have representatives from each member nation exercising a voting power according to relative population, relative wealth, and relative governmental development, to be determined by international agreement.

Seventh. The international legislative council should establish and define the duties of an international supreme court, with power to pass upon all questions of international controversy incapable of diplomatic adjustment but with no power to pass on questions affecting the reserved rights of nations.

Eighth. The international legislative council should formulate the method for raising an international army and navy and for establishing an international blockade and other means for enforcing the rights of member nations under international law, such army and navy to be provided and sustained by the member nations pro rata according to relative population and wealth.

Ninth. With the conclusion of the present war the nations of the world should agree to reduce in progressive stages their land and sea forces to a point pre-

ferably not to exceed internal or local police purposes and the quota required for the international army and navy.

With progressive disarmament and international peace safeguarded by world government dissatisfied nations now held captive by dominant nations for strategical purposes could be safely given their liberty.

Tenth. That the international army and navy should not be authorized to exercise military force further than to prevent or suppress the invasion of the territorial integrity of any of the member nations and in the blockade and embargo to enforce international law.

Eleventh. That it should be a violation of international law and the highest international crime for any nation on any alleged ground to invade the territorial limits of another nation. The penalty of such invasion should be immediate international blockade of the invading nation, embargo on all mail, express, and freight to or from such nation, and the suppression of such invasion by the international army and navy.

Twelfth. That nations backward in education, industrial, and economic development, and in the knowledge of the principles of government should have their rights safeguarded on the principles of freedom, humanity, and justice by international agreement with a view to future self-government.

Thirteenth. It is clearly realized that the program of progressive disarmament or permanent world peace is impossible of attainment until the military forces now ruling the Teutonic people, first, either voluntarily acquiesce in progressive disarmament and international justice as the basis of world peace; second, are forced to do so by the Teutonic people; or third, are coerced to do so by the combined powers of the world.

Fourteenth. That in order to bring this war to an early termination, the belligerent nations opposing the Teutonic powers should immediately cohere on a plan of international government pledging justice and peace to all member nations and the coercion of the military autocracy of Prussia by the commercial, financial, military, and naval forces of the world, giving assurance, nevertheless, to the Governments of Germany and Austria of their willingness to admit the Teutonic powers as members of the proposed international union on equal terms with other nations when they shall have met the conditions and given satisfactory guaranties.

Fifteenth. In our opinion no reliance should be placed upon the vague suggestions of peace of the Teutonic military autocracy, but that their obscure proposals should be regarded merely as a military ruse. The peace resolution of the Reichstag, while promising well for the attitude of the German people, when they achieve self-government, cannot at present be regarded as a proposal binding on or capable of enforcement by the German people, because they do not control their own Government, but are mere subjects and puppets of a military autocracy which has long conspired and still dreams of conquering the world by military force and terrorism. The United States and the nations opposing militarism should strenuously prosecute the war with every available resource, and no separate peace should be made by any of them until the menace of the military autocracy of Germany is removed.

Sixteenth. It is our opinion that if a world-wide agreement can be established on the above principles, and the men now engaged in slaughter and destructive activities can be returned to productive industry, the world could quickly recover the gigantic shock of the present war and would be able without serious difficulty to soon repair the material injuries and losses already suffered.

Seventeenth. The United States does not enter this war for material advantage, for any selfish purpose, or to gratify either malice or ambition. The United States will not approve forcible annexations or mere punitive indemnities, but it will approve a free Poland, the restoration of territory wrongfully taken from France and Italy, and restorative indemnity to Belgium and Serbia, and the adjustment of other differences by international conferences. It will favor extending international credits for the restoration of all places made waste by war. The United States enters this war in self-defense; to protect its own citizens and the nations of the world in their present and future rights to life and liberty on land and sea. It does not wish the world to remain an armed camp.

Eighteenth. No peace is desirable until the world can be safeguarded against a repetition of the present war. Competitive armaments must be ended and replaced by international cooperative armaments in order to assure permanent world peace.

Nineteenth. That the President of the United States shall immediately submit the above resolution to the belligerent nations now defending themselves against Prussian military autocracy and invite them and all neutral nations by wire to an international convention for the purpose of considering the above principles and taking affirmative action for the early suppression of the Teutonic military autocratic conspiracy by the combined commercial, financial, military, and naval powers of all nations.

Twentieth. The sum of \$400,000 is hereby appropriated to meet the cost of promoting such convention.

STATE OF OKLAHOMA,  
OFFICE OF THE GOVERNOR,  
*Oklahoma City, Okla., June 16, 1945.*

Hon. ROBERT L. OWEN,  
*Washington, D. C.*

DEAR SENATOR: In reply to your letter of recent date, I am glad to enclose to you herewith certificate of copy of Concurrent Resolution 33. Also, in compliance with your request, I have mailed a certified copy of this resolution to Senator Thomas.

I deeply appreciate your kind expressions relative to my cooperation with you in the matter of advancing your global alphabet.

With all good wishes, I am,

Sincerely yours,

ROBT. S. KERR,  
*Governor.*

STATE OF OKLAHOMA

OFFICE OF THE SECRETARY OF STATE

*To All Whom These Presents Shall Come, Greetings:*

I, F. C. Carter, Secretary of State of the State of Oklahoma, do hereby certify that the following and hereto attached is a true copy of enrolled House Concurrent Resolution No. 33, enacted by the regular session of the Twentieth Legislature of the State of Oklahoma, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of State.

Done at the City of Oklahoma City, this 13th day of June A. D. 1945.

[SEAL]

F. C. CARTER, *Secretary of State.*

Filed May 2, 1945.

ENROLLED HOUSE CONCURRENT RESOLUTION No. 33

By Speakman and Weaver, of the House; Jones, of the Senate

A CONCURRENT RESOLUTION IN APPRECIATION OF THE WORK OF THE HONORABLE ROBERT L. OWEN, FORMER UNITED STATES SENATOR FROM OKLAHOMA, PERTAINING TO THE TEACHING OF ENGLISH AS A WORLD LANGUAGE THROUGH A GLOBAL ALPHABET; AND MEMORIALIZING THE PRESIDENT AND CONGRESS

Whereas the Honorable Robert L. Owen, who was elected United States Senator by the people of Oklahoma in 1907 and who served for 18 years consecutively in that high office, has devoted much time and study in recent years to the development of a global alphabet to promote international understanding by the use of English as a world language: Now, therefore, be it

*Resolved by the House of Representatives of the Twentieth Legislature of the State of Oklahoma and by the Senate,* That the proposed global alphabet is hereby commended to educators and language students in schools and colleges

for their study and evaluation as a means to encourage the use of English as world language to promote international good will and understanding; and

That the Congress of the United States and the President are hereby memorialized to devise ways and means to promote the study and use of the global alphabet as a means to encourage the use of English as a world language.

Adopted by the house of representatives the 24th day of April 1945.

JACK BRADLEY,  
*Speaker pro tempore of the  
House of Representatives.*

Adopted by the senate the 26th day of April 1945.

HOMER PAUL,  
*President pro tempore of the Senate.*

Correctly enrolled:

RUSSELL,  
*Acting Chairman, Committee on Engrossed and  
Enrolled Bills.*

OFFICE OF SECRETARY OF STATE

Received by the Secretary of State this 2d day of May 1945 at 1:50 p. m.

F. C. CARTER,  
*Secretary of State.*  
By FRANCES A. STANWOOD.

ENGLISH AS A WORLD LANGUAGE

Extension of remarks of Hon. A. S. Mike Monroney, of Oklahoma, in the House of Representatives, Saturday, May 26, 1945

Mr. MONRONEY. Mr. Speaker, under leave to extend my remarks in the Record, I would like to insert a letter from Hon. Robert L. Owen, a former United States Senator from Oklahoma, with further reference to the progress of his heroic undertaking to establish English as the world language.

Our difficulties in the postwar period will be greatly magnified by our lack of understanding of the languages of other people and their lack of understanding of ours. Senator Owen has perfected the global alphabet comprising a phonetic system of 33 letters and 9 digraphs by which any language in the world can be read and correctly pronounced. More than 200 leading linguists of the world have endorsed this system.

It is said that the global alphabet can be learned in 1 day by a child of 8 or 10 years of age. Senator Owen's recent letter briefly outlining the purpose and need for such an alphabet, and the ease with which it can be studied, is incorporated in my remarks.

I would like also to call the attention of the House to House Concurrent Resolution 33 by the Oklahoma State Legislature recently passed commending the global alphabet to all educators and language students and requesting that the Congress and the President devise ways and means to promote the study and use of it to encourage English as a world language.

As a further supplement, I include a list of publications further explaining the global alphabet as published in the Congressional Record since 1942:

WASHINGTON, D. C., May 24, 1945.

HON. A. S. MIKE MONRONEY, M. C.,  
*New House Office Building, Washington, D. C.*

Subject: English spelling and pronunciation.

MY DEAR MR. CONGRESSMAN: English is the most widely distributed language in the world. It is known to 200,000,000 people. It is the official language of India of between three and four hundred million people, but it is unknown as a spoken and printed language to approximately 2,000,000,000. It has one serious obstacle, to which I call your especial attention. As currently printed, foreigners find the pronunciation and spelling impossible except through a professional tutor who will teach them the pronunciation word by word.

Our revered ancestors, in spelling English, gave multiple meanings to the letters, especially the vowels and the compound vowels. For example, the letter "a" has

9 different sounds, as in the words "man," "plate," "far," "fall," "ask," "fare," "prelate," "errant," "Persia." The letter "e" has 6—for example, "met," "meet," "her," "Episcopal," "prudent," "the." The letter "i" has 3—"pin," "pine," "machine." The letter "o" has 7—"not," "note," "move," "nor," "eulogy," "actor," "women." The letter "u" has 5—"tub," "mute," "pull," "singular," "nature."

I have a recent letter from Mr. R. Wrenick, member of the executive committee, Simplified Spelling Society, Ashley Rice, Walton-on-Thames, England. Mr. Wrenick in a printed article sent me says:

"Muddle in pronunciation: In addition, the digraph OO has 5 sounds, OU has 7, EA has 5, and EI 5, making a total of 22 sounds for 4 digraphs.

"Muddle in spelling: The sound A in eh, aid, lady, may, they, weigh, great, grate, gaol, and gauge is spelled in 10 ways. Similarly the sound E is spelled in 10 ways, I in 11, O in 11, and U in 11, making a total of 53 ways of spelling 5 sounds. In addition to this, short I sound is spelled in 10 ways, long OO in 10 ways, AA/AR in 11, AU/OR in 11, making a total of 42 ways of spelling these 4 sounds.

"This muddle in spelling and pronunciation is the despair of foreigners and the confusion of our children, necessitating constant correction for which no adequate reason can be given. In Italy and Germany, where the spelling is phonetic, children of 7 and 8 can read as well as English of 9 and 10."

Mr. Wrenick further asks:

"In order that English may become a common world language as suggested by Mr. Winston Churchill, why not join the Simplified Spelling Society?"

The great amount of time it takes to learn to spell English correctly and pronounce it correctly is well known to all teachers. The amount of mental energy consumed in learning to spell and correctly pronounce English words could be advantageously employed in learning the facts of life of importance to children and adults alike.

The silent letters employed in English spelling multiply the difficulties cited above, because nearly four-fifths of English words contain from one to three silent letters, adding to the difficulties of foreigners in learning to pronounce English words.

The global alphabet requires the memory to deal with only 33 letters and nine digraphs composed of such letters. The letters of the global alphabet are in form the simplest humanly possible and easily remembered. They can be learned in 1 day by a child of 8 or 10 years of age.

With this alphabet any person in the world can write any language in the world, and read and correctly pronounce the words of any language printed in the global alphabet. During the last 3 years I have given thousands of hours to the perfection of this alphabet and explained it to others.

As you request, I enclose a memorandum giving some of the particulars where the global alphabet has been explained in the Records of Congress, which I hope may be of interest to students of the subject matter. Within these Records are the endorsements of Prof. Mario A. Pei, Ph. D., Columbia University, and Rev. Frank C. Laubach, Ph. D., director of the Committee on World Literacy, and many of their associates.

I deeply appreciate the endorsement of the Oklahoma delegation in Congress of February 10 last, particularly your friendly attitude.

Since dictating the above letter I have just received from the Honorable Robert S. Kerr, Governor of Oklahoma, a copy of a concurrent resolution of the Senate and House of Representatives of the State of Oklahoma, which the Governor sent me as having passed the two houses. I enclose it as a part of this letter to you for your information.

I am grateful to the people of Oklahoma and to Governor Kerr for their study of this matter and for their approval. I submitted the global alphabet and an explanation of it to over 200 leading linguists and have the approval of many and the disapproval of none of them.

With kind regards,

ROBERT L. OWEN.

#### LIST OF GLOBAL ALPHABET PUBLICATIONS

December 15, 1942, published by Jerry Voorhis, volume 88, part 10, page A4326, permanent Record.

May 20, 1943, published by Elmer Thomas, Senate Document 49, volume 89, part 4, page 4650, permanent Record.

June 18, 1943, published by A. S. Mike Monroney, volume 89, part 11, page A3062, permanent Record.

July 8, 1943, published by A. S. Mike Monroney, volume 89, part 11, page A3675, permanent Record.

October 18, 1943, Senate Document 133, petition to Wallace, volume 89, part 6, page 8404, permanent Record.

December 21, 1943, published by A. S. Mike Monroney, volume 89, part 12, page A5630, permanent Record.

January 24, 1944, published by Jerry Voorhis, letter to Cordell Hull, page A385, daily Record.

February 29, 1944, published by Victor Wickersham, letter to Studebaker, page A1066, daily Record.

May 24, 1944, published by Lyle Boren, page A2739, daily Record.

June 22, 1944, published by Victor Wickersham, page A3553, daily Record.

December 4, 1944, published by Elmer Thomas, Senate Document 250, page 8845, daily Record.

January 24, 1945, published by A. S. Mike Monroney, letter to Judson King, page A289, daily Record.

February 1, 1945, published by Victor Wickersham, letter to Boudinot, page A410, daily Record.

February 8, 1945, published by Jed Johnson, birthday luncheon proceedings, page A549, daily Record.

March 22, 1945, published by A. S. Mike Monroney, page A1498, daily Record.

April 5, 1945, published by Elmer Thomas, letter to Alice Paul, page A1790, daily Record.

April 17, 1945, published by William Langer, Phonetic Alphabet, page 3455, daily Record.

COLUMBIA UNIVERSITY,  
New York, July 9, 1945.

HON. ROBERT L. OWEN,  
Washington, D. C.

DEAR MR. OWEN: In reply to your letter of the 7th, I am happy to state that in my opinion the greatest, not to say the only obstacle in the way of English as a world language is its antiquated system of spelling, which makes it difficult for those who have learned to speak English to learn to read and write it, and for those who have learned to read and write it (as is the case with most foreigners in their own countries) to learn to speak it.

A system of spelling reform bringing the written language in line with the spoken tongue would undoubtedly enormously simplify the process of learning English and correspondingly make easier the acceptance of English as an international language by other speakers. Your global alphabet is to my mind admirably suited for that purpose.

For a further clarification of my views, may I refer you to my article in last September's *Town and Country*, "A Universal Language Can Be Achieved," of which I believe you have a copy, and to my booklet *English: A World-Wide Tongue*, Vanni, N. Y., 1944.

Cordial regards and best wishes.

Sincerely yours,

MARIO A. PEI.

OFFICE OF WAR INFORMATION,  
Washington, May 7, 1943.

Senator ROBERT L. OWEN,  
Washington, D. C.

DEAR SENATOR OWEN: Some time ago I had the pleasure of reading and examining the mimeograph copy of your very interesting paper *Instructions on Writing with Global Alphabet*. This paper was also read by the Chinese and Japanese specialists on our staff. They, too, felt that there are many useful suggestions in it. Thinking that you would be interested in their comments I take the liberty of sending them to you.

With all good wishes and sincere regards, I am,

Very truly yours,

(Signed) DANIEL C. BUCHANAN,  
Far Eastern Division, Bureau of Research and Analysis,  
Office of War Information.

## A FEW FURTHER TESTIMONIALS

Dr. Daniel C. Buchanan, associated with Mr. Elmer Davis, of the Office of War Information, sent me the reports of the Japanese and Chinese experts, as follows:

MAY 5, 1943.

To: Dr. Daniel C. Buchanan.  
From: T. A. Miyakawa.  
Subject: Global Alphabet.

1. After due consideration of the "global alphabet" as created by Senator Robert Owen, it is thought that with very few alterations or additions, the system contains the possibility of practical world-wide application.

2. It is a recognized fact that in most languages the symbols representing particular sounds are not immutable. This results in utilizing a given symbol to represent a multiplicity of sounds leading to not only mispronunciation but difficulty in language comprehension.

3. In utilizing a phonetic alphabet it is more possible to arrive at a solution whereby the above difficulty is eliminated without the danger of employing too many signs to represent each of the different audible sounds. It is as stated in Bulletin B that the "visible form of the audible sound need be accurate only to the extent of bringing to the mind of the writer or reader the word which the context indicates."

4. It is further believed that this use of the "global alphabet" be encouraged as an instrument through which the thoughts and ideas of one tongue may be transported into the minds of those of another.

T. A. MIYAKAWA.

MAY 5, 1943.

To: Dr. Daniel C. Buchanan.  
From: Chau Wing Tai.  
Subject: Global alphabet.

I had a talk with Senator Owen some time ago about the global alphabet invented by him and was highly impressed with it. I think that it is the very thing that now-a-day China needs in order to facilitate and expedite the education of the great mass of her illiterates.

I have studied the sample sheet very carefully and have come to the conclusion that the system provides all signs necessary to cover all the sounds of the Chinese spoken languages.

By utilizing this system, a Chinese student may save many years of hard study in order to master the Chinese written language.

CHAU WING TAI.

FEBRUARY 11, 1944.

DEAR SIR: I see no reason why the global alphabet could not easily be applied to Japanese. Japanese sounds are clear and simple, in fact, as clear as and very similar to the ancient Roman pronunciation of Latin. \* \* \* Japanese could be written in the global alphabet more easily even than English or French. The Japanese are in sad need of a simple alphabet. The average Jap boy spends about 7 years in school before he can read an ordinary newspaper with any kind of ease, so difficult are the Chinese ideograms in which he writes. \* \* \*

Yours faithfully,

R. WALKER SCOTT,  
*Professor of Japanese, Trinity College.*

OCTOBER 6, 1944.

DEAR MR. OWEN: I have finished the text of the first global alphabet bilingual book teaching the Spanish and English to converse with each other through the global alphabet. As you very well know, this book is in four vertical columns horizontally arranged. In column 1 the Spanish word or phrase appears in Roman



letters as the Spanish print it; column 2, the global equivalent, which can be read and intelligibly pronounced by an English speaker at sight; third column, the English equivalent in the global alphabet which the Spanish can read and pronounce; fourth, the English equivalent in Roman letters as printed in current English roman type. The book will contain about 1,500 words with a glossary arranged under the head of topics employed in conversation.

With this book the English speaker should be able to speak conversational Spanish within 60 to 90 days, and what is of more importance the Spanish can in 60 to 90 days learn to speak acceptably conversational English. These words are taken from Prof. Mario Pei's selected English words and the words used by the basic English system with 300 or 400 words additional of common use.

As you know, I took the degree of M. A. and Ph. D. from the University of Virginia, and for many years served as professor of Greek and Latin, Converse College, Spartanburg, S. C., and have been a student of other languages. I have been concentrating on your global alphabet and I express to you my considered opinion about it.

I regard the global alphabet as a miracle of prodigious value in advancing the cause of human knowledge, abolishing illiteracy, multiplying human production, mutual understanding, and brotherhood, and am dedicating myself to that cause. By using the phonetic alphabet, all the leading nations can be taught conversational English quickly, economically using the "each one teach one" system so successfully used by that consecrated Christian scholar and missionary, Dr. Frank C. Laubach, Ph. D.

With kindest regards,

Your friend,

JANET H. C. MEAD.

MAY 15, 1944.

DEAR MR. OWEN: Answering your inquiry, I have taught two classes of children to read and write the global alphabet since January 1. They could read it after a few hours of instruction and have been pleased and interested with it. I have found no word in the English language that I could not write in the letters of the global alphabet.

One of my children of 10 years of age speaks Portuguese and I had her write in Portuguese the phrase, "Can we go home?" I translated this in the global alphabet and found that my children could immediately read and intelligibly pronounce the Portuguese sentence. They were delighted to read the Portuguese. Of course, you would know this, but it surprised and pleased them because they could not read and intelligently pronounce the Portuguese as written in roman letters. The name of the child who speaks Portuguese is Helena Fonseca. Her father is a diplomat in the employ of the Brazilian Government. She is 10 years old.

Yours respectfully,

Mrs. FRANCES D. DORMAN,  
*Teacher, Murch School, District of Columbia.*

Dr. Laubach is now engaged in teaching his system to the different nationalities in the Caribbean and in Central and South America with the cooperation of Mr. Nelson A. Rockefeller's organization.

I enclose his letter to me of recent date, as follows:

"I have long since learned that the greatest single obstacle to the use of English as a universal language is its chaotic spelling. Experience in 80 languages shows that if we can adopt a phonetic spelling it will be exceedingly simple to pronounce every word correctly. We then have only the problem of acquiring the meaning of words to make English universal.

"I grow increasingly satisfied with your alphabet as I experiment with it, for I find it easy to write connected letters, and it is swift, since there is but one stroke for each letter. I believe your idea of writing above and below a line and of using curves upward, downward, and straight lines is the best ever yet devised.

"Yours for a great cause,

"FRANK C. LAUBACH."

Prof. Mario A. Pei, assistant professor of Romance languages of Columbia University, through the publishing house of S. F. Vanni, New York City, is bringing out a book on all modern languages. Professor Pei and his associates are now publishing 11 volumes teaching English people to speak Portuguese, Spanish, Italian, French, German, Dutch, Russian, Japanese, Chinese, Malay, and Arabic. These books in the global alphabet would teach the people of these 11 foreign languages to speak conversational English.

I quote from Professor Pei's letter to me of recent date, as follows:

"\* \* \* all we really need to teach English to the world in its present form is a revised system of spelling, preferably of the global alphabet type; i. e., using symbols that are not tied up with previous associations, but represent pure sounds."

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COMMITTEE ON WORLD LITERACY AND CHRISTIAN LITERATURE,  
FOREIGN MISSIONS CONFERENCE OF NORTH AMERICA,  
*New York 10, N. Y., July 10, 1945.*

MY DEAR FRIEND: I am delighted to receive your letter, enclosing a copy of the letter which Secretary Stettinius sent to you.

It happens that I have just been writing an article on Wanted, a World Language. I have not decided where to send it or whether to send it, but am enclosing a carbon copy for you to see in its present unfinished form.

I firmly agree with you that English can be made a world language. It probably has twice as many users as any other language in the world today.

As I said in this article, I hope and pray that you will be able to get the backing of the Government for the excellent alphabet which you have invented, and you can always count on my full cooperation. The proposal which I had made in this article is a poor substitute to be used until the world is ready for the drastic movement toward perfection which you are promoting.

Very cordially yours,

FRANK C. LAUBACH.

Quoting from the article referred to, Rev. Frank C. Laubach says:

"I pray for the success of the global alphabet. It is the simplest, best alphabet I have ever seen."

R. L. O.

In addition to the above testimonials, I have the approval of many other linguists.

R. L. O.



## LECCIÓN 5a

~n~n~y' 5n

el día	~n v'e'n	v'n	day,
la noche	~n v's'~n	v'n	night,
la mañana	~n n~n~y'~n	n~n~y'	morning,
la tarde	~n ~n~v'n	~n~v'n	afternoon,

Los días son claros. ~n v'e'n n~n~y' ~n~y'.

Las noches son oscuras. ~n v's'~n n~n~y' ~n~y'.

La mañana es corta. ~n n~n~y'~n ~n ~n~y'.

La tarde es larga. ~n ~n~v'n ~n ~n~v'n.

## LECCIÓN 5b

~n~n~y' 5r'n

el terreno	~n ~n~v'n	~n~v'	land,
el cielo	~n ~n~y'~n	~n~y'	sky,
el agua (f)	~n ~n~y'~n	~n~y'	water,
azul	~n~v'	~n~v'	blue,

El terreno es fértil. ~n ~n~v'n ~n ~n~y'.

El cielo es azul. ~n ~n~y'~n ~n ~n~v'.

El cielo está nublado. ~n ~n~y'~n ~n~y'~n.

El agua es fresca. ~n ~n~y'~n ~n ~n~y'.

Los ríos son largos. ~n ~n~y'~n ~n ~n~y'~n.

## LECCIÓN 5c

~n~n~y' 5n'n

el sol	~n ~n~y'	~n~y'	sun,
la luna	~n ~n~y'~n	~n~y'~n	moon,
la estrella	~n ~n~y'~n	~n~y'~n	star,
la tierra	~n ~n~y'~n	~n~y'~n	earth,

El sol es muy claro. ~n ~n~y' ~n ~n~y'.

Las estrellas son claras. ~n ~n~y'~n ~n ~n~y'~n.

La tierra es redonda. ~n ~n~y'~n ~n ~n~y'~n.

El océano es hondo. ~n ~n~y'~n ~n ~n~y'~n.

La luna no está clara de día. ~n ~n~y'~n ~n ~n~y'~n.

## LESSON 5a

ᐱᐱᐱᐱ 5ᐱ

corto	ᐱᐱᐱᐱ	ᐱᐱᐱᐱ	short
largo	ᐱᐱᐱᐱ	ᐱᐱᐱᐱ	long
oscuro	ᐱᐱᐱᐱ	ᐱᐱᐱᐱ	dark
claro	ᐱᐱᐱᐱ	ᐱᐱᐱᐱ	bright

ᐱᐱᐱᐱ ᐱᐱᐱᐱ. The days are bright.  
 ᐱᐱᐱᐱ ᐱᐱᐱᐱ. The nights are dark.  
 ᐱᐱᐱᐱ ᐱᐱᐱᐱ. The morning is short.  
 ᐱᐱᐱᐱ ᐱᐱᐱᐱ. The afternoon is long.

## LESSON 5b

ᐱᐱᐱᐱ 5ᐱᐱ

fresco	ᐱᐱᐱᐱ	ᐱᐱᐱᐱ	fresh
fértil	ᐱᐱᐱᐱ	ᐱᐱᐱᐱ	fertile
los ríos	ᐱᐱᐱᐱ	ᐱᐱᐱᐱ	rivers
nublado	ᐱᐱᐱᐱ	ᐱᐱᐱᐱ	cloudy

ᐱᐱᐱᐱ ᐱᐱᐱᐱ. The land is fertile.  
 ᐱᐱᐱᐱ ᐱᐱᐱᐱ. The sky is blue.  
 ᐱᐱᐱᐱ ᐱᐱᐱᐱ. The sky is cloudy.  
 ᐱᐱᐱᐱ ᐱᐱᐱᐱ. The water is fresh.  
 ᐱᐱᐱᐱ ᐱᐱᐱᐱ. The rivers are long.

## LESSON 5c

ᐱᐱᐱᐱ 5ᐱᐱᐱ

el océano	ᐱᐱᐱᐱ	ᐱᐱᐱᐱ	ocean
hondo	ᐱᐱᐱᐱ	ᐱᐱᐱᐱ	deep
muy	ᐱᐱᐱᐱ	ᐱᐱᐱᐱ	very
redondo	ᐱᐱᐱᐱ	ᐱᐱᐱᐱ	round

ᐱᐱᐱᐱ ᐱᐱᐱᐱ. The sun is very bright.  
 ᐱᐱᐱᐱ ᐱᐱᐱᐱ. The stars are bright.  
 ᐱᐱᐱᐱ ᐱᐱᐱᐱ. The earth is round.  
 ᐱᐱᐱᐱ ᐱᐱᐱᐱ. The ocean is deep.  
 ᐱᐱᐱᐱ ᐱᐱᐱᐱ. The moon is not bright by day.

The CHAIRMAN. Thank you very much, Senator. We appreciate your testimony and your tribute to Woodrow Wilson, particularly.

The next witness will be Mrs. Florence Cafferatta, representing the Catholic Mothers and Daughters of America.

**STATEMENT BY MRS. FLORENCE CAFFERATTA, REPRESENTING  
CATHOLIC MOTHERS AND DAUGHTERS OF AMERICA**

The CHAIRMAN. I notice that you have an associate?

Mrs. CAFFERATTA. Yes, sir.

The CHAIRMAN. Mrs. Cecile Keefe?

Mrs. CAFFERATTA. Yes, sir.

The CHAIRMAN. We have allowed your organization 15 minutes. Do you want to divide your time with your associate?

Mrs. CAFFERATTA. Well, Mr. Chairman, she represents a different part of the city from what I do, and we have quite a few parishes represented in our organization, and since Mr. Eichelberger got time for his colleague we would appreciate that same courtesy.

The CHAIRMAN. We gave his colleague 3 minutes. We did not give him 15 minutes.

Mr. CAFERETTA. He was being questioned for sometime, so naturally I was confused.

The CHAIRMAN. Questioning is not included. We will give you 18 minutes. You can divide that. You can take 15 and let your associate have 3 minutes. We are very crowded for time. We called you yesterday, and you were not here.

Mr. CAFERETTA. I beg your pardon. I can explain that.

The CHAIRMAN. Never mind the explanation; it just takes up time. It is all right.

Mr. CAFERETTA. She will explain it, then. Thank you.

The CHAIRMAN. You are opposed to the Charter, as I understand it?

Mrs. CAFERETTA. Mr. Chairman and members of the Foreign Relations Committee of the United States Senate, as a representative of the Catholic Mothers and Daughters of America, an organization of Catholic laywomen, under the guidance of the Spirit of Truth, we are dedicated to the promotion of a better understanding of the Christian principles underlying both the laws of our Church and of our country as set forth in the Ten Commandments, the Declaration of Independence, and the Constitution of the United States, and by this understanding to support actively a program for the preservation of these laws.

Our American Declaration of Independence has, since it was written, been regarded as the soul of our American Republic, even as the Constitution of the United States of America is the vehicle through which this spirit is kept alive.

We cannot restrict or separate these documents in any sense if we would preserve our American way of life.

My remarks will be restricted to the ways in which the United Nations Charter violates the spirit of truth, as enunciated by Jesus Christ and as set forth by our Declaration of Independence and our Constitution.

The pact is ineffective as a peace pact even now, else why has it not found a way to terminate our war with Japan? Perhaps it is because the so-called peace-loving nations had to declare war in order to become eligible to participate in the bringing forth of this Charter of Chicanery.

If we cannot find the way to peace with Japan at present—and I am not saying that we can or cannot—surely we should not rush through legislation under the guise of a peace pact or in the middle of a war that has scattered our American boys over half the face of the earth.

When we have peace the boys will want to come home, and when we have peace and have the boys home, it will be time enough then for them to consider which way of life they would rather perpetuate, and they will have seen something of many ways of life and will be well qualified to form their own opinions regarding the future of this Nation, and whether they will choose to continue to be governed by laws of justice as set forth in our present instruments of government, or whether their sons and their sons' sons would have to perpetuate the hate and animosities of, let us say, three greedy old men who would have the power to inflict this on all youth for all time.

Now, gentlemen of the committee, I would like to read a copy of a resolution unanimously passed by our organization, as follows [reading]:

Whereas the document signed by representatives of various nations at the close of the San Francisco Conference creating an international security organization must be presented to the Senate of the United States for ratification and approval before it becomes a part of the law of our land; and

Whereas it is usual and customary for legislative proposals pending in the United States Senate to be considered first in committee before they are debated on the floor of the Senate; and

Whereas the San Francisco Conference document will, in all probability, be referred to the Foreign Relations Committee of the Senate for investigation and consideration and report: Now, therefore, be it

*Resolved, by the Catholic Mothers and Daughters of America in regular meeting assembled this 25th day of June 1945 at the Hotel La Salle in Chicago, Ill.;*

1. That we call upon the Foreign Relations Committee of the United States Senate to hold an unlimited public hearing on said San Francisco Conference document at which every American citizen desiring to be heard should be heard;

2. That we call upon the Foreign Relations Committee of the United States Senate to arrange for Nation-wide radio coverage for said hearing;

3. That we call upon the Foreign Relations Committee of the United States Senate to limit the proponents and opponents of said San Francisco document in their addresses to the interests of the United States alone;

4. That we call upon the United States Senate in its consideration of and debate on the San Francisco Conference document to arrange for Nation-wide radio coverage for said debate: and be it further

*Resolved.* That we call the attention of our United States Senators to the fact that we and they are citizens of the United States alone, and not world citizens; that they are servants of the American people alone and that the San Francisco Conference must be accepted or rejected on the grounds—

1. That on the whole it benefits or injures the American people directly in its operation and not indirectly and as a result of some general world good or evil; and

2. That in principle and in operation it follows or repudiates our American Declaration of Independence.

Respectfully submitted.

CATHOLIC MOTHERS AND DAUGHTERS OF AMERICA.

Inasmuch as Bretton Woods is not a separate thing to be reckoned with, in that it is part of the latest superstate that is to be erected, therefore, honorable gentlemen, we wish to record with you another

resolution unanimously adopted by our organization, as follows [reading]:

Whereas there is now pending in the United States Senate legislation known as the Bretton Woods proposals; and

Whereas the Bretton Woods proposals are part of a general scheme to tie the people of the United States and their wealth into an imperialistic world-governing organization outlined in the Dumbarton Oaks proposals now being considered in the God-ignoring San Francisco Conference; and

Whereas the main nations involved in the Bretton Woods proposals, other than the United States, have records of debt-defaulting and broken promises, which in the ordinary course of business dealing would deprive them of any consideration in applications for loans or the extension of credit; and

Whereas the Bretton Woods proposals, instead of securing "the blessings of liberty to ourselves and our posterity," as provided by the Constitution of the United States, actually enslaves our people to old world imperialism from which our Declaration of Independence recorded our freedom; now, therefore, be it Resolved by the Catholic Mothers and Daughters of America—

1. That we denounce the Bretton Woods proposals as being not only un-American, but anti-American;

2. That we denounce the Bretton Woods proposals as being an immoral waste of the wealth and the earnings of the American people;

3. That we denounce the proposers of the Bretton Woods proposals as being, in our opinion, enemies of our Republic and advocates of America last;

4. That we call upon all God-loving people interested in the preservation of the only God-based government in the world and interested in the preservation and use of our wealth and earnings of our people for the benefit of our people first, to demand that their representatives in the United States Senate defeat ignominiously and deservedly those infamous Bretton Woods proposals.

In conclusion, gentlemen, deep rooted in experience that still continues to manifest its superiority, we of our organization feel that we have something fine and something wholesome to pass on to the rest of the world—and we do mean "pass on" to it, and not press on to it—our American Declaration of Independence, the most splendid document ever conceived by the minds of men, and the Constitution of the United States, an instrument of government by laws rather than by men.

We beg of you, gentlemen, to stand by your oaths to uphold the Constitution of the United States of America, and to perpetuate our form of government in our country and to aid and abet for our good example the possibility that this same form of government will be freely chosen by free peoples all over the world.

Let us consider the great works of Abraham Lincoln, when he said:

Continue to execute all the expressed provisions of our national federalized Constitution and the Union will endure forever, it being impossible to destroy it except by some action not provided for in the instrument itself.

That is Abraham Lincoln. [Applause.]

The CHAIRMAN. We warned the audience two or three times that they are not supposed to show approval or disapproval of a witness' testimony. I hope you will observe that admonition in the future.

We thank you, Mrs. Caferatta, for your statement.

**STATEMENT BY CECILE KEEFE, SECRETARY OF THE CATHOLIC MOTHERS AND DAUGHTERS OF AMERICA, CHICAGO, ILL.**

Miss KEEFE. Mr. Chairman and members of the Senate Foreign Relations Committee, first, I wish to thank you for this opportunity



to be heard by your committee. Perhaps, gentlemen, you can appreciate our delay in appearing when I tell you that it was only late Tuesday afternoon that we were notified that we might be heard. We had received no answer to our first request to be heard, and it was only after wiring again that we received, late Tuesday afternoon, this summons. To come from Chicago on such short notice necessitated much haste in our arrangements. I hope the Senators will bear with any shortcomings in my presentation, remembering the hurry and difficulty of travel these days, which leads up to the question of why such haste accompanies the whole proceedings in connection with the consideration of the United Nations Charter. Surely a document of such far-reaching consequences is entitled to calm, deliberate consideration on the part of both the people and the people's representatives.

My purpose in coming before you was originally to tell you of the many objections that our organization has to the Charter. Since coming to Washington, however, I have discovered that there is a group bound and determined that the Charter must pass, no matter what the sentiment of the country against it may be. That group is our Senate. Even those Members who would normally vote against any plan so unconstitutional and so filled with hypocrisy and duplicity are now simply apathetic, look mournfully at the floor when questioned and mutter, "What must be must be."

We, and they, the Members of Congress, apparently have been made insensate to normal ways of thinking concerning right and wrong by the propaganda of the radio, certain newspaper publicity, and the force of various pressure groups. Have we reached that point in this country where a representative of the people thinks of his job first and principle secondly? If so, gentlemen, we are on the road to ruin, Charter or no Charter.

My appeal to you today is specifically directed to those Senators who would vote against this bill if they followed conscience exclusively. I entreat you to become a band of willful men, yes, willful you would be called, all right, but don't be afraid of words. Be willful in a steadfast reliance on truth and in the earnestness of your convictions. Christ was willful when he drove the money changers out of the temple.

We maintain that this plan is definitely unconstitutional, that it is a scheme for future war, not peace, that it is just a variation of the old balance of power politics.

Archbishop Muench, of Fargo, N. Dak., warns:

Statesmen always fall if they leave the sure and safe way of principles. The way of expediency is full of dangerous pitfalls in which high and sacred principles vanish to be lost forever. In this Charter we claim high principles have been sacrificed to policies of expediency.

While the manhood of this country is off on foreign shores, fighting even now to maintain the Constitution and all it stands for, this Charter seeks to change completely our governmental structure. According to some recent remarks by Senator Vandenberg in a discussion with Senator Willis before this committee, the corraling of American men to fight anywhere in the world at the decision of one man does not constitute war. Apparently what this Charter and its proponents seek to do is to change in the minds of the American public the conception that a great body of men under arms sent into conflict is not war but peace.

Yes; we are going to wage peace. They know that the American people could not be led into another war, after the terrible suffering and destruction of this one, so they are going to call it peace. But I would appeal to your intelligence and ask if such action would in fact not create peace and harmony but only an armed truce?

This is quite plainly a policy of intimidation and fear, since the three or five great powers of the Security Council will brook no interference from weaker nations or lesser powers.

In the name of our boys who have been called upon to endure so much, we ask the Senators to delay action on this Charter pending their return. Senator Connally's own resolution promised that action to create an international authority would follow the establishment of a just and honorable peace.

Inasmuch as peace has not been established, are we entitled to go ahead and make plans to maintain a peace that we have not yet achieved?

To quote one of our Catholic prelates:

Once more deception is being practiced on the common man. It is he who is bleeding and dying on foreign battlefields. It is he whose heart is torn with fear for his beloved ones in far-off lands. It is he who is carrying the burden of suffering and shedding hot tears of anguish during these days of great crisis. It is his peace that is at stake, the peace of the common man. The people's peace. With thunder in his voice he must reject the statement that the Atlantic Charter is not a document of principles but merely of objectives which perhaps are not attainable within our lifetime.

For how long will people continue to put their trust in promises solemnly made and solemnly promulgated? For how long will they allow themselves to be treated as fools, as though they had no memories and did not remember what was told them in beautiful language but few short years ago?

Peoples everywhere must shake themselves out of their rose-colored view of a peace-laden future and demand of their leaders that a stop must be put to all policies of might. Such policies will wreck the peace once more as certainly as they have wrecked it in the past.

The bishop concludes:

Warlike measures are not a guaranty of peace. To the followers of Christ comes the grave duty of holding high the lighted torches of principles of justice and charity so that men will not stumble into pitfalls that are being dug along the way to peace.

To sum up our objections to the ratification of this Charter:

It is not being given due consideration.

It is being undertaken in the absence of the millions of our men in our armed forces, while a major war still rages.

The Charter itself clearly violates the Constitution and it is based on the use of armed force which makes it, not a plan for world peace, but a plan to perpetuate wars. Even now bills for peacetime military conscription indicate how much hope it holds out for peace. In this connection I wish to include the resolution adopted by the Catholic Mothers and Daughters of America, which reads:

Whereas there is now a strong movement to promote permanent universal military conscription; and

Whereas this proposed conscription comes at a time when Communists are permitted to become commissioned officers in the armed forces of the United States of America; and

Whereas the opportunity to subject American youth to the propaganda of officers who would be quick to make application for service in these conscription camps; and

Whereas universal military conscription subjects youth in its formative period to un-American domination by military decree and would, therefore, give to our youth the un-American idea that men representing government are the bosses and directors, instead of what they actually are—the paid servants of the people: Therefore, be it

*Resolved by the Catholic Mothers and Daughters of America in meeting assembled,* That we record our unalterable opposition to universal military conscription and we denounce it as un-American and an opportunity for education to communism.

In conclusion I would remind the Senators of what John Winant, the American Ambassador to Great Britain, speaking of the Versailles Treaty, had to say:

They forgot the women and the young people and in so doing they forgot the source of life and the only sure link with the future.

Again, this Charter, the children, the young people, and the women are forgotten and the world again faces a fearful future and futility.

Youth and women were not properly represented at the Conference; they are not considered in the plan, except collectively, as conscripted armies, and the mothers, sisters, and wives of conscripted armies. We young women who grew up under the shadow of depression and war are shocked to read almost daily reports of the moral degradation that exists in the armed forces.

Must we perpetuate this by having conscripted armies stationed all over the world—and our men becoming incapable of leading normal family lives? Are they to know more about camp followers than their mothers, sisters, sweethearts, and wives? We don't want them all over the world. We would rather have them here defending our right to happiness after this war is over—give us a chance this time.

The CHAIRMAN. We thank you for your statement.

At this point I would like to put into the record some telegrams and letters in opposition to the Charter.

(The telegrams and letters referred to and submitted by the chairman are as follows:)

CLEVELAND, OHIO, July 11, 1945.

Senator TOM CONNALLY,  
*Foreign Relations Committee,*  
Washington, D. C.:

America's self-preservation and vital national interests demand defeat of United Nations Charter, an unconstitutional subversive scheme planned years ago by Rhodes and Carnegie interests to eventually restore America as a British colony and to commit America to involuntary participation in Britain's future wars by empowering a nonelected and former Morgan Co. associate with dictatorial authority. God forbid Senators repeating past dangerous mistakes.

MICHAEL G. KELLY,  
*Coordinator, National Coalition Committeemen.*

PHILADELPHIA, PA., July 12, 1945.

THOMAS CONNALLY,  
*Chairman, Foreign Affairs, Washington, D. C.*

SIR: Am opposed to the San Francisco Conference in its entirety for the American reason that it is a plot by the well-organized international Judaics to do away with our Constitution and our American independence by taking us into a world government.

H. B. CUMMINGS.

BLOWINGROCK, N. C., *July 12, 1945.*

Senator THOMAS CONNALLY,  
*Washington, D. C.:*

We oppose endorsement of Charter to enforce peace until we know what peace treaties are to contain. We especially oppose grant of authority to employ military force vested in American representative to Security Council.

N. WHEELWRIGHT.  
ROBERT DAY.  
H. C. FAIRLIE.  
L. B. NICHOLS.  
ANN NICHOLS.

PHILADELPHIA, PA., *July 12, 1945.*

THOMAS CONNALLY,  
*Washington, D. C.:*

I am opposed to the San Francisco Conference because it was concocted by the international morons who want to return us as a colony of Great Britain.

R. C. CAMPBELL.

### THE CHARTER OF THE UNITED NATIONS AND WORLD PEACE

#### AN ARGUMENT FOR RESERVATIONS TO THE CHARTER

(Submitted to the Committee on Foreign Relations, United States Senate, by John B. Trevor on behalf of the American Coalition, Washington, D. C.)

JULY 12, 1945.

HON. TOM CONNALLY,  
*Chairman, Foreign Relations Committee,  
United States Senate, Washington, D. C.*

MR. CHAIRMAN: Allow me to suggest that a document of such momentous importance as the Charter of the United Nations should not be acted upon precipitately. The final draft was only published on July 2 in the Congressional Record. It has, therefore, been actually in the hands of the people for a little more than a week. No one has had an opportunity to study it, consider it, or express their views upon it.

Indeed, Mr. Chairman, it is particularly important that this instrument should not be acted upon immediately because, in my opinion, the whole Dumbarton Oaks project which it embodies has been sold to the American people by propaganda issued by the Department of State in what appears to be a clear violation of section 201, title 18, of the United States Code.

Mr. Chairman, the document which is now before the Foreign Relations Committee of the Senate for approval is, in effect, the Charter of a new union of states. It is, in fact, so far as it goes, an instrument which transcends the Constitution of the United States. It is, I venture to say, an attempt, through ratification by the Senate, to transfer the sovereignty of the United States, without a constitutional amendment, to a foreign body.

A document fraught with such momentous consequences should not be acted upon without a complete review of our foreign policy. It was, in fact, the opinion of my associates at our annual meeting last January, that the Dumbarton Oaks project should not be brought up for action by Congress until after a treaty of peace had been signed. To ratify a document of the proposed character until the war with Japan has been fought to a successful conclusion, may be not only impolitic but actually inimical to the national welfare.

The Charter of the United Nations, insofar as it confers power on one American and six foreigners to make war, appears to be the very embodiment of Fascist dogma.

The people of the United States have already sacrificed over 1,000,000 casualties to stamp out fascism and its counterpart nazism from the earth, yet here in this Charter seven men are endowed with the greatest of royal prerogatives, that is, the power to take the United States or any other country or countries into war.

It is urged that time is of the essence in applying force to suppress force. This argument is preposterous for two reasons. First, history demonstrates that all wars have been preceded by periods of ample warning. Second, under modern

traffic conditions it is possible to assemble the Congress of the United States in less than 4 days.

Take the present World War as an example. It is demonstrable that the German General Staff commenced preparations for war in 1921 and it can be conclusively proved that the fate of the world was completely in the hands of Great Britain and France for at least a decade after the signing of the Treaty of Versailles.

We owe this war to the fact that Mr. Lloyd George and the British Foreign Minister, Lord Curzon, saw fit to build up Germany as counterweight to an alleged militaristic France. A magnificent and conclusive brief in support of this contention has been set forth by Leopold Schwarzschild in his book entitled "The World in Trance." Winston Churchill himself seems to have been well aware of the truth about this matter, because, in one of his recent books, he asserted: "Hitler's success, and, indeed, his survival as a political force, would not have been possible but for the lethargy and folly of the French and British Governments since the war, and especially in the last 3 years" (p. 226, *Great Contemporaries*, 1937, by Winston Churchill).

Shall we confer dictatorial power to make war to save a maximum of 4 days? The price is too high. The germs of a new war are now apparent. No microscope is necessary to discover them. You know them and I know them but, Mr. Chairman, I question from the standpoint of the public welfare the desirability of a show-down while we are still at war. This much, however, can properly be said, the Charter of San Francisco utterly fails to provide the means of applying force where force may most be needed.

Commenting on this feature of the Charter now before you for ratification, a delegate from Arabia is credited with making the following statement: "If two small powers fight, the organization steps in, and that is the end of the fight; if a small power and a big power fight, that is the end of the small power; unless, of course, another big power steps in, and that is the end of the organization."

In plain language, Mr. Chairman, there is ample justification for saying that, as an agency to ensure peace, the organization of the United Nations set up by the Charter at San Francisco will altogether fail of its purpose.

In my humble opinion, however, let me say that as an agency to bleed the last vestiges of our economic resources into the coffers of foreign nations, the organization created by the Charter is superb.

It is unfortunate that the people of our beloved country are not to be given time to understand this Charter and the Bretton Woods agreements which belong with it.

As I have already said, Mr. Chairman, the pending Charter is the incarnation of fascism and, therefore, the negation of the effectiveness of democratic process. In this respect it clearly violates the Constitution of the United States.

The founders of the Republic, when they drafted our fundamental law, definitely withheld the war power from the Chief Executive of the new Government—our Government—which they created. They specifically conferred on Congress the power to declare war. The law upon this subject has been comprehensively and ably discussed by Judge Cooley in his great work entitled "Constitutional Limitations," volume 1 (8th ed.). Judge Cooley's contention, Mr. Chairman, has been sustained by a multitude of court decisions which are set forth at some length in notes accompanying his declaration of general principles of the law.

In conclusion, Mr. Chairman, let me urge upon the committee that it attach reservations to this document which will preserve the constitutional requirements that the sole authority to declare or make war be held forever where it now is, that is, in the Congress of the United States and, further, permit me to urge that the committee preserve the sovereign right of the United States to maintain the Monroe Doctrine intact.

Let us not face the world with the ratification of a document whose terms are repugnant to the basic principles of our Constitution.

Respectfully submitted.

JOHN B. TEEVOR.

EDGEWATER FORUM,  
Chicago, Ill., June 28, 1945.

HON. TOM CONNALLY,  
Senate Office Building, Washington, D. C.

DEAR SIR: We, the undersigned Americans, oppose the ratification of the San Francisco Charter because it is unconstitutional. It gives up our independence which we have thrived under for the past glorious years of our history.

The peace of the world was not lost because we did not join the League of Nations, but because of the greed and insanity of European and Asiatic countries who have not as yet become civilized. Do not drag us back into their eternal wars. We should realize by this time that we have been fools twice and have received not one iota of thanks for the sacrifices of lives and money that we have expended in the last two adventures in the Democratic Party's wars of internationalism.

Do you mean to stand up before the whole world and say that the Russian grabs of territories in Europe are just? Do you mean to say that we must freeze them that way? Do you think the Russian concentration camps are any better than the evil ones of Germany? Instead of peace, the war has created the cinders of a thousand wars, and has been of no value. We have descended to the lowest depths of morals and it seems that you in Washington have become so hysterical that you believe the OWI propaganda yourselves.

Please save our country from further degradation and save our young men from slaughter every time some foreign government decides to oppress, or some blind group tries to gain political control. The way to solve the troubles in Europe is to remove the revenue from them and tell them to go to work and pay their debts and they won't have so much time for revolutions, nor money to finance wars.

Respectfully yours,

EXECUTIVE COMMITTEE, EDGEWATER FORUM,  
ROSE MCAVOY, *Chairman.*

SIoux FALLS, S. DAK., June 28, 1945.

DEAR SENATOR: I want to ask every Senator of our Government to oppose by all means the steam-rolling method being used to force the adoption of the Frisco Treaty. This treaty ought to be placed before the American people on its very merits and not based upon foreign entanglements by foreign steam-rolling. The Democratic administration has already gone the limit to help Russia under Joe Stalin to get the upper hand in world affairs and we need a breathing spell before we plunge into a anti-Christian pagan league of nations which will send our Declaration of Independence down the river to a God-forsaken communistic rule of bloodshed and anti-Christian rule. This cursed "European entanglement" has reached its very climax if we are to be driven into a world alliance which can only spell future wars galore with Uncle Sam as watchdog over the downtrodden helpless nations encouraged by forced methods like a Cain who murdered his own brother to satisfy his bloodthirst and hatred. It's antichrist in its very essence and will destroy forever any future peace among the nations in the whole world. It cannot help but carry in its very foundation the curse of almighty God and downtrodden humanity who are to be dominated by its methods. Only a God-forsaken attitude prevailed at this Frisco Conference if rightly understood. May God save our country from partaking in anything like that.

Sincerely yours for a just peace, and preservation of our Declaration of Independence.

N. N. ISULLKRAN.

The CHAIRMAN. The next witness is Miss Mabel Vernon.

**STATEMENT BY MABEL VERNON, REPRESENTING THE PEOPLES  
MANDATE COMMITTEE FOR INTER-AMERICAN PEACE AND  
COOPERATION, WASHINGTON, D. C.**

Miss VERNON. I am speaking as the representative of the Peoples Mandate Committee for Inter-American Peace and Cooperation in opposition to the provision in the Charter regarding amendments.

Since the beginning of the war the Peoples Mandate Committee, which is composed of women in all the American republics, has been studying plans for international organization and the way to lasting peace. A delegation of 16 members from 6 countries represented the Committee at the San Francisco Conference.

Even the most enthusiastic advocates of the Charter do not claim that it is a perfect document. The hope is held out, however, that improvement will be made in accordance with the teachings of time and experience. But the fact is that change is made practically impossible by the provision for alterations in the Charter adopted in San Francisco. Chapter XVIII stipulates that any amendment adopted by the General Assembly or any alteration made by a general conference held for the purpose of reviewing the present Charter must be ratified by two-thirds of the members of the United Nations including all the permanent members of the Security Council.

Representatives of the Mandate Committee worked in San Francisco against this provision. I attach a letter addressed to Mr. Statinius as one of the presidents of the Conference which I should like to have included in the record. Among all the delegates we talked to, and we dealt with many, we found little support for this measure.

It can readily be understood why the five permanent members of the Security Council desire the right of veto over any positive action of the Council in the unsettled years of transition immediately following the war. But after the United Nations Organization has had opportunity to restore peace and has proved its ability to keep order, the right of one of the Five Great Powers to veto any amendment to the Charter cannot be justified. Such a provision would make it practically impossible for the enlightened public opinion of the world, including that of the United States, to bring about changes, time and experience will show to be essential. Supporters of the veto claim that the Five Great Powers will all approve amendments which are right, but no one can guarantee this.

Let me mention a few changes which will almost certainly occur in the world situation in the next few years, and which would all demand amendments to the Charter. Countries now ranked as intermediate powers may advance to a place among the greatest nations of the earth and quite possibly countries now considered major powers may decline in their relative international position. Such changes would inevitably lead to a demand for reorganization of the Security Council. Smaller nations will almost certainly demand far greater authority for the General Assembly than is now given to it. This body which Senator Vandenberg has called the town meeting of the world has no important powers. Military and scientific developments may greatly change today's ideas of what constitutes physical security.

It is conceivable that one of the Five Great Powers would refuse to approve the amendment to the Charter which each of these suggested changes would require, and the amendment would thereby be defeated even if all the other nations approved it. Resistance to essential changes would inevitably cause the organization to function ineffectively and perhaps to break down entirely.

The Peoples Mandate Committee requests that if the United States Senate decides to ratify the Charter, it shall attach to ratification the reservation that 10 years after the Charter goes into operation amendments shall become effective when ratified by two thirds of the Members of the United Nations.

The CHAIRMAN. Thank you very much. We appreciate your testimony and will give consideration to your views.

I will ask the reporter to place in the record at this point a letter from Miss Mabel Vernon to Mr. Edward R. Stettinius, Jr., dated May 28, 1945.

(The letter referred to is as follows:)

PEOPLES MANDATE COMMITTEE FOR INTER-AMERICAN PEACE AND COOPERATION  
WASHINGTON, D. C.

SAN FRANCISCO, CALIF., May 28, 1945.

The Honorable EDWARD R. STETTINIUS, Jr.,  
*President of the United Nations Conference  
on International Organization.*

SIR: Believing that veto power of the great nations over future amendments to the Charter would endanger the international organization, the Peoples Mandate Committee for Inter-American Peace and Cooperation, with members in all the American republics, urges that such a provision shall not be incorporated in the Charter.

The proposal made by the Big Four delegations to liberalize the Dumbarton Oaks provision regarding amendments (which it is agreed would put the Charter in a strait-jacket) does not accomplish its purpose. It retains the requirement that future amendments must be ratified by all the permanent members of the Security Council.

To empower any one nation to block future amendments, which all the other nations may desire, would be an obstacle to world progress and world peace. The people of the world would not long submit to provisions which they consider dangerous, and the Organization would function ineffectively or break down completely. Such a catastrophe must be prevented by wise action at this Conference. We request consideration of this provision:

Five years after the Charter goes into operation a general conference shall be held for the sole purpose of considering amendments to the original Charter. Such amendments may be adopted by a vote of three-fourths of all the member nations.

Of course, those who would simplify and liberalize the method of amendments do not all offer the same provision, but they unite in insisting upon one that after a suitable period of time removes the veto from future amendments to the International Charter.

We send this request to you, asking that you put it before the delegations of the permanent members of the Security Council.

Very respectfully,

MABEL VERNON, *Director.*

The CHAIRMAN. The next witness is Miss Elizabeth A. Smart.

**STATEMENT BY ELIZABETH A. SMART, REPRESENTING THE NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION, WASHINGTON, D. C.**

The CHAIRMAN. You represent the Woman's Christian Temperance Union; is that correct?

Miss SMART. I represent the National Woman's Christian Temperance Union. Mr. name is Miss Elizabeth A. Smart. My address is 100 Maryland Avenue, N.E., Washington, D. C.

I am here today, gentlemen, to speak not for myself but for women who in the cities, towns, and hamlets and even the crossroads of our great Nation comprise the National Woman's Christian Temperance Union—an organization which for the 71 years of its existence has been fighting to rid the world of the curse of war, as well as the curse of alcohol.

My organization in its world WCTU reaches with Frances Willard across the barriers of the Golden Gate in her historic words: "We are one world of tempted humanity," and embraces women of every faith,



race, and clime in the 50 nations which are represented in its membership.

We have eagerly looked forward to the day when the races of all mankind should see that wars lead to nothing, that all men are brothers with common interest, common aspirations, and that killing one another with ever more and more horrible weapons—weapons that daily destroy the peaceful noncombatant as well as the soldier in the field—settles nothing, accomplishes nothing, and leads us ever further and further from our goal.

We are glad that 50 nations were able to sit together around a council table and arrive at some mutual agreement for the purpose of outlawing wars and substituting for them the peaceful decisions of arbitration or of resort to an international court. We recall that the internal feuding between neighbors of medieval times was finally absolutely abolished when men were persuaded to take their disputes to the courts instead of resorting to arms. We believe that through some such process the peaceful settlement of national problems and national jealousies and distrusts and rivalries must be brought about. We feel that this Charter accomplishes something in keeping open at all times the doors of a court of justice to which all may resort.

We are glad that fundamental human rights and freedoms have been recognized. We should have been happier had they been more clearly defined in the terms so familiar to our own ears in this great land of freedom, as freedom of speech, of the press, of self-government, and, above all, of religious belief.

We recognize that many compromises have been considered necessary in order to bring about a meeting of minds. We should have been happier, had the Charter savored less of the elements of balance of power, in which undue recognition is given the stronger elements over the weaker. We take issue with those who hold that an unimaginative "realism" is always the soundest basis on which to build human affairs. We recall that our continent was discovered by a mad dreamer, hooted at in the streets of Genoa because he believed that the world was round. The realists of his generation knew that it was flat. We recall that it was settled by persons who were generally considered fanatics by their contemporaries because they preferred freedom to worship God according to the dictates of their own conscience amid the dangers and discomforts of a wilderness to the conveniences of European civilization—the Huguenots in Florida, the Pilgrims and Puritans in New England, the Friends and Moravians in Pennsylvania, and the Catholics in Maryland.

We recall that our Declaration of Independence and our Constitution were written by a handful of mad dreamers who had the temerity to defy the might of one of the most powerful nations of Europe, and who won a war on empty stomachs, in rags, and on bleeding feet. We recall that it was a dreamer—an uncouth backwoodsman from the prairies of Illinois who held our Nation together through the dark days of 1861–65. And that the man whose spirit has been summoned from his grave to bring about the adoption of this Charter today was an "impractical" college professor, and later college president, whose own charter of international human liberties was rejected by the realists of his day.

We must respectfully persist in believing that the future is for those who dare place what is right before what is expedient.

We are also deeply regretful that it seemed wise to those who had the authority and the responsibility for the making of this Charter in their hands, to ignore one of the most deadly menaces to mankind, and in our humble judgment, to the future peace of the world, by a tragic omission—the omission to give to this new international body that power to supervise international agreements regarding narcotic drugs which was given to the League of Nations.

However, as the President has said, we have only this Charter to accept or reject.

We feel that it would be most undesirable to close any door through which the nations of mankind might reach toward a better understanding of one another, and might find a means of arriving at a peaceful settlement of their disputes.

We rejoice that the Charter is susceptible of amendment, and we hope the means of amendment will be taken advantage of as soon as possible.

This is not in my prepared statement, Mr. Chairman, but I would like to add my own words very earnestly to Miss Vernon's plea that the process of amendment might be made easier and that we might not freeze perpetually an organization which can, by the process of change in human events, become entirely unwieldy and not adjusted to the needs of the coming day.

We recommend to you the adoption of this Charter.

The CHAIRMAN. With reservations, or without them?

MISS SMART. I believe it might be desirable to have a reservation changing the form of amendment.

The CHAIRMAN. The other countries would have to agree, and they probably would not agree to it.

MISS SMART. But I still feel that it is an essential element.

The CHAIRMAN. We are very glad to have your testimony. As I understand it, you represent the Woman's Christian Temperance Union nationally, and they are for the Charter?

MISS SMART. Yes.

The CHAIRMAN. Is Rabbi James A. Wax here?

RABBI WAX. Present, Mr. Chairman.

The CHAIRMAN. You may give your name, address, and whom you represent, for the benefit of the record.

**STATEMENT BY RABBI JAMES A. WAX, SECRETARY OF THE COMMISSION ON JUSTICE AND PEACE OF THE CENTRAL CONFERENCE OF AMERICAN RABBIS**

RABBI WAX. I am Rabbi James A. Wax, secretary of the commission on justice and peace of the Central Conference of American Rabbis.

It is our privilege to present to the members of the Senate Foreign Relations Committee this statement in support of immediate ratification by the Senate of the United States of the Charter of the United Nations Organization, on behalf of the 530 members of the Central Conference of American Rabbis, the oldest rabbinical association in America and the largest in the world, over 160 of whose members are now serving as chaplains in the armed forces of our country.

Out of the cardinal doctrine of Judaism, the belief in one God, who is the Creator and Father of all nations and peoples, has come the inevitable corollary of the unity and the brotherhood of man. God regards all men and peoples as equal, and men, too, must so regard them. As God rules men and nations in love and justice, so also should love and justice prevail between nation and nation. Because of these beliefs about God and man, Judaism was the first of the great religions to emphasize the hope of man for peace and the duty to prevent wars, as expressed in the classic and hallowed words of the prophet, Isaiah:

And they shall beat their swords into ploughshares.  
 And their spears into pruning hooks;  
 Nation shall not lift up sword against nation,  
 Neither shall they learn war any more.

—*Isaiah II, verse 4.*

This ideal was frequently restated by the prophets of Israel in the Bible, reechoed by the sages in the pages of the Talmud, and reformulated in the writings of the rabbis throughout the ages. We American rabbis, inspired by the teachings of God, by the peace traditions of our faith, and by first-hand knowledge of the devastation and suffering, brutality, and savagery that war inevitably brings, are anxious to do all that is within our power, in cooperation with all men of good will, to avert war and to make the blessings of peace available to all. The records of our conference indicate the conscientious and careful studies of peace that we have made in the past, and our labors in American communities testify to the devoted support that we have given to many movements seeking to outlaw war.

We believe that nations, like individuals, must recognize the sovereignty of God and must submit to His moral law. Cooperation between nations is a Divine mandate. The ethical principles of the duties and obligations of the strong to the weak, accepted by the civilized individual, must be accepted as well by the civilized nation. The honoring of covenants, the recognition of the rights of all nations, the avoidance of war, and the establishment and maintenance of peace must become part of the accepted code of nations. The integrity of nations must be so cherished and prized that guarding a nation's honor will be maintaining its loyalty to moral and spiritual principles.

Because of these time-honored, God-given ideals, we hail the framing and signing by the representatives of 50 nations in San Francisco of the United Nations Charter as a great step forward in the promotion of international cooperation, the prevention of war and maintenance of peace, and urge its speedy ratification by the Senate of the United States.

We note with appreciation that the nations whose representatives have signed the Charter have pledged themselves not to wage aggressive wars, to unite to prevent aggression, to eliminate social and economic injustices which breed wars, and to safeguard the inalienable rights of men.

We are aware that the new Charter does not measure up in full to the high moral goals of our faith, the federation of the nations of the world, but we recognize that compromise cannot be avoided when 50 nations of different historical traditions and political and economic backgrounds plan together, when age-old rivalries and sus-

pitions have not been fully allayed, and when first steps in international organization are taken. The United Nations Charter is an excellent beginning toward the goal of the world peace, advocated first by the prophets of Israel, endorsed and championed by all the great religious teachers of mankind, and feverently prayed for by the masses of men. Amendments will be possible to overcome its limitations and to widen its scope. To withhold support of this Charter because of its shortcomings, all of which can be corrected in the future, would be to betray the hopes of mankind.

We recognize, too, that a political instrument by itself cannot secure world peace. Wars are caused in part by social and economic maladjustments. The unjust and unequal distribution of the resources of the world, given to all men by God, the humiliation of races by exploitation and by assertions of inferiority that have foundation neither in history nor in science and are sanctioned by neither religion nor morality, create antagonisms which lead to armed conflict. We welcome the Commission of the United Nations Organization which will dedicate its energy to social and economic changes so that ultimately world peace may rest on world justice. Especially we citizens of the United States, because of our strength in the economy of nations, must be sensitive to the economic and social causes of war and must be prepared to set a sacrificial example in striving to eliminate them.

International political machinery of itself, however well devised, will fail to secure peace. It must rest basically on the good will and moral discipline of every man, woman, and child. The peoples of the world, as individuals, in the routine task of life and in the facing of international and domestic issues, must undergird the world Charter by continuous and every-day evidence of that good will so essential to peace among nations. Religious and educational leaders have a grave responsibility to cultivate among their peoples the moral will to peace and to assert resolution and high sacrifice. Ministers, priests, rabbis, and other teachers have the sacred task of fostering in every man a loyalty to humanity as strong as his loyalty to God.

We rejoice also that in the world Charter there is provision for the creation of a commission on human rights and that these rights are referred to in its preamble. Basic to the belief of the fatherhood of God and the brotherhood of man is the recognition of these rights. We trust that through the agency of the United Nations Charter these will be applied to and enforced for all men, so that speedily every human being will enjoy these rights which are his because he is a child of God. When that is realized, all men will truly live as brothers and will heed the command of the Torah, God's word, "Love thy neighbor as thyself." Then, too, the goal of the prophet, Micah, will be near, "But they shall sit every man under his vine and his fig tree; and none will make them afraid."

Because of the promise of peace and international cooperation that the United Nations Charter will bring immediately, because of the horrible sacrifices and devastation of war which all good men seek to avoid, because of the promise of the ultimate establishment of the Kingdom of God that we see in it, we American rabbis, speaking for ourselves and for the men and women whom we serve and lead, plead for the speedy ratification by the Senate of the United States of the United Nations Charter. We are confident that the blessings of God

will rest upon all men who participate in speedily making this Charter the accepted law of nations.

The CHAIRMAN. Thank you very much, Rabbi Wax. We will give your testimony our best consideration.

Mrs. Mowrer will be the next speaker.

**STATEMENT OF MRS. LILLIAN T. MOWRER, CHAIRMAN, DISTRICT OF COLUMBIA CHAPTER, WOMEN'S ACTION COMMITTEE FOR VICTORY AND LASTING PEACE**

The CHAIRMAN. Please give your name and residence, and state whom you represent.

Mrs. MOWRER. I am Mrs. Edgar Mowrer, chairman of the Washington Chapter of the Women's Action Committee for Victory and Lasting Peace, a national organization.

Affiliated with our organization are the following organizations: National Board of the Young Women's Christian Association, General Federation of Women's Clubs, National Council of Jewish Women, Women's Division of the American Jewish Congress, National Women's Trade Union League, Girls Friendly Society, National Federation of Business and Professional Women's Clubs, Needlework Guild, Mills College Alumnae.

As one of the 42 national organizations invited by the State Department to send a delegate to San Francisco, the Women's Action Committee for Victory and Lasting Peace has followed the United Nations Charter closely. Our organization's representatives watched with confidence and respect the contributions made by each member of the United States delegation. The Women's Action Committee stands 100 percent behind the United Nations Charter. The Charter was created in the spirit of cooperation. This country's delegation gave outstanding leadership in sustaining that spirit. We are confident that the American people are eager to accept the Charter so that the United States may assume its responsibilities under the Charter promptly and with vision.

The Women's Action Committee supports this Charter not merely because we feel it is the one bulwark which exists between our civilization and future wars but because we consider it to be an outstanding document; an instrument of peace and progress forged through the combined efforts of 50 nations. In the very process of producing the Charter, these nations have already begun to live the life of community cooperation which is at the heart of the Charter.

The Charter in the truest sense of the word does not set up world government but indicates patterns of international cooperation. The highest purposes of the United Nations will be achieved if these nations follow the letter of the Charter in the spirit in which it was written.

In accepting the Charter the United States will commit itself to the support of principles which we have long championed as a nation. The United States will also commit itself to using this instrument of international cooperation. However, as a member of the United Nations organizations, this country will not be compelled to pursue any policy or take any action other than by its own free will and according to its own decisions. This country's decisions, on the other hand,

will have a very profound effect upon the United Nations Organization.

As one of the sponsors of the San Francisco Conference, as one of the most powerful nations of the world, the United States has the grave responsibility to choose wisely.

The Women's Action Committee respectfully urges that this country's first great decision for the future be the decision to join this international organization, without reservation, and that the Charter be given prompt ratification by the Senate of the United States.

The CHAIRMAN. Thank you very much. We are very glad to have your testimony.

Is Mr. Alfred M. Lilienthal present? He has asked to be heard. He does not answer.

Mrs. Van Hyning, representing We, the Mothers, Mobilized for America, Incorporated? She is not present.

Is there present a representative of the American Council of Christian Churches? That organization asked for a hearing, and we wired them granting it. They have not appeared.

We have present today Representative Compton I. White, who desires to address the committee. I have looked at his statement. He devotes most of it to a discussion of the Bretton Woods agreements, which we are not considering. However, we will hear him on this Charter. Representative White.

#### STATEMENT OF HON. COMPTON I. WHITE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

Representative WHITE. Mr. Chairman and members of the committee. I am Compton I. White, Representative from the First Congressional District of Idaho, also chairman of the Coinage, Weights, and Measures Committee of the House.

In considering the international Charter, I have drafted my ideas of the cardinal principles of such a charter and have placed them in the form of a chart, which I should like to read to the committee.

The CHAIRMAN. Do you mean that you have an entirely new plan?

Representative WHITE. No; it is a plan whose principles, I think, in revising this Charter before, should be incorporated as soon as possible in the Charter that will be finally accepted by the United States.

The United Nations, in order to maintain peace and prevent war, will create no supergovernment, and will insure the retention of complete sovereignty of every nation.

The nations subscribing to the Charter will establish a World Court to be composed of proportionate representatives of the several nations, with an international world commission with power to settle international grievances and prevent aggression and invasion of any nation, implemented with an international army and navy, each country to have proportionate representation on the commission and supply a relative quota of the policing force;

The personnel composing the policing force not to be permitted to serve in the country of which they are nationals;

The commission to maintain freedom of the air and freedom of the seas with universal disarmament;

No nation to be permitted to maintain a navy or armed force above its domestic policing requirements;

All international disputes to be settled by the Commission under the rules of judicial procedure with right of appeal to the World Court, whose decision shall be final and enforced by the international commission.

The nations subscribing to the Charter will establish an international monetary system in which the monetary unit of the several governments subscribing to the Charter of the United Nations shall be made standard by weight and fineness to the metals gold and silver at a ratio of relative value to be fixed by the international agreement.

There I have outlined as best I could my ideas of the fundamental principles of an international Charter.

The CHAIRMAN. We are glad to have them in the record.

Representative WHITE. Mr. Chairman, I ask unanimous consent at this point that the capitalization as it appears in this copy will appear in the record.

The CHAIRMAN. We shall undertake to do that.

Representative WHITE. I desire to make a few remarks in that connection, Mr. Chairman.

I am sure the people of the United States and their representatives in the Senate are conscious of the gravity of this hour and the tremendous responsibility devolved upon them. Never in all the great upsurges of humanity from the signing of the Magna Carta, the Declaration of Independence, and the adoption of the Constitution of the United States, the Emancipation Proclamation down to this approach to lasting peace and permanent security has the future of the world been freighted with such opportunity for good or evil. Never have the American people had so much at stake in the deliberation and actions of their chosen representatives.

We want permanent peace and amity among the nations; we want liberty and security for the people of all the world; we want freedom of intercourse and trade between the peoples of all nations; we want freedom of the seas and freedom of the air; we want disarmament and the power to prevent war and aggression in any quarter of the world. To obtain these blessings, we must have the cooperation of the several nations in establishing an international commission with power to prevent invasion and suppress aggression in any country, with authority to hear and settle international disputes with the right of appeal from the decision of the commission to a world court whose decision shall be final, and enforced by an international policing power under the direction of the international commission.

To insure amiable international relations and unrestrained international trade, the several nations must establish and maintain an international bimetallic money system based on the standardization in value of the monetary units of the several nations, interchangeable in the channels of trades and business among all subscribing nations. This can best be obtained by giving force to the law now on our statute book and by adopting a monetary system of bimetalism by the "leading commercial nations of the world."

Let me call the attention of the Members of the Senate to the fact that this has been done successfully in the past and can be done now.

Let me remind the committee that on the 23d day of December 1865, France, Belgium, Italy, and Switzerland united in the monetary treaty to regulate the weight, title, form, and circulation of their gold and silver coins with unlimited coinage and legal tender for such coins. By this system, we find that the contracting nations were successful in creating an international bimetallic system which was successfully used by France, Italy, Belgium, Switzerland, and Greece. France alone had maintained bimetallism since October 1785. In 1865, Italy, Belgium, Switzerland, and Greece joined this bimetallic league which gave these nations an international monetary standard that had been perfected and tested for nearly 100 years with standard gold and silver interchangeable between the nations subscribing to the league—a monetary system that worked until the plan was broken down by Germany victorious in a war with France in 1870 when silver was demonetized by that country to increase the value of the war indemnity due from France as a result of that conflict.

There is presented here for your guidance in establishing an international monetary system, section 311 of the United States Statutes. I will take the liberty of reading from the Annotated Code the portion to which I refer.

We are trying to do a constructive thing and profit by the mistakes of the past. I think anybody who went through the period of depression, or whatever you want to call it, must have realized that the monetary systems which we have attempted to make work have not succeeded and that we are now trying to build a better and more perfect monetary system. I think we can do that by turning back to the statutes, our own laws. I shall now read to you section 311 of the Annotated Code:

It is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States, in the markets and in the payment of debts.

I pass now to section 313, which is somewhat briefer:

Section 313. International bimetallism. The provisions of sections 146, 313, 314, 320, 406, 408, 411, 429, 455, and 751 of this title and sections 51, 101, and 178 of title 12, Banks and Banking, are not intended to preclude the accomplishment of international bimetallism whenever conditions shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

Mr. Chairman, I have just this to say about the Bretton Woods agreements: Taking the over-all dimensions of that program and plan, we seem to be constructing an international monetary pump. We have been trying here in this Congress—

The CHAIRMAN. You are speaking of Bretton Woods?

Representative WHITE. That is what Bretton Woods represents to me.

The CHAIRMAN. We are not considering Bretton Woods here.



Representative WHITE. I am wondering if the committee is going to consider Bretton Woods and if the Senate is going to pass upon it before it reaches the Charter.

The CHAIRMAN. I cannot tell you.

Representative WHITE. I understood that the Bretton Woods agreement was to be an integral part of the Charter.

The CHAIRMAN. No; there is no connection between them legally. You will have to consult with Senator Barkley as to when the Bretton Woods agreement will be taken up. But we are not considering it here.

Representative WHITE. You are not considering it?

The CHAIRMAN. Not at all.

Representative WHITE. I want to say, Mr. Chairman, that in considering any plan for international peace and amity, we must provide a workable, adequate, stable monetary system. I think the whole plan will fall flat and be doomed to failure unless we do away with the jealousies and animosities that have been generated throughout the world in the past. Unless we give the world a workable, adequate, stable monetary system, I think the experience of the past and the records of the past will convince anybody that the gold standard alone is insufficient and that the bimetallic system has worked. We have tried everything else; now let us try bimetallism.

Senator GUFFEY. What ratio do you advocate for bimetallism?

Representative WHITE. The ratio I advocate in the plan is to be fixed by international agreement. I will say, for the information of the member, that the record of the production of gold and silver down through the ages on an average is less than 15 to 1. We have never in the past had a perfect international bimetallic system. When we set up our system here in the United States, it was 15 to 1. It was changed in 1934 to 16 to 1. But France and the European countries all the time had maintained a 15½ to 1 ratio, so there was a profit of 3 cents on each dollar in shipping our dollars out of the country.

If we had done what was attempted to be done in the monetary conference of 1868, when we were invited to join Latin-American countries to reduce our weight to 2 grains, we could have standardized our money and made our money interchangeable in every country. Until you do that, gentlemen, your efforts are going to be in vain.

If we are to enjoy the blessings of good government and the freedom of international trade, we must have a sound, adequate, workable money system. The best and the only way to achieve this is to follow the plan already laid down in the laws placed in our statute books, directed to securing the use of both gold and silver as money to promote international trade and stabilize international exchange. The nations subscribing to the Charter should provide that the monetary units of the several governments shall be made standard by weights and measures and fineness to both the metals, gold and silver, at a ratio of relative value between the two metals to be fixed by international agreement.

The CHAIRMAN. Thank you, Congressman White. We are glad to have your remarks.

The CHAIRMAN. Mrs. Bengé asked for 2 minutes, which was accorded her.

STATEMENT OF MRS. L. BENGE, MOTHERS OF SONS FORUM,  
CINCINNATI, OHIO

Mr. BENGE. Members of the Foreign Relations Committee: I should like to say to you and to all people here that the thought came to me as I sat listening to this hearing that this country is in very bad case indeed when there is frivolity and laughter at the efforts of a group of middle-aged women who are trying to save what is left of their own country. I want to say that this is a matter which is not for laughter; this is a matter which should be approached in all sobriety and in all seriousness, and in all respect for the opinions of those who oppose us, regardless of where they come from.

I should like to say that I am a member—rather the president—of the Mothers of Sons Forum, of Cincinnati, Ohio, and that I am here to represent a group which has not been represented, in my estimation, either at San Francisco or here—the loyal fighting men who are paying in what Mr. Churchill calls blood, sweat, and tears for this conflict.

We have been told that Mr. Lilienthal represented the GI's and still represents them. I take issue with that, because of the fact that the GI's have had no opportunity whatever to choose a representative; and at best Mr. Lilienthal can only be said to represent a minority of them.

I want to say that the thing which has impressed me and which is, I consider, most significant about the people who have spoken at this hearing is twofold. One is the evidence that the people who want this Charter and who are talking of peace are the people who were most anxious to involve us in this war. They talk of peace, but do they want peace? There is every evidence from their own statements that they are part and parcel of a well-planned, well-financed campaign of propaganda which has gone over a considerable period, and that of itself is a significant thing.

The reason I am most anxious to speak for the enlisted men is not only for my own son, who is in the Pacific, but for all men, because these men, by the very nature of things will be put in the Reserve after the war is over; and if we are to be involved in a military alliance with the other major powers, these men will be the ones—trained men—who will be called upon to do the fighting again.

I should like to mention another point and say that the very same people also who are talking of peace and who are telling us that this thing will mean peace are the proponents of a bill for compulsory military service of men, men as young as 18 years of age. In other words, their deeds do not square with their projects.

No one in the world would like to see a plan for peace any better than I would. But this plan will not bring peace. It will bring not peace but a sword, because it will draw us into the age-old quarrels of Europe most surely.

If you people are sincere in your desire for peace, there is a sure way to peace, and to some it will be a bitter one. One angle was touched on by a previous speaker here, and that is the monetary angle. Every one of you people who have followed this thing knows that since the enactment of the Federal Reserve Act, which joined us to the international finance system of Europe, we have been drawn

into two major wars in Europe. You might—and I make this merely as a suggestion—repeal the Federal Reserve Act and restore to Congress the right to coin its own money, as contemplated by the Constitution.

I want to say to this group that the thing which has impressed me and which hurts me more than anything else is the concern which has always been manifested—and I suppose there will be people of the smear bund who will act upon this particular phase—to worry about the minority—the oppressed minority—of Europe.

I as an individual represent the oppressed majority of the United States of America, the sovereign people who for some time, sadly enough, have been in exile. In other words, we are the American Government in exile.

I should like to say also to you, with full knowledge of what this statement means, that it will not be well for you in the absence of these boys, who have been told that they were sent abroad to preserve the American way of life, to change it so materially in their absence. I want to say to you that if you do so, you not only in public office will be repudiated, but the act itself will be repudiated, and perhaps with disastrous results.

What you should do, and what you ought to do, in fairness to the men who have gone to so many places and who have suffered such terrible hardships—those who will come back—and some will come back, thank God—is to restore to its pristine freshness the temple of our American Republic.

I warn you that you had best to do it before you hear the sound of the returning feet. It is far later than you think.

The CHAIRMAN. Thank you very much. We are glad to have your testimony.

Come around, Mr. Jennings.

#### STATEMENT OF E. P. JENNINGS, NEW YORK, N. Y.

The CHAIRMAN. Please give your name and residence and state whom you represent.

Mr. JENNINGS. My name is E. P. Jennings. My address is 510 West One Hundred and Thirteenth Street, New York City. I am a printer, and I represent E. P. Jennings, a citizen of the United States.

The CHAIRMAN. That is good. Go ahead.

Mr. JENNINGS. I have a paper published today which speaks of the opposition to the Charter: "Opposition to Charter fizzles as small-fry isolationists testify."

In view of that I should like to make myself clear in this matter. I may be one of the small fry, but I am not one of the isolationists. I should like to read this little poem or prayer that I wrote back in August 1944. You will remember the conditions that existed at that time.

Almighty God, as surely as we fight for right  
Protect our boys in battle with Thy strength and might.  
Let's win the peace forever, now and evermore  
Lead us to victory—to quickly win the war.  
Give us, good Lord, a peace on earth to end all strife  
Let us live and let live—for all a better life.  
Help us make this world a nation democratic  
Of, by, and for the people—not so autocratic.

Destroy the greed for power—the hate that bleeds man's heart,  
 Destroy the Nazi monsters who've torn the world apart,  
 The "fiber alies" minded—ego arrogant,  
 Makers of great massacres—murderers extant.  
 Plunderers of nations—enslavers of mankind.  
 May our current history soon write them down behind.  
 Good God, make all people kindly—social minded, too.  
 Teach us to think of others and give them their just due.  
 The intelligently selfish even know it is their gain  
 To cooperate with others—not to aggravate their pain.  
 Let mankind pull together for a better world for all.  
 Let our governmental agencies rise to meet this call.

I should like to say that there are some things about this Charter, so-called, that appear to me to be entirely away from the object that the world seems to be driving for. I think that it is pretty well understood among the people of our country what we want. But there is another question involved here, and that is, Are we going to get it through this Charter? I want to tell you, gentlemen, that the people are not going to get the thing they are looking for, because there is no implementation in the Charter that has been put through—Bretton Woods and San Francisco—for the accomplishment of the liberties or the freedoms of the Atlantic Charter. There is nothing there whatever in the way of service to the nations.

They have talked about a policeman's club, and they have tried to put a uniform—a policeman's masquerade uniform, if you please—on the corpse of the old League of Nations. Now, the old League of Nations was a failure. I was not an isolationist in 1920 or in 1917 or 1918; I was for a world government. I was very enthusiastically for it. I have been for it for 50 years. But I said that the League of Nations would never do what they wanted it to do, because it did not have the proper organization. In the first place, it is not democratic. Any organization that is appointed in that way and is established through diplomats is as far from the people as it is possible to devise a form of government.

This government should be elected by the people, and I have here a plan for a world government that I shall be glad to have you look over while I am talking. I have several copies; they are galley proofs. They are copies of this chart [exhibiting a chart].

The CHAIRMAN. That cannot be printed in the hearings because of its form.

Mr. JENNINGS. I see. But that will give you an idea of what I have in mind. If you are going to implement this peace, you have got to do just what Mr. Truman—President Truman—said.

The CHAIRMAN. President Truman asked us to ratify this Charter just as it is.

Mr. JENNINGS. Now, he said something else sometime ago, too, and that is the thing I am referring to. He was asked what he thought of the Charter, and he said it needed service—in other words, service to the nations. That is the thing this does not give, but it is the thing it has got to give if it is going to accomplish peace, because peace is not going to be obtained with a policeman's club, a club that is going to hit somebody over the head or crack some nation's skull in. That is not the kind of peace we want or the way to get it. The way to get peace is to make up a charter that will find out what the nations desire, what kind of service they need, and provide the means to give them that service.

Now, this Bretton Woods proposition is, I think, dead wrong.

The CHAIRMAN. That is not before us. You may discuss it if you want to, but it is not before us.

Mr. JENNINGS. It is a part of the proceedings. It is a part of this San Francisco Charter.

The CHAIRMAN. No; it has nothing to do with the Charter at all.

Mr. JENNINGS. Well, I hope it does not ever have anything to do with it.

The CHAIRMAN. It is an independent measure.

Mr. JENNINGS. It is all wrong because it is—

The CHAIRMAN. You can speak about it if you want to, but you will reduce the time in which you may discuss the Charter. If you desire to discuss the Charter, you will have to do it in the time allotted to you.

Mr. JENNINGS. Well, I tell you, gentlemen, that this is a serious proposition. I have two boys—two grandsons—in the Army. One is now over in Austria; the other is in the Philippines. I am thinking for them; I am not thinking for myself. And there is none of you men who need think very much for yourselves, because none of us has a great way to go in this world, and we cannot take it with us. So we might be thinking a little for the boys who are over on the other side, doing the battling now, and for their children and the children to come afterward. They are the ones I am concerned about here.

I should like to see a peace that will guarantee the world that there will be no such wars as we are now having and have had in the past. That can only be accomplished by implementation of a government that will give the kind of service that these nations need in order to build up and reconstruct their countries, and for the implementation of full employment.

Now, they talk about \$3,000,000,000 in this Bretton Woods proposition. I am getting back to that again. But we have a debt of about \$400,000,000,000 for war. It will take more than \$800,000,000,000 to put this peace proposition over, because you are not going to do it for a measly little \$3,000,000,000 when the war cost this Nation alone \$400,000,000,000. We have got to have a banking system in this new United Nations government that will be a real banking system, that will be backed by the nations of the world, and that will have a lending capacity of at least \$800,000,000,000 to take care of the reconstruction programs of the nations of the world.

When we begin to think about this thing in a sensible way, we will stop this haggling and stop trying to shut people out and pushing people around; we will get together and will find a way of doing this job right.

Now I think I have told my story.

The CHAIRMAN. Thank you very much.

Mr. JENNINGS. I should like very much to have an opportunity to take some part in this proposition, because I have been giving it a good deal of thought, and I know what needs to be done.

The CHAIRMAN. We have tried to give you that opportunity in the presentation of your testimony. That is all we can do. You cannot speak in the Senate.

Mr. JENNINGS. Yes; you can do a whole lot more than that. You can do a whole lot more than that.

The CHAIRMAN. All right. We are glad to have your testimony. Are there any question by any Senators?

Mr. JENNINGS. I shall be glad to answer any questions. I think there ought to be some.

The CHAIRMAN. I am sorry, but we cannot generate questions if they are not in existence.

Mr. JENNINGS. Could you not think of one?

The CHAIRMAN. No. I have heard your testimony and have been very much interested in it. We are glad to have heard you.

Mr. JENNINGS. It would take a book to write this story. I have a great number of sections of this plan written out, but I do not have the funds to go out and have a book published. But you fellows, who have the faculty of digging down into our pay envelopes every week and pulling out of 50,000,000 pay envelopes in the United States anywhere from 22 to 30 percent of the take-home pay, really have a way of getting the money.

The CHAIRMAN. Very well. We thank you very much and are glad to have heard your testimony.

There are no other witnesses who seem to be available this afternoon, either for or against.

Is Mrs. Van Hyning present? I want to give her a chance. This is the third call I have made for her.

Mrs. WATERS. Will you call her in the morning, please? I think she will be here tomorrow.

The CHAIRMAN. She was supposed to be here yesterday and again today, but she has not appeared.

Mr. Noel Gaines has not shown up. He wanted anywhere from 1 to 3 days to testify. He said it would take him that long to testify.

Mr. JENNINGS. It took you fellows a long time to get this thing across.

The CHAIRMAN. We gave you your opportunity, and you made your statement.

Mr. JENNINGS. I had to spend my own money to come down.

The CHAIRMAN. We are glad to have you here and glad you had the money to spend.

Mr. JENNINGS. I wish I had it.

The CHAIRMAN. Is there present a representative of the American Council of Christian Churches?

(There was no response.)

The CHAIRMAN. The committee will stand adjourned until 10 o'clock tomorrow morning.

(At 4:45 p. m. an adjournment was taken until Friday, July 13, 1945, at 10 a. m.)

# THE CHARTER OF THE UNITED NATIONS

FRIDAY, JULY 13, 1945

UNITED STATES SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, D. C.*

The committee met, pursuant to adjournment, at 10 a. m. on Friday, July 13, 1945, in the caucus room, Senate Office Building, Senator Tom Connally, chairman.

Appearances: Senators Connally (chairman), George, Wagner, Thomas of Utah, Murray, Green, Barkley, Guffey, Tunnell, Hatch, Hill, Lucas, Johnson of California, Capper, La Follette, Vandenberg, White, Austin, and Wiley.

Also present: Numerous other Senators, not members of the committee.

The CHAIRMAN. Let the committee come to order, please.

At this point I desire to insert into the record the statement of Philip Murray, president of the Congress of Industrial Organizations, in support of the Charter of the United Nations adopted at San Francisco.

## STATEMENT OF PHILIP MURRAY, PRESIDENT, CONGRESS OF INDUSTRIAL ORGANIZATIONS, WASHINGTON, D. C.

The CIO wholeheartedly supports the San Francisco Charter of the United Nations.

It is fortunate that we have the opportunity to pass upon this Charter while we are engaged in the bloody struggle against Japanese militarism. Under these circumstances the burning desire of the American people to secure a lasting peace will not permit a repetition of our experience following the last World War. Reservations or limitations of any description to the United Nations Charter must be understood as simply an attempt to defeat its enactment. To this there can be but one answer: the early and overwhelming approval of the Charter by the Senate of the United States.

The United Nations created the basis for certain military victory through their determined unity.

The enduring peace—for which the people of the world now yearn—will not be realized unless such unity continues, based upon the military power and political solidarity of the United States, Great Britain, and the Soviet Union, not merely in words or expressions of pious hopes, but in concrete action.

This must be the watchword in the administration of the United Nations Charter. Unanimity and mutual trust among the Great Powers will be the foundation upon which the world can proceed to solve the problems which now confront us.

The Charter repeatedly emphasizes that for the creation of peaceful and friendly relations among nations attention must be given to the promotion of higher standards of living, full employment, and conditions of economic and social progress and development. The Economic and Social Council, established by the Charter, is charged with the responsibility of taking necessary steps to accomplish these purposes.

With these objectives the CIO is in complete sympathy.

It is, however, unfortunate that the representatives of the world organized labor movement were not given recognition at the San Francisco Conference and afforded the opportunity in a consultative capacity to express the viewpoint of labor and participate in the forging of the Charter of world peace.

This error cannot be repeated without disastrous consequences in the work of the United Nations organizations.

World peace and friendly relations among nations to be enduring must be based not only on agreements among governments but upon the friendship, understanding, and common effort of the great mass of their people. The World Trade Union Federation—representing over 60,000,000 workers throughout the world—must be afforded the opportunity of participating in the work of the Economic and Social Council. In this manner the common people through their spokesmen—the leaders of organized labor—will be assured an effective voice in the formulation of policies which shall so vitally and directly affect them.

Organized labor has a penetrating understanding of the desires and hopes of the common people on all social and economic problems. Their contribution to the work of the Social and Economic Council through direct participation would be immeasurable.

The common people have struggled fiercely during this terrible war in order that through the utter destruction of nazism and fascism they may enjoy complete liberation and national independence and secure economic, political, and social freedom.

Labor unions recognize their present heavy responsibilities. They have been in the forefront in the struggle for unity, victory, peace, and progress. They are anxious and must be permitted to participate in the councils of the International Security Organization in order that the common people may play their proper role in forging the new world.

The CHAIRMAN. The committee will now hear Mr. William Green, president of the American Federation of Labor.

#### **STATEMENT OF WILLIAM GREEN, PRESIDENT, AMERICAN FEDERATION OF LABOR, WASHINGTON, D. C.**

Mr. GREEN. Mr. Chairman and gentlemen, in the name of the American Federation of Labor I urge immediate action in ratifying the proposed charter and in taking the necessary action to fulfill our responsibility in establishing the United Nations as a functioning organization. American wage earners are against war as a political instrumentality and believe that armed force is a last resort and then only under the control of an impartial agency.

The American Federation of Labor was among the agencies that presented to the United States delegation in San Francisco, proposals with respect to the Dumbarton Oaks draft. The essence of some of our proposals upon human rights and the Atlantic Charter, was incorporated in the draft charter. This is especially gratifying to us, for we believe that all cooperative undertakings, governmental or otherwise, should be based squarely upon recognition and acceptance of those human rights inherent in the dignity of all men. Our democratic way of life and our democratic institutions developed out of this conception of human dignity. Incorporation of the following clause in the preamble of the Charter is given to all activities of the United Nations:

\* \* \* to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and of all nations large and small.

The United Nations must grow in accord with democratic ideals and standards in accord with this further purpose: to promote social progress and better standards of life in larger freedom.



This basic charter represents a series of agreements between 50 countries of different nationalities, languages, historical experience, and cultural developments. The document itself is evidence of the will to peace dominating so many nations. No one nation would draft the Charter as it now stands, but all in the spirit of tolerance are willing to accept a document which represents the high point of mutual agreement.

The Charter itself only makes possible national cooperation in development of a human agency through which nations may meet together, discuss common problems, and work out methods of dealing with them. This procedure we in the labor movement call collective bargaining. It is the basic procedure for all kinds of groups in which different interests are represented. It is the constructive procedure which makes possible as great a degree of progress from time to time as can be reached between the opposing interests.

War has become so destructive that we can no longer take a chance on being engulfed in it again. We want to be ready to take effective action immediately against aggression wherever it occurs. For the present, at least, we must look to those nations best able to put force behind the will for peace.

As conditions change, provisions to insure security will change also. If we restrain nations from using military force, we must assure them access to justice in righting wrongs. The Statute of the International Court of Justice has been added to the Dumbarton Oaks Charter to meet this need.

That part of the United Nations Organization which labor believes will grow into the most useful and efficient activity, not only in securing peace but in assuring "social progress and better standards of life in larger freedom," is international economic and social cooperation through the Economic and Social Council. Because of the strikingly different experiences and varied institutions of the 50 nations signing the United Nations Charter, there was a more limited area of agreement upon economic matters dealt with in chapter IX, and therefore agencies and procedures under the Economic and Social Council must be developed in the process of operation. We hope developments will follow practice in more advanced industrial countries and accepted precedents of the International Labor Organization. The ILO was organized in accord with democratic understanding of the relationship between government and private undertakings and agencies with representation for government and the functional groups responsible for carrying on such undertakings. Not only has this type of organization been effective in dealing with problems and in promoting higher standards, but it has been equally effective in mobilizing national interest and support back of the organization and its purposes. We sincerely hope that the ILO will be utilized by the new United Nations Organization and we realize that decision on this issue, which is vital to our trade-union movements of all lands, rests with the new agency. It will become our duty and responsibility to urge the functional representative principle upon the agencies charged with this decision.

The United Nations Charter does not place limitations upon national sovereignty but provides for each independent country an opportunity to function in a wider field and to have a voice in making

decisions affecting their interests in foreign markets and in relationships with other countries.

We believe our Government should ratify this charter and take leadership in developing the methods and agencies of peaceful progress and betterment as well as in securing us against recurrence of world wars.

The American Federation of Labor pleaded for ratification of the League of Nations and acceptance of responsibility in helping to make the League effective. Our counsel did not prevail. The experiences of the years intervening since 1918 prove that only coordinated effort and effective organization of world power can assure security and opportunities to obtain constantly higher standards of life and freedom. Unless we use our technical and scientific knowledge and our experience in human cooperation to promote the welfare of mankind, we are in danger of inviting our own destruction. We should take advantage of the opportunity presented by the United Nations Charter and in a spirit of humility and tolerance learn to coordinate our national efforts with those of all other nations to advance the welfare and interests of all.

No thinking person can classify the agreement reached at San Francisco as perfection in detail and in every respect. In fact, it is inconceivable that the conflicting interests represented at the San Francisco Conference could be harmonized so as to produce a perfect document. It is a tribute, however, to the representatives of the nations who participated in the San Francisco Conference and who, through the exercise of patience, self-restraint, and good judgment, composed their differences and reached unanimous agreement such as is reflected in the Charter of the United Nations. The heartening feature of it all is that a strong foundation has been laid. Experience, time, and the future will develop such weaknesses as may be inherent within the agreement. Amendments can be worked out and adopted. The success of the United Nations Charter in the prevention of war must depend upon the supporting spirit of the people throughout the world. While it is too much to expect to reach a perfection goal in an imperfect world, the people of the United Nations can strive to establish a guaranty against recurring wars and the protection of peace-loving peoples throughout the entire world.

The CHAIRMAN. Are there any questions the Senators desire to ask Mr. Green?

(There was no response.)

The CHAIRMAN. Thank you, Mr. Green. We are much obliged to you, sir.

Mr. GREEN. Thank you, gentlemen.

The CHAIRMAN. I shall insert in the record at this time a letter from Mrs. E. Cowles Andrus, chairman of the Associated Organizations for International Cooperation, Baltimore, Md., in support of the Charter.

(The letter is as follows:)

JULY 12, 1945.

Senator TOM CONNALLY,  
*Chairman, Foreign Relations Committee,*  
*Washington, D. C.*

DEAR SENATOR CONNALLY: The Associated Organizations for International Cooperation, composed of the 34 organizations listed here—with a total membership of more than 70,000—desire to express to you their wholehearted support of the San Francisco Charter.

We believe that American participation in a world organization designed to maintain international peace and security is the most important issue confronting the American people today.

We appreciate, as you yourself have said, that the United Nations Charter is not a perfect instrument. Nevertheless, due to your efforts, to those of our other delegates, and of all the delegates at the San Francisco Conference, this Charter now constitutes the essential first step on the only possible road to world peace—united action of all nations.

We therefore desire to be placed on record as favoring the United Nations Charter, and we earnestly hope the Senate may see fit to ratify it without any untoward delay.

Very sincerely yours,

MIRIAM J. W. ANDRUS,  
MRS. E. COWLES ANDRUS, *Chairman.*

The CHAIRMAN. I shall also place in the record a further statement by the National Education Association of the United States, together with a resolution which that organization has sent and asked to have incorporated in the record, in support of the Charter.

(The statement and resolution are as follows:)

STATEMENT OF WILLIAM G. CARR, ASSOCIATE SECRETARY, NATIONAL EDUCATION ASSOCIATION

The National Education Association of the United States, representing directly 330,000 educators in the United States and, through its affiliated State and local organizations, 900,000 members of the teaching profession, urges that the United States Senate promptly ratify the United Nations Charter.

The National Education Association of the United States has for many years advocated a strong program of international cooperation between this country and other nations. The association is proud of the fact that it strongly endorsed the ratification of the League of Nations Covenant in 1919.

In 1943, at its convention in Indianapolis, the association urged that the United States participate in an international effort to establish peace and order under law.

The National Education Association regards with special and emphatic approval the provision in the United Nations Charter for international cooperation in the field of education and cultural relations. These provisions, occurring in the six chapters relating to the General Assembly, the Economic and Social Council, and the Trusteeship System, provide the basis upon which, over the long run, the rest of the machinery of the United Nations may hope to command the intelligent support of the people of the world.

The United Nations Charter is the first great international document to give explicit recognition to the powerful force of education in keeping the peace. We know that misdirected education had a large part to play in bringing about this war. The teaching profession profoundly believes that properly directed education, cooperatively arranged among nations, must be a powerful force in maintaining the peace.

The National Education Association and its members plan to exert every possible effort to help the young people of the United States to understand the world in which they live, the way in which that world is organized, the provisions of the United Nations Charter, the cost of war in human life and ideals, and the necessity for constant alertness if the peace is to be preserved.

The association also regards with strong approval the recent unanimous action of both Houses of Congress in passing resolutions looking forward to the establishment of an International Office of Education and Cultural Development, and expresses the conviction that the United States should continue to take the lead in this area and move rapidly for the establishment of such an agency within the general orbit of the United Nations Organization.

The association is grateful to the State Department and to the United States delegation at San Francisco for the opportunity to be represented by a consultant at the Convention and for the courteous hearing which was extended by the State Department and the delegation to this consultant when questions of educational cooperation among the nations were being discussed.

## RESOLUTION

The National Education Association advocates that the United States participate in an international effort to establish peace and order under law, and believes that the importance of education must be recognized in the establishment and maintenance of international justice.

The CHAIRMAN. Is Mr. Carl H. Mote here?

**STATEMENT OF CARL H. MOTE, INDIANAPOLIS, IND.**

The CHAIRMAN. Please give your name and residence and state whom you represent.

Mr. MOTE. My name is Carl H. Mote, of 5685 Central Avenue, Indianapolis, Ind. I am president and general manager of the Northern Indiana Telephone Co. and Commonwealth Telephone Corp., president of the National Farmers Guild, and editor and publisher of America Preferred, a monthly magazine founded in April 1943.

I am appearing before your committee in opposition to the San Francisco Charter at the suggestion of and in cooperation with Gerald L. K. Smith. I represent and speak for the following organizations:

National Farmers Guild; America First Party; Nationalist Veterans of World War II; National Blue Star Mothers of Philadelphia; Christian Action Committee of Baltimore; Buffalo Economics Club; United Mothers of Cleveland; Truth and Liberty Committee of Minneapolis; American Mothers of Minnesota; Defenders of the Constitution, Milwaukee; Friends of the Constitution, Dayton; American Youths for Christ, St. Louis; Youths for Christ Committee, Denver; National Citizens Committee of Utah, Salt Lake City; California Pastors Committee; America First Committee, Los Angeles.

The CHAIRMAN. What is your authority for speaking for the veterans of World War II?

Mr. MOTE. Mr. Frederick Kister, the president, of Chicago, Ill.

The CHAIRMAN. Most of the veterans of World War II are not home yet. Does Mr. Kister speak for them in their absence?

Mr. MOTE. He is speaking for those who are home and those who are members of his organization, Mr. Chairman.

The CHAIRMAN. All right. Go ahead.

Mr. MOTE. I think your committee would agree with me that nothing founded upon misrepresentation can long endure.

I think we would have to agree that no instrument founded upon misrepresentation possibly could succeed, particularly if it had to do with amicable relations among men.

No deceptions or evasions, no jargon of cynical double meanings for different occasions and different peoples can have any permanence if its success depends upon the continued approval and cooperation of high-minded men. Thousands of years of human history accent this truth. Any commitment which lacks sincerity and forthrightness is doomed in advance to early repudiation.

The proposed San Francisco Charter is void of all moral basis. For this reason, it does not have and it cannot have the confidence and support of well-informed and upright men anywhere. The details of the Charter are unimportant since the instrument as a

whole is utterly discredited because of its false foundations. The Charter is derived from misrepresentations of history and is so gravely at odds with current world realities and truth that it cannot be expected to endure.

I think it is going to be impossible, even by armed might, to enforce the decrees of a body that cannot command the slightest moral respect.

The San Francisco Charter is founded upon a notion that has originated in wartime propaganda; namely, that the present-day world is divided between two distinct kinds of nations. One kind, according to the propaganda, is peaceable, highly moral, constructive, democratic, devoted to human liberty, and eager to see all populations and groups governed by regimes of their own choice. The other kind of nations, according to the propaganda and the Charter, is the exact opposite—war-minded, bestial, despotic, destructive, and eager to enslave all others.

Of course, there are differences in the records of different nations. But these differences are neither of the kind nor extent represented in the propaganda and expressed in the Charter. In point of historical fact, every major nation today during the last 50 years has engaged in war upon extremely flimsy pretexts. The United States is no exception. This historical fact is important now for the simple reason that falsehoods are the order of the day and they greatly influence pending issues of far-reaching importance, particularly the Charter.

This Charter, consciously or unconsciously, has been designed to punish culprits selected in advance, to keep in servitude for many years to come one set of nations, allegedly because of their war records. None of the leading proponents of the Charter, however, has sought to apply the same judicial standards to our allies, for example Soviet Russia whose territorial seizures lately have been enormous. Thus, the Charter advocates have forfeited all well-considered moral respect for it.

In his opening address at San Francisco, Molotov indulged in the mockery and pretense of saying, "You ought to know that as far as safeguarding the peace and security of nations is concerned, the Soviet Union can be relied upon."

Any instrument of justice which does not apply equilaterally becomes at once a device for vengeance and power politics. No amount of high-sounding phrases can long conceal the true character of any instrument, once it sets up exemptions on one side which it elects to punish with savage ostentation on the other. The San Francisco Charter is thus exposed to the ridicule of mankind, even before a single nation has signed it. Opponents, such as myself, are not responsible. Its own advocates by their words, deeds, and assertions of aims and methods have exposed the Charter.

I see nothing strange in the fact that some of us recoil in disgust when we contemplate the evil manifest in such hypocrisy and consider that our own country is about to become a party to such shame.

Proponents of the Charter appear to regard its injustices lightly because they assume its victims always will be the peoples they dislike. The power we are surrendering to this charter body, by some unforeseen political trick, some day may be used fatally against

our own country. That is not a phantasy. It is a forbidding probability. I wonder if we will hear the same chortles of glee when we are the victims.

When we say that our enemies are war-minded and that our allies are peace-loving, we ought to remember that two of our allies have been guilty of "treachery" and "sneak attacks" in our own times. One was the surprise raid by the British on Johannesburg in 1895 when they were about to grab all of Dutch South Africa, and the other was the officially ordered massacre of foreigners by the Chinese in 1900.

Prior to our entry into World War II, the British seized Iceland and much of Iran. Soviet Russia had annexed outright three previously independent nations—Estonia, Latvia, and Lithuania—and had seized a portion of Poland, part of Finland, part of Rumania, and part of Iran. It is a tragic and shameful fact that as many nations were victims of our allies as of our enemies when we entered World War II.

Does any thinking man really believe our allies are sincere in the face of their double talk?

Can anybody of intelligence read the biography of Winston Churchill or Joseph Stalin and believe in his word or his peacefulness?

Winston Churchill was in the British Cabinet which sought to get America into the war in 1916 on assurances that Britain had no material aims. After the war was over, this same Winston Churchill proudly told in his book, *The World Crisis*, how he personally had negotiated the secret treaty of 1915, arranging for division of the territorial spoils. Thus, at the very time of the no-material-aims pledge, the secret territorial division treaty had been in Churchill's files for a year. That is a sample of his lifelong career. During the present war he repudiated the Atlantic Charter pledges which he made to involve the United States on the side of Britain. He repudiated them after we were safely in and pretensions of high aims were no longer important. Recently, it was disclosed that Britain's pact with Poland in 1939 carried a secret understanding that Britain was not obligated to aid Poland against Soviet aggression. That means the pretended grief of the British Foreign Office over Poland's frontiers in 1939 was callously insincere.

These facts are not trifles. They are not mere technicalities cited to discredit a worthy achievement. They control our entire estimate of our position under the Charter. They reveal the kind of men and the kind of politics to which our country's future will be committed if the advocates of the Charter have their way.

The program to halt aggression calls for having the foremost aggressor of this century, Soviet Russia, decide when aggression is to be resisted. If Britain gets the upper hand in the Charter voting, America will have to accept the hazards of war arising from British interests in countless corners of the globe. There is not the slightest evidence that our security will be improved by this proposed commitment. There is plenty of evidence that our security will be diminished. We shall accept war hazards far exceeding any that we face independently.

Publicity to stir up support for this preposterous commitment claims that our allies are the peace-loving nations. But there are no facts in their records to suggest that they abhor war. Britain's

decision to go war on Germany in 1939 was a policy decision, in no sense an act of self-defense under the accepted laws of nations. The then-proclaimed issue of sympathy for Poland later was proved fraudulent.

The majority of British wars, ancient and modern, have been for policy or for loot. Winston Churchill got his start in life in such a war—in Britain's assault upon the tiny, independent Dutch republics of South Africa a generation ago. I do know, in South Africa at the time he used to write fine letters stating the British position, which I at that time sincerely believed. Young Churchill glorified this aggression in a series of enthusiastic newspaper articles.

In 1929 the Soviet Union invaded China and for months fought an undeclared war against Chinese forces on Chinese soil. Chinese Government appeals to the League of Nations and to Henry L. Stimson, then our Secretary of State, got an indifferent and even chilly reception.

Territorial seizures and other international offenses by Soviet Russia are not objected to by many of our commentators and columnists because these commentators and columnists are in numerous cases ardent Reds with known Communist program backgrounds. Dies committee files present total proof that innumerable OWI employees are supporters of one or another Red activity.

Note the individuals and organizations and newspapers that condone Stalin's territorial aggressions. They are the loudest advocates of America's subservience to the proposed San Francisco Charter. Under that Charter, Stalinist Red votes can call our country to war. We may definitely expect just that if we accept the Charter. Of course, there are various factions trying to get us under the Charter. But the loudest ones are those whose records show they place Soviet interests ahead of traditional American interests.

It is unfair to the American people to force a decision on this proposed Charter in wartime. Objections to it involve criticisms of the Roosevelt administration and of some of our allies. Many Americans hesitate to express these criticisms in wartime. So the advocates of the Charter, which purports to serve democracy, defy the very essential of free government by seeking to jam it through without full, free discussion.

Many of the foremost champions of this proposed Charter, right up at the top among our ranking generals and Government officials, do not themselves believe in its security features. That is proved by their demand for a colossal, peacetime conscripted army for America, after this war. Since the so-called aggressor nations will then be crushed and permanently incapacitated, it is evident that the apprehensions of our generals and statesmen arise from their suspicions of our allies and fellow Charter members. That shows that many advocates of the Charter do not trust either the peacefulness of its members or trust the power of the Charter to protect us, in the event of a crisis.

Thus the Charter is not expected to protect us. It is not expected to protect the remaining smaller nations, apparently, in any situation where their assailant happens to be Stalin, their chief threat. Britain and France are reported to be making plans for tremendous postwar military establishments. So, obviously they do not expect much protection from the Charter. What, then, is it for?

When so many of the main advocates of the proposed Charter show they have no faith in it, distrust of it is not strange in the rest of us. But if the protection it offers is nil, even in the eyes of its advocates, the menace it offers is grave. It invites us to take on the war hazards of the two most warlike nations in the world—Britain and Soviet Russia. An evil so heinous can be publicly proposed only because our country has suffered a total moral debacle—a total obliteration of all normal moral sensibilities and moral perspective.

The CHAIRMAN. Thank you very much, Mr. Mote.

Is Mr. Norman Thomas here?

This is Mr. Norman Thomas, gentlemen.

#### STATEMENT OF NORMAN THOMAS

Mr. THOMAS. Gentlemen, what I have to say is my own argument, but in the major contentions I happen to represent the Socialist Party and its official position; and also, because the two organizations are not connected, it is the position of the Postwar World Council, of which I am chairman.

I think that the United States Senate should ratify the San Francisco Charter, not because I believe it an adequate basis for lasting peace, but because I believe that the United States will be in a better position to lead in the establishment of such a basis if it should ratify the Charter and in good faith use its constructive provisions for an increase of world cooperation. I agree with Senator Vandenberg that the world is even more at the mercy of the Big Three "without the San Francisco Charter than with it." I should add that the conflicts of interest between the Big Three can probably be dealt with more easily within the framework of the United Nations than without it.

Certainly there are positive advantages in the Assembly as a forum of the nations. The Economic and Social Council is an instrumentality that may go to the roots of war. The international trusteeship system can be used, if there is the right attitude, for the abatement of imperialism.

Nevertheless, it would be very dangerous should the American people derive a false confidence that this machinery will itself guarantee peace. Part of your recommendation to the Senate should be a warning on this point. Moreover, while it is not now practicable for the Senate to make reservations or amendments which will throw the whole Charter back for reconsideration by the nations, there are safeguards which Congress can and should adopt in the interest not only of our own country but of peace. These I shall later discuss.

I begin by insisting that the deep underlying interest of the American people is not with any machinery; it is with peace and security against the unimaginable horror and destruction of a third world war. There is nothing in this Charter to guarantee that peace. It perpetuates in words the false and dangerous myth of absolute national sovereignty, while in deeds it recognizes the dominant power of five big nations. While it contains provisions which may make a little easier the abandonment of imperialism, there is no sign whatever that the three Great Powers will use it. On the contrary, power politics were never more rampant in the history of the world.



Wars spring from group prejudices and group rivalries for profit and power. The causes of war are to be found within nations as well as between nations, but within nations, especially the more democratic nations, we have achieved considerable success in avoiding civil war by establishing machinery which, however imperfect, gives men definite confidence that they can appeal to law for justice or in orderly fashion change law so that it more nearly approximates justice, without the hideous violence of war.

It is obvious that there can be no big war in the world in which the three great powers are not split. Indeed, I should go further and say that there can be no great war unless the Big Two, the U. S. S. R. and the U. S. A., are on opposite sides. It is inconceivable that either Germany or Japan, for example, will ever be in a position to initiate a new drive for power except as one or the other may be allied with one of the Big Two or Three, or at least openly or tacitly encouraged by one of them. There is nothing in the Charter to establish the rule of law over the power of the Big Three or to guarantee that that power shall be used in harmony with justice, or to make it likely that their present alliance, of which the Charter is an expression, will prove more enduring than other alliances since the dawn of history. One of the Arab delegates at San Francisco was quoted as saying: "If two small powers fight, the organization steps in and that is the end of the fight; if a small power and big power fight, that is the end of the small power; unless, of course, another big power steps in, and that is the end of the organization." One may hope that the growth of a different attitude aided by the constructive work of certain agencies of the United Nations will tend to modify the stark truth of this statement. It remains, however, a fair description of what will happen despite all the noble words in the Charter if the world provides no better provision than an alliance of the strong to secure the peace.

This is a point that your committee in the Senate should make clear to the American people in ratifying the Charter. It is a point which is grimly illustrated by conditions today in Europe and in Asia. Our own State Department cynically discounts the value of the Charter when Under Secretary of State Grew urges that we accompany ratification of it by establishing through peacetime military conscription an enormous reserve army. We are asked to believe that we are to celebrate progress at San Francisco by reversing our own historic tradition and by copying a method that contributed greatly to the ruin of Europe. I am not now discussing conscription as a military policy, but only the effect of its adoption in discrediting the Charter which you are now considering. Unless the United States is going in for an active imperialism with great occupying armies, the mass reserve army which conscription would give us would be useful, if at all, only against our present ally, Russia, which, by reason of its greater population, greater birth rate, and strategic position, would be more likely to win in a conflict of mass armies than we. To ratify the San Francisco Charter and at the same time to stimulate a new race in armaments throughout the world, such as our adoption of conscription will certainly precipitate, is to make sure that the Charter will not avert new war. It is completely unintelligent or hypocritical to say that a conscript reserve will be either needed or used for any legitimate police work under the Charter. The condition of success

of any form of international policing was not even discussed at San Francisco.

It is the universal abolition of peacetime military conscription and the complete abandonment of competition between nations in arms. To the degree that the peoples may feel some need of force for security, it should be organized along lines such as, for example, Mr. Ely Culbertson has proposed. It is certain that there can be no collective security if the Allies who promise it are engaged in arming against each other. The first condition of any success of the San Francisco Charter is drastic reduction of national armaments and international supervision of arms manufacture.

It is not likely that the governments of the world will even consider such obvious wisdom if they insist on the kind of power politics which are likely to complete the ruin of Europe. It is absurd to say that we can have peace by reason of the San Francisco Charter if the machinery set up under it is used to guarantee the power politics which today divide Europe into puppet states, some of them dependent upon Moscow and others upon London, and to perpetuate the colonial status of the colored races of the world. You will not fail to have observed that article 107 says:

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy to any signatory to the present Charter, taken or authorized as a result of that war by the governments having responsibility for such action.

It is a foregone conclusion that under this article one or another of the Big Three could block any readjustment of boundaries in eastern Europe, or of conditions imposed upon Germany, no matter how eagerly the moral sentiment of the world and the dictates of wisdom expressed in the Assembly might urge remedial action. Article 107, and indeed the whole framework of the Charter, underline the fact that if we want to save the next generation of Americans from destruction worse than any we have seen, we shall depend far less upon the Charter under your consideration than upon the nature of the peace which is yet to be finally established in Europe and upon an infinitely better solution of the problem of Asia than will be the automatic consequence of our ultimate victory in a war of annihilation against Japan—a war which is made by circumstances the cruelest and most destructive in history. The greatest single and immediate contribution to peace that the American Government could make would not be a ratification of this Charter. It would be a speedy end of the war with Japan on a statement of terms which would indeed provide adequate guaranties against any renewal of Japanese aggression, but would at the same time offer hope, not only to the Japanese people but to the hundreds of millions of Asiatics whom we seem to be about to restore—at terrible cost to ourselves—to white empires, British, French, and Dutch. And these empires cannot stand except as we shore them up with the lives of another generation of Americans. Today we are inviting Communist exploitation of Asiatic bitterness against white imperialism. There is nothing in the Charter which will prevent or even make appreciably less likely a third World War for the mastery of Asia unless ratification of the Charter is accompanied by the making of the kind of peace which will be a great beginning at the substitution of a cooperation of peoples for any sort of imperialism.

I may be told that these matters are not relevant to your present purpose which is consideration of the Charter. They certainly are relevant to any hope of peace and you will have done a great disservice to all American hope of democracy and to the chance of millions of Americans to survive the devastations of a third World War if you give ground for any false confidence that the Charter of itself can or will enforce an unjust peace upon the world without danger of war or that the Charter provides automatically any machinery for the progressive modification of unjust peace arrangements. The trusteeship provision can easily be made as hollow and hypocritical as were the mandate provisions of the League of Nations if the Big Three consent to perpetuate the game of rival imperialism, economic and political, and rival armaments.

My own very deep concern, as it is that of the organization for which I am spokesman, has to do with the setting in which this new world organization may operate. In the right setting a worse organization might do some good. In a setting of rival power politics, a better would collapse.

There are, however, three actions which should be taken by the Senate or the Congress of the United States at the appropriate time which would somewhat safeguard the operations of the Security Council in relation both to legitimate American interests and to world peace.

1. The first is the requirement that American representatives in any of the organs of the United Nations, and especially in the Security Council, shall make quarterly reports not only in writing but in person to a joint meeting of the Senate and House Committees on Foreign Relations. This would serve the double purpose of providing Congress, and through Congress the people, with necessary information and of keeping our representatives in touch with American public opinion which rather than any dictator or omnipotent executive must be the ultimate source of their power.

2, and this is more important. The second provision is that Congress should specifically reserve its constitutional power over the issue of war or peace. No American representative on the International Council should be allowed to permit the use of American armed forces except on conditions specifically laid down by Congress. If, after peace is declared, American forces must still be used for police work in certain nations, Congress must approve the conditions. If armed force is to be used against a recalcitrant nation, Congress must itself approve by an act equivalent to the declaration of war.

I am so much a believer in the ultimate goal of a federation of people that if and when it is established and equipped with proper police machinery, I should not dream of requiring that all decisions to use force must be approved by the American Congress. But nothing of the sort exists under the San Francisco Charter or is in sight. We shall have a military alliance of great powers, any one of which can veto any war which it does not like. That is to say, there can be no big war within the framework of the Charter, and certainly no big use of American forces, without congressional approval. The same principle of ethics and democracies should apply to small wars. Indeed, democracy is meaningless if the people are to have no effective control directly, or through their representatives, over the most terrible and important occupation of the government, that is, war. The Security Council will represent governments, not peoples. Its

members will be far closer to all the considerations of power politics than to the fears and hopes and hates and loves of soldiers and sailors, who are always expendable. In dealing with an alliance of governments, we must keep such safeguards as the people now have against becoming complete puppets of executives hypnotized by the most dangerous and fascinating game in the world—the manipulation of the resources of nations and the lives of the men and women in them.

I cannot see any reason, in chapter VII, why Congress cannot enact under its appropriate machinery so that the power to sanction or veto the use of American armed forces can only be exercised by our representative with the consent of Congress. It is certain that the Russian representative will not act save under immediate direction of the Russian dictator. With us it is Congress rather than any executive which constitutionally and of moral right has and should continue to have the war-making power.

3. The third safeguard should be positive action by the Senate explicitly to state that the United States reserves the right to withdraw on due notice and under orderly conditions that such a right exists. It should be made explicit. It should not delegate or abdicate this power under any circumstances to the executive.

At this point I have not had the opportunity to consult the official committees either of the Socialist Party or of the Postwar World Council, but I rather think that they would share my growing conviction of the importance of the kind of statement about withdrawal I am requesting. Again speaking for myself, I should not ask for a right of secession from a true federation of peoples, but once again I remind you we are dealing not with a beginning of federation but with an alliance of big powers. It is entirely possible, as I have already indicated, that under the machinery we are setting up, our allies would try to make us responsible for enforcing agreements made in the bitterness of war, the perpetuation of which would appear to the majority of Americans either as outrageously unjust, or at least as something on which American blood and treasure should not be expended. To be sure, American veto power at this point might be a protection, but the whole situation might become so charged with emotion that the inability of America to withdraw in peaceful and friendly fashion would make for an explosion. Surely it is not safe to give this unsatisfactory Security Council organization power to suspend or expel—I know the Assembly has it—but not to balance it by giving to a nation power to withdraw under specified conditions.

I earnestly hope that your recommendations to the Senate will include the adoption of these three safeguards which I have outlined. Even more earnestly do I hope that you will call attention of the Senate and the American people to the things which must yet be done to obtain the ineffable blessing of lasting peace. Such a peace will not even be furthered by ratification of the Charter if you should foster a false confidence that it will protect us from war no matter how busily the powers which dominate it may be playing the game of rival armaments and rival imperialisms in Europe, Asia, Africa, and the islands of the sea. Peace is possible. It can and must be had if democracy or even any basic human decency is to live. It cannot be had at the cheap price of ratification of the San Francisco Charter. That Charter may be better than nothing. It is not as good as a more farsighted American leadership would have made

possible at an earlier stage of World War II. It will not succeed except as by the development of some of its organs and amendments—which the Charter makes dangerously difficult—that one of the great weaknesses is the difficulty of amendment. The Charter makes the process of amendment a little less difficult than the Dumbarton Oaks proposals, but still very difficult.

I repeat, it will not succeed except as by development of some of its organs and amendments it may become a beginning of a federation of peoples rather than an alliance of armaments dominated by the Big Three.

The CHAIRMAN. Thank you very much, Mr. Thomas.

Any questions by Senators? [No response.]

Thank you very much. We were greatly interested in your testimony.

Mr. Leo Kraycki, representing the National Committee of the American Slav Congress. Is he here? [No response.]

I am sorry. He does not appear to be here.

Mr. Martin H. Miller, of the Brotherhood of Railway Trainmen. [No response.]

Mr. Alfred M. Lilienthal.

#### STATEMENT BY ALFRED M. LILIENTHAL

The CHAIRMAN. I believe you were one of the consultants at San Francisco, Mr. Lilienthal?

Mr. LILIENTHAL. That is right, sir.

The CHAIRMAN. All right, proceed.

Mr. LILIENTHAL. It is a great privilege to be permitted to express my views here today on the United Nations Charter adopted at the San Francisco Conference. I consider this statement part of the responsibility which I assumed when as a GI I served as a consultant to the American delegation at San Francisco. I was a GI more than 2 years.

I wish to make it clear that I do not represent anyone but myself, that I do not speak for anyone but myself. Certainly no one can honestly claim to speak for our fighting men or for the veterans. I do feel, however, that because of my background and personal experiences at home and overseas—I was a GI Joe for almost 2 years—that I can more closely approximate the views and feelings of the men who have been and are still in the armed forces.

Both before I went to the Conference and upon my return I discussed the basic issues of a world security organization with many of the boys at the convalescent hospital at which I was stationed. While on the coast I personally talked with and exchanged letters with other servicemen. The more serious ones were most anxious to see that the United States avoided the mistakes that followed World War I. They were vitally concerned with the events that transpired at San Francisco.

The one question that I was asked over and over again was "Is this Conference setting up a peace that will work?" To which I replied, "San Francisco is creating a machinery which may if properly operated bring us closer to the goal toward which the world has been moving for thousands of years."

I sincerely believe that the new Charter represents a great step forward in international relations. Future generations will praise the tenacity and courage of the representatives of the 50 conferee nations, and we Americans should be grateful to Secretary Stettinius, Senator Connally, Senator Vandenberg, Congressman Bloom, Congressman Eaton, Dean Gildersleeve, and Commander Stassen for their fine work.

Of course, the machinery is not perfect. In the future changed conditions may make it advisable to amend the provisions to insure greater political and economic freedom for all. Certainly serious consideration should be given to the feasibility of making the amending process more flexible. Likewise, the section dealing with the human rights and fundamental freedoms might be broadened and spelled out in greater detail.

At the San Francisco Conference a group of veterans, of which I was one, set forth the proposal that an international veterans' council be established as part of the Social and Economic Council to bring the fighting men of the United Nations closer together. The servicemen of the Allied countries who have begun to know and understand each other should be encouraged to further their friendships and understanding. On such a foundation there could be a real peoples' peace. Toward this end an international veterans' council would be an invaluable adjunct to the Social Council. I hope that future thought will be given to this proposal.

Another possible innovation would be the establishment of a United Nations university to train and develop the permanent personnel of the security organization—personnel who would learn to place international considerations above petty nationalist interests. These and other changes will help make the new Charter a living dynamic document.

However, above all, the new organization must be backed up by the belief, faith, and will of the peoples of the world, starting right here in the United States. The old League of Nations failed, not only because America did not join, but because the peoples of the member nations did not back it with a crusade, with a passion and with a constant flame of which it was worthy. That crusade can be started with the speedy adoption by the Senate.

I think that if the fighting men could talk to you now, they would say, "We're doing our part; we're winning the war. It is up to you to give us the opportunity to win the peace. You set up this 'keeping-the-peace-machinery' and when we get back we'll help you make it work. The speedier and more unanimous your action, the better are the chances of avoiding another war—another hell."

The CHAIRMAN. You are for the ratification of the Charter, without reservations?

Mr. LILIENTHAL. That is right, sir.

The CHAIRMAN. Thank you very much.

Any questions? [No response.]

Mrs. Van Hyning.

Mrs. WATERS. Can Mrs. Van Hyning submit a statement? She is to come on from Chicago, and I think she has had trouble getting here on account of train reservations. She represents thousands of mothers in Illinois who are against this.

The CHAIRMAN. If she sends a statement in, we will give consideration to it.

Has Mr. Martin Miller come in yet? [No response.]

The CHAIRMAN. Mr. W. Ogg, of the American Farm Bureau Federation.

Mr. OGG. Yes, sir.

The CHAIRMAN. You asked for a very brief time, as I understand it.

Mr. OGG. President O'Neal is unable to be here this morning and requested that I present this statement to the committee on his behalf.

**STATEMENT BY EDWARD A. O'NEAL, PRESIDENT, AMERICAN FARM BUREAU FEDERATION, SUBMITTED BY W. R. OGG**

Mr. OGG. Mr. Chairman, and members of the committee, on behalf of the American Farm Bureau Federation, representing approximately 830,000 farm families, comprising about 3½ million farm people in 45 States, I wish to strongly endorse and support the United Nations Charter for an international organization, which was unanimously adopted by representatives of 50 nations of the world at the Conference in San Francisco.

At the last annual meeting of the American Farm Bureau Federation, held in Chicago, December 12-14, 1944, voting delegates elected by farmers from every section of the Nation unanimously adopted a resolution favoring—

the participation of the United States in a general international organization for maintaining world peace, in accordance with the broad principles contained in the plans developed at the Dumbarton Oaks Conference,

and also urged that—

the United States should accept its rightful share of the responsibility with the proper executive authority for the enforcement of the decisions of the Security Council, by military force if necessary.

The United Nations Charter, as finally adopted at the San Francisco Conference, not only embodied the fundamental principles of the Dumbarton Oaks proposals, but improved and strengthened these proposals.

One of the most important improvements was to strengthen the role of the Economic and Social Council, which is to deal with international economic and social problems. Economic difficulties constitute one of the most important causes of wars. It is therefore very important to bring about a solution of international economic and social problems, which will lessen the likelihood of future wars.

A unique feature of the San Francisco Conference was the designation of consultants representing 42 national organizations constituting a cross section of American life—labor, industry, agriculture, churches, education, veterans, etc.—to consult with the American delegation, and submit recommendations to it. These consultants made numerous recommendations, most of which were accepted and were written into the Charter. As one of the consultants, I wish to take this opportunity to commend the members of the American delegation for their able, constructive statesmanship and their splendid unity and teamwork, free from all partisanship.

No one contends, of course, that this Charter is perfect, but the fact that 50 nations could finally reach unanimous agreement on so many complex and difficult problems is a monumental achievement in world history. Like our own Federal Constitution, it will need to be amended from time to time, in the light of experience and changing conditions.

I believe that farm people and the American people, generally, overwhelmingly favor the United Nations Charter. I sincerely hope that it will receive the speedy and unanimous approval of this committee and of the United States Senate. At this crucial time, the United States of America, with all its tremendous powers and prestige, has a great responsibility, not only to ratify the proposed Charter, but to assume its proper responsibilities and leadership in making this international organization work successfully. Peace-loving peoples throughout the world are looking hopefully and prayerfully to this United Nations Organization to prevent future wars and to enable nations to cooperate in the ways of peace, freedom, justice, and security. The destruction and suffering that would result from another world war in 25 years cannot be tolerated.

Let us heed the warning of that grand old man, Gen. Jan Christian Smuts, who played an active role in the old League of Nations and again in the San Francisco Conference. In an eloquent appeal at the San Francisco Conference, he declared:

For there can be no doubt any more that for us, for the human race, the hour has struck. Mankind has arrived at the crisis of its fate—the fate of its future as a civilized world. We, the peacemakers, we, the peacebuilders, dare not disappoint the hopes and prayers of a whole suffering world, centered on us here. Both the past and the future appeal to us. We dare not fail after what the valor of our millions of heroes has achieved. Let us see to it that their devotion and sacrifices, and those of many more millions of the civilian populations, are not once more in vain.

The CHAIRMAN. Thank you very much. You had a resolution. Do you want to put that in the record?

Mr. OGG. Yes, sir. I would like to have that inserted in the record.

The CHAIRMAN. It will be put in the record at this point.

(The resolution is as follows:)

RESOLUTION ADOPTED BY ANNUAL MEETING OF THE AMERICAN FARM BUREAU  
FEDERATION, CHICAGO, ILL., DECEMBER 14, 1944

INTERNATIONAL COOPERATION

Another war within 25 years cannot be tolerated. Past policies have not been effective in maintaining world peace. It therefore behooves every thoughtful citizen to be courageous in developing plans to prevent future wars. This is an extremely difficult and involved problem. Honest differences of opinion will exist among nations and among individuals within nations. These differing opinions must be fully expressed; then, after thorough discussion, constructive plans for international cooperation must be developed. Since these plans by necessity will be the result of compromising many conflicting interests, complete agreement by all citizens on all details cannot be expected. These minor differences should not prevent cooperation by this Nation on sound international proposals.

Due to a combination of many factors, this Nation is in a position of world leadership. We cannot shirk our responsibility to future generations.

We believe that one of the greatest contributions that this Nation can make to the world is to remain the citadel of democracy, liberty, and free enterprise. We must conduct our domestic economy in such a manner that this Nation will prosper and thus contribute to the prosperity of the world. The furnishing of vast amounts of relief in the form of goods or money over an extending period of time will aggravate, rather than solve, international problems. We must be



willing to lend a helping hand to weaker nations by setting an example for them to follow in the organization of their domestic economy, by sharing our technical skills, and helping them to help themselves create a fuller and more abundant life.

We specifically recommend cooperation with other nations along the following lines:

#### 1. A GENERAL INTERNATIONAL ORGANIZATION FOR MAINTAINING WORLD PEACE

The American Farm Bureau Federation favors the participation of the United States in a general international organization for maintaining world peace, in accordance with the broad principles contained in the plans developed at the Dumbarton Oaks Conference.

The United States should accept its rightful share of the responsibility with the proper executive authority for the enforcement of the decisions of the Security Council, by military force, if necessary.

Before the final adoption of the plan by Congress, we recommend that further attention be given to clarifying the manner in which the Economic and Social Council would operate, particularly as it applies to international agricultural organization and problems.

#### 2. INTERNATIONAL COOPERATION ON MONETARY PROGRAMS

The American Farm Bureau Federation favors the participation of the United States in the proposed International Monetary Fund and the proposed International Bank for Reconstruction and Development, as outlined in the Bretton Woods Monetary Conference.

In adopting these new international institutions, it should be realized that they are not substitutes for sound domestic fiscal policies. Unless sound domestic and foreign trade policies are adopted by the nations of the world, no plan of international monetary stabilization or monetary cooperation will succeed.

The International Monetary Fund and the International Bank should not be used as relief agencies in the postwar period, but should be conducted on a business basis, leaving relief grants to other agencies of government. In adopting this plan, it should be clearly understood that the United States will not provide funds to perpetuate uneconomic trade practices or unsound monetary policies through the operation of the stabilization fund. Foreign trade must be developed upon a basis of the exchange of goods and services among the nations of the world, and not upon the basis of extending credits.

These proposed international institutions should be operated in such a manner as to promote stability in the general level of prices within the various countries of the world.

Since the proposals by necessity leave wide discretionary powers to the administrators of the two institutions, the individuals chosen to operate these institutions must be high type men, representative of the various segments of our economy, experienced in international affairs, and free from political domination.

#### 3. INTERNATIONAL FOOD AND AGRICULTURE ORGANIZATION

We favor the cooperation of the United States in the proposed International Food and Agriculture Organization. We urge that a conference between the appropriate authorities and leaders of farm organizations be held in the immediate future in order to clarify the functions and methods of operations of the proposed organization. We deplore the manner in which the plans for this organization have been developed. The secrecy surrounding the Hot Springs International Food Conference was unwarranted, as has been the secrecy of much of the work of the Interim Commission which that conference created to develop detailed plans for the creation of an International Food and Agriculture Organization.

In the development of the proposed organization, proper recognition has not been given to the fact that agriculture is a basic industry and that the solution of agricultural problems should be the major function of the organization. Therefore we insist that the duly elected representatives of agricultural producers should be included in all future developments and in the administration of this proposed organization. We believe that the primary functions of the organization should be the collection of facts and research in the field of agricultural production and distribution. Action programs should not be undertaken without the specific approval of the nations involved.

It is understood that there are several special committees of the Interim Commission preparing reports on various phases of the proposed International Food and

Agriculture Organization. These special reports should be made available to the general public prior to the presentation of the proposed constitution of the organization for congressional approval.

Proper plans should be developed for incorporation of the International Institute of Agriculture in the proposed International Food and Agriculture Organization prior to the approval of the proposed organization by Congress.

The work of the proposed International Food and Agricultural Organization should be coordinated with the work of the existing and other proposed international organizations.

The CHAIRMAN. Mr. Noel Gaines of the American Flag Movement.  
(No response.)

The CHAIRMAN. Has Mr. Miller come in yet?

(No response.)

The CHAIRMAN. Mr. John Danielson of Morehead City, N. C. Is he here?

Mr. DANIELSON. Yes, sir.

The CHAIRMAN. Give your name and address to the reporter, and whom you represent.

#### STATEMENT BY JOHN DANIELSON, MOREHEAD CITY, N. C.

Mr. DANIELSON. My name is John Danielson; I am just plain John Citizen, of Morehead City, N. C.

The CHAIRMAN. Whom do you represent?

Mr. DANIELSON. I am just plain John Citizen, and I am glad I came here, although this makes my first public speech and address in my life.

Our Creator who gives us the air that we breathe, the water that we drink, and multiplies our food crops tenfold to a hundredfold, also endows each and every one of us with freedom.

Man, however, in seeking first to survive and then to expand and conquer, sacrificed or exchanged this gift of freedom for group security, only to find his freedom enmeshed in national laws and himself a slave of that law, for those laws were in the hands of the ruling, selfish few.

I am about to give you a different angle on this Charter than I ever heard, and I longed to hear it, but I did not, and that was my reason for coming.

Because of the diversified geographical locations of the nations, their different needs, beliefs, and so forth, it would be impossible to construct a constitution applicable and suitable to all, but in observing man we find several basic things common to all.

The three that I want to bring forward now are:

First. All men—learned, illiterate, wild, and even cannibals—worship a Superior Being; though through different mediators, yet they worship. Selfish imagination has here too brought under the law the worship of God and the law and directs how men should worship, and where and how to do that, and this again becomes polluted and no more free.

Therefore, article 1 which I propose is freedom of worship and that it shall be tolerated and recognized, but in no way obstructed by law. I am going to explain this a little later.

Second. Most men accused would go to trial if they knew that they would get a fair and unbiased trial. There would be little cringing from justice and no political prisoners. Therefore, article 2.

We do establish justice. Establish a supreme court and the necessary inferior courts. Appoint the necessary judges, well learned in the laws. Grant to all the rights and privileges to the accused, as in the Constitution of the United States.

Note that I am taking these articles from our Constitution, for I believe them to be the perfection of laws. They have been tried and proven themselves very worthy. Then why shouldn't they be proposed to all men? This second article will abolish internal fears.

Article 3. All men, we unmistakably know, ought to govern themselves. The right to vote unmolested and without fear or threat of harm, and by secret ballot, and elected to offices all lawmaking and law-enforcing bodies—they being subject to impeachment for reasons as each Nation may list. The legislative body to have duties as in our Constitution. The executive branch similar to our Constitution, and as the peoples of the particular national shall direct. The term of office not to exceed, say, 5 years.

The Nations shall retain their present kings, rulers, or other heads, but they, too, must be elected or reelected by the peoples.

The purpose of these elections is to insure for the people the best of the fit to run their government, and should there be a mistake made, or one prove himself unworthy, the due process of law would sift that one out.

No article or law in the constitution shall conflict or supersede the three.

The three articles worked out in detail with reasons and proof of their merit are to be proposed to all Nations, and those not having them can examine and affix of their own with no compulsion whatever. This would give the people a universal understanding and bring us to a more common level. Free men's most needed and fought-for promise is freedom. We have the "four freedoms" of the Atlantic Charter; we have the slogan "Pass the Ammunition and We Will All Be Free." And all through the war the word "freedom" is to us a great incentive.

We should put power where power belongs. In this I am using the words of our ex-President.

Eradicate the cancerous breeding ground where men get unlimited powers. We should be answerable to no one but God, as the old saying goes, and their imagination leads them to plunder, steal, destroy property, massacre and murder their peoples, their neighbors, and the world.

These would make it unnecessary for war buds to form and then decide to nip it. And let us not forget that when Hitler budded he dared his neighbors to clip his bud, and when no one accommodated he started the clipping.

Let us well remember that Hirohito's men publicly and daringly slapped our officers, fenced our citizens behind electrically charged barricades, stripped and marched our women naked through the streets to be mockingly examined. Remember, too, the next attack will be, should it ever come, fast, furious, and very devastating.

These articles will give the world Charter a bigger first step and a sound footing to step on.

**The CHAIRMAN.** Thank you very much. We are very glad to hear you at this time. You did very well on your first public appearance.

Mrs. Marie and Miss Irene Lohle, representing the Defenders of George Washington Principles. Are they here?

Mrs. WATERS. They are not here. They have evidently been detained.

The CHAIRMAN. We called them yesterday and today. I am sorry they are absent, but they can file a statement later if they come.

The American Council of Christian Churches. Has it a representative here?

(No response.)

The CHAIRMAN. Mr. David Wattley.

#### STATEMENT BY DAVID WATTLEY, WASHINGTON, D. C.

The CHAIRMAN. Give your name and address and whom you represent.

Mr. WATTLEY. My name is David Wattley; I am a member of the District of Columbia bar. I represent no organization, but I wish to address myself very briefly to the constitutionality of our participation, and two other points.

The CHAIRMAN. Make your statement as brief as possible. We are trying to close these hearings.

Mr. WATTLEY. May I suggest, first, Mr. Chairman, as my first proposal, looking forward to the most democratic participation possible of our Government in the new organization that the delegate or delegates to the new organization from the United States be selected in such a manner as the Congress shall prescribe, rather than be appointed by the President.

The CHAIRMAN. The Charter does not deal with that subject at all.

Mr. WATTLEY. I appreciate that, Mr. Chairman, but I suggest that the proposal and the others that I will make, if you will permit me, be included in the report of this good committee toward adopting the organization of this Charter and ratifying it.

I wish to suggest further that in addition to the simple ratification provided for in the Constitution, of treaties, that in this case the Congress refer the question to the States, as it would properly for any amendment to the Constitution. I submit that this is such a gross departure from any foundation of our Federal Government which was envisaged by the founders of the Constitution that whether or not you agree strictly and legalistically that it is or is not within the province of the Federal Constitution it would seem to me to be imperative because of the vast departure of this new organization from our previous concepts that you refer it to the people.

I do not make that suggestion with any desire to obstruct or delay its ratification. I submit that it will not appreciably delay it if in addition to simple ratification by the Senate it is referred by the action of both Houses, two-thirds of the membership controlling, to the States, which will undoubtedly overwhelmingly ratify it very quickly, it being necessary of course that only three-quarters of the legislatures of the States ratify it. The legislatures could be called into session within 1 month by an appeal or proclamation of the President to the governors of the States, and they would undoubtedly ratify this action in a most forthright measure.

It seems to me that the extreme proponents of this new departure in our Government should welcome this action, because it would

more than in any other manner demonstrate to the world the most complete unanimity of opinion on this subject behind our participation in this Charter, and would therefore further strengthen our position in the new organization.

I think as an aside that a simple ratification by a treaty is inadequate. I believe there can be no strict justification for our participation without a constitutional amendment, and I shall submit in writing a brief on that.

The CHAIRMAN. Thank you.

Mr. WATTLEY. May I make one more proposal that the two committees of Congress, Senate Foreign Relations Committee and the House Foreign Affairs Committee may not consider this time as being the most propitious, but to provide in the organization for a legislative council on foreign relations which would coalesce the opinions and policies of the executive and legislative branches, and would be a means of a more democratic control of our foreign policy, would be a means for checking continuously upon the tremendous and diverse ramifications of all of our relations in the foreign field, whether it be our participation in the Bretton Woods organization, the UNRRA, the new food and agricultural organization, or any of those new international organizations that will necessitate, it seems to me, a continuous watch by the representatives of our Government upon the functioning of these organizations and our participation therein.

I submit that some of the mistakes of the past in regard to the operation of Lend-Lease and UNRRA and much of the criticism that has been leveled against those two organizations could have been obviated if such an organization had already been in existence these past few years.

May I suggest that the executive and legislative branches have already achieved a considerable degree of cooperation in that regard, but it has been at the initiative almost entirely of the Executive, and may I say almost at their sufferance. We appreciate, all of us, the high character of the men who are in control of the policies of the State Department, but I am unwilling to propose, as some students of government are, that the legislative branch of government should completely abdicate its responsibilities in the field of foreign relations to the Executive, nor am I willing to admit that mere membership in the executive branch of the government rather than the legislative should endow the particular individuals therein with any special knowledge or virtue or wisdom in conducting our foreign relations.

May I also propose, Mr. Chairman, that the report of this committee suggest that under article 54, the international control of munitions, that further steps should be undertaken very shortly at the first meeting of the Security Council looking toward the regulation of munitions, not merely the so-called aggressor Nations, but all of the Nations, and as a concomitant to that proposal I would suggest that the proposition be surveyed as to the practicability of the eventual joint control of the enemy areas, Germany and Japan, by the United Nations organization, rather than a separate and unilateral and a geographically divided control that now is in operation. I think that, Mr. Chairman, would provide a constructive test as to whether the Great Powers can cooperate effectively within any given area and will, if the further proposal is adopted that eventually all munitions be

manufactured exclusively in those areas which are under the control of the United Nations organization, bring about one of the prime objectives sought.

The CHAIRMAN. We will be glad to consider that. Thank you very much for your testimony. Are there any questions?

(No response.)

The CHAIRMAN. Thank you, sir.

Mrs. WATERS. Mr. Chairman, Mrs. Marie Lohle and Miss Irene Lohle have now arrived from Pittsburgh. Mrs. Van Hyming will be here this afternoon.

The CHAIRMAN. We cannot give them much time. They are late in making their appearance.

Mrs. WATERS. That is not their fault.

The CHAIRMAN. We cannot hear them both.

Mrs. WATERS. You will have to hear them both because they have both made application.

The CHAIRMAN. Is Mr. Martin H. Miller here?

#### **STATEMENT BY MARTIN H. MILLER, NATIONAL LEGISLATIVE REPRESENTATIVE, BROTHERHOOD OF RAILROAD TRAINMEN**

Mr. MILLER. I am Martin H. Miller, national legislative representative of the Brotherhood of Railroad Trainmen, whose Washington office is located at 10 Independence Avenue SW. Our general offices are located in the Standard Building, Cleveland, Ohio.

The brotherhood, the largest of the independent railroad brotherhoods, representing more than 75 percent of the road and yard train-service employees of the railroads and several thousand operators of intercity busses, is vitally interested in the United States accepting its responsibility in an organization for world security. The brotherhood, organized 62 years ago, has always been in the forefront in securing better and safer working conditions and adequate wages for railroad employees and have supported all economic, social, and political improvements. At the close of World War I we were convinced that the future security of the American people, as well as the people of the world, rested in the ability of the several nations to reach a common understanding in a world security plan. We opposed the isolationists of 25 years ago when they cleverly succeeded in preventing our Nation from participating in the League of Nations. We believe that failure of the United States to accept its responsibility in the League of Nations had a very damaging effect upon world stability in the decade following the end of the war.

We wholeheartedly supported President Roosevelt in his endeavors to bring in close unity all nations opposing the Axis Powers. The brotherhood is supporting the Bretton Woods Agreements and urging the Congress to accept them as one of the necessary steps in the direction of world stability. We published a booklet on the story of the Dumbarton Oaks documents, which was so written that every working man and woman could understand its proposals for a world organization. President A. F. Whitney, of the brotherhood, in commenting said, and I quote him:

The groundwork laid at Dumbarton Oaks constitutes a real step forward in cementing cooperation between all nations interested in maintaining world peace.

With hope and determination, we now look toward San Francisco to complete

the structure of the International Security Organization that will provide effective protection against future aggression and wars.

In furthering the brotherhood's support in behalf of a world organization President Whitney assigned a representative from our Canadian members and the national legislative representative to represent the brotherhood at the United Nations Conference in San Francisco. In representing the brotherhood under that assignment I was recognized as a representative of a national organization and also as an associate consultant.

The result of the United Nations Conference is, in our opinion, a strong, workable structure for a world security organization, which is now before you as the Charter of the United Nations. The Charter—strong and workable as we believe it to be—may not meet all of the expectations of perfection. However, it is an instrument by which the several nations, in peace, can work out the problems of the future.

We fully realize that the acceptance of the Charter by the United States does not end the responsibility of our nation, for we must continue in the promotion of world peace. Maintenance of world peace depends largely upon the efforts of the peoples of the several nations. We of the United States, one of the largest and most powerful nations on earth, must ever be on guard to make sure that the persons to whom we have entrusted our relations with other nations do not serve the interests of persons or groups of persons who foster world instability for their own selfish purposes.

The Charter of the United Nations provides ample machinery to promote better economic and social relations between the nations. With the acceptance of the Charter it becomes the duty and obligation of those whom we entrust to represent us in the Congress and in our intercourse with other nations to so conduct the affairs of our nation to promote the high ideals set forth in the preamble and in chapter I of the Charter. Senator Connally and Senator Vandenberg on the floor of the Senate and the officials of the State Department at this hearing have very ably covered the detailed provisions of the Charter.

Some representatives of small minority groups and some individuals using organization names have appeared before your committee in opposition to the acceptance of the Charter. Some of these individuals have unwittingly presented a plea in defense of Nazi Germany under pretense of a plea for world peace. Some of them attacked our allies in this war as being the instigators of world unrest which appears to be a subterfuge to remove the guilt from Nazi Germany, Imperialist Japan, and Fascist Italy. It would seem that the revelations of the horrors of Buchenwald, Dachau, and the treatment of war prisoners and civilians in the Philippines would fill them with shame.

The members of the Brotherhood of Railroad Trainmen hate and abhor war and we will, through our every effort, seek to end the cause of conflict and war. We know full well the sacrifices and sufferings of working people in this and other wars. Many thousands of our members and many additional thousands of our sons, brothers, grandsons, and nephews are serving in the military forces of the United States and Canada. Many hundreds of these gallant young men have given the supreme sacrifice as our investment in a safer and a more secure world in which we and the future of mankind may live.

We have faith in the representatives of the 50 nations assembled in the San Francisco Conference. We are of the opinion that the addresses of the chairman of the delegations at the closing session on June 26 disproves the attacks made upon some of our allies by persons who appeared before your committee in opposition to the Charter. Russia was denounced by some as a vicious and seething nation of terribles. It may be well to quote a portion of the address of the acting chairman of the Russian delegation, the Honorable A. A. Gromyko, and I quote:

The peace-loving nations who suffered countless sacrifices in this war naturally rest their hopes on the establishment, by collective efforts, of an international instrument which could prevent the repetition of a new tragedy for humanity. In accordance with the decisions adopted at the Dumbarton Oaks Conference, Marshal Stalin said: "To win the war against Germany means to carry out a great historical deed. But to win the war still does not mean the insurance of lasting peace and security for the people in the future. The task is not only to win the war but also to make impossible the occurrence of a new aggression and a new war, if not forever, then at least for a long period of time."

The quotations from Gromyko and Stalin indicate clearly that Russia, a nation of many millions, is as much interested in world peace as we are. Gromyko in his concluding statement said, and I quote:

In conclusion I wish to express confidence that this Conference of the United Nations will go down in the history of humanity as one of the most significant events and that our efforts will be beneficial for all peace-loving peoples of the world, who endured so many hardships and sufferings as a result of the conflagration set by Hitlerite Germany.

The delegation of China expressed its confidence in the Charter in the words of its acting chairman, the Honorable V. K. Wellington Koo, who in part said, and I quote:

None of the delegations may find all that they wished to see embodied in it, but they will agree, I am sure, that it contains the essential features for the building of a world organization to promote international justice, peace, and prosperity. Without the valuable contribution, however, of all the participating delegations, we could not have achieved this splendid result.

In speaking of the achievement at San Francisco and of their confidence in the Charter, acting chairman of the Delegation of France, the Honorable Joseph Paul Boncour, said in part, and I quote:

Of all the matters on which we have cause to rejoice deeply and sincerely at the results obtained, I simply wish to express the happiness of a country and of a man on seeing the ideas for which they have fought since the last war unanimously sanctioned by the powers represented here.

Our South American neighbor and friend paid their tribute to the Charter when the chairman of the delegation of Brazil, the Honorable Pedro Leao Velloso, said in conclusion, and I quote:

Let us all swear solemnly by this Charter, as we do by the Sacred Book, that by its means we shall maintain peace in the world and that we shall order the relations among all peoples in accordance with its principles of law and justice.

And from our adjoining neighbor to the south, the Chairman, of the delegation of Mexico, the Honorable Ezequiel Padilla, said in part, and I quote:

In this Charter are gathered all the hopes for human solidarity. Henceforth, no nation need any longer be isolated in silence and darkness, in the indifference or the complicity of the rest of the world. We are now met at the forum of universal conscience.



And from one of the overrun and oppressed smaller nations of Europe we have a splendid expression of confidence from the chairman of the delegation of Czechoslovakia, the Honorable Jan Masaryk, who said in part, and I quote:

May I in conclusion utter a humble word of warning? Let us please stop talking of the next war. The language one hears in certain places is lamentably unconstructive, it arouses suspicions at a moment when mutual confidence is all important. Not one of us in this room wants another war. None of us want the children of these selfless children of ours, whose graves are scattered as sacred momentos all over the face of the scarred earth—none of us want these children to die in another war in another generation—we want them to live and work for their respective countries in peace and security in a socially just and safe world. That's why we assembled here, that's why we drafted the Charter. It contains all the necessary safeguards against future wars. Let us see to it that our lofty aims are carried into deeds worthy of the memory of our heroic beloved youngsters.

From these quotations of the leaders of the delegations there is a unanimity of confidence in the workability of the Charter as an instrument in preserving the peace and security of the world. We believe the vast majority of the people of the United States are tired and heartsick sore of recurrent wars and want you and your honorable colleagues to make it possible that the United States can participate in the United Nations Organization, in the fervent hope that our participation therein will result in its success.

We unhesitatingly ask your honorable committee to report the Charter favorably for the consideration of the Senate, where we look forward with confidence that it will be ratified without reservation and without undue delay.

The CHAIRMAN. Thank you, Mr. Miller. You represent the Railway Trainmen and they are for the Charter without reservation?

Mr. MILLER. That is right.

The CHAIRMAN. Thank you very much.

Mrs. LOHLE.

Mrs. LOHLE. Mr. Chairman, I just overheard you say that you would not permit my daughter and me both to speak. Am I right?

The CHAIRMAN. You may both speak if you will split the 15 minutes allotted to you.

Mrs. LOHLE. It is rather hard for a woman to speak in 7½ minutes; you know that.

The CHAIRMAN. We have not allowed anyone except organizations more than 15 minutes each. Now you are requesting 15 minutes each for two.

Mrs. LOHLE. Then, Senator Connally, I will give my place to my daughter.

The CHAIRMAN. Thank you very much.

#### STATEMENT BY IRENE LOHLE, PITTSBURGH, PA.

The CHAIRMAN. Give your name and address to the reporter.

Miss LOHLE. Irene Lohle, 6332 Morrowfield Avenue, Pittsburgh, Pa.

The CHAIRMAN. Whom do you represent?

Miss LOHLE. I represent the younger generation.

The CHAIRMAN. You may proceed.

Miss LOHLE. Mr. Chairman, and gentlemen members of the Senate Foreign Relations Committee, I am here as a member of the younger and future generation, and I feel I truly represent young

America and thousands of our boys in the armed forces. I am definitely opposed to the San Francisco Conference on the grounds it is the first step to a world federation or government, which ever you wish to call it.

On June 10, 1945, in Young America column by Elsie Robinson on the question "Should United States join a union of nations" I wrote the following letter in opposition to such a union, which I shall read for your honor and consideration.

I have been receiving letters daily as the result of the publication in all the Hearst newspapers. I am pleased to say I have not received one letter of criticism, but on the contrary nine-tenths of the letters received came from boys in the armed forces. I am delighted and pleased to say that the boys all agreed with me 100 percent in my opposition and have urged me to continue my opposition to any and all plans of union of nations. Several of the letters I received contained name after name of the boys in that particular branch, and let me tell you gentlemen, the boys are terribly resentful toward any man or group of men who will maneuver a plan while they are absent. The boys wrote in their letters to me that due to military discipline they are unable to back me up publicly, but they will attend to matters one of these days.

Now, Mr. Chairman and gentlemen members of the committee, just recently our President said, "The boys will run this country after this war." He spoke the truth. He must have had the same statement made to him as I have had from the boys both by mail and personal conversation.

The latter part of last year at a meeting held in Pittsburgh the guest speaker, one of your colleagues, stressed the necessity and importance of a police force in Europe. I questioned the Senator if he did not think it best and wise to wait until the boys return home so they may have a voice in the matter. After all they are the ones who are doing the fighting and dying and they certainly should be given that much consideration as to have their say in the international organization. My, oh my, but the Senator was peeved and he answered me very gruffly, "Absolutely, no; it must be done while the boys are away. They want and expect us to have the organization started when they return home." Sorry he was not privileged to read the letters I have received in opposition to such a set-up. It has been said, "Prohibition was put across in the last war and we will put this across in this war while the boys are away." Very gallant and chivalrous on the part of some adults, I must say. We hear a great deal on child delinquency. It may all be true. I know nothing whatsoever about such a condition, but I do know this: It is time certain adults, particularly the public servants of the people of our United States Congress, take stock of themselves and in the future cease creating confusion by, either purposely or otherwise, telling falsehoods. Let's have sincerity and honesty among such public servants to us young Americans.

I know from personal experience United Nations for International Peace has been in vogue for sometime, and it means that we, the people, will lose our sovereignty.

I could go into details regarding said movement, but I think you gentlemen appreciate the fact that I am not one of those "Too damn dumb to know" persons whom a certain public servant classed a few

years back, and I want you gentlemen to thoroughly understand and appreciate there are thousands upon thousands of boys in the armed forces who are in the same category with me. I admonish all you gentlemen members to beware of consequences regarding the Charter before you.

And I will say in conclusion as the late President Woodrow Wilson said to his daughter, Mrs. Eleanor McAdoo—

if we join a League of Nations (union of nations) it will be a great personal victory but it will not work because deep in their hearts the American people do not really believe in it.

That is the end of the quotation. May I add I, personally, do not want any part of it, and I warn you all to stop, think, and listen to us young Americans.

I thank you one and all for your kind attention and consideration.

I should like to add what kind of representatives do we have in Congress when they try to put this over while the boys are away?

The CHAIRMAN. Very well. We will put your statement in the record.

Mrs. WATERS. These women have traveled all night, Mr. Chairman, to come here and make their statements—

Mrs. MARIO LOHLE (interposing). Senator Connally, I am very, very sorry that you did not grant me permission to speak.

The CHAIRMAN. I did; I told you you could divide your time.

Mrs. LOHLE. I know, but that was after you had sent me a telegram and I told you that I and my daughter both wanted to speak.

The CHAIRMAN. We cannot have two given the full time from the same organization.

Mrs. LOHLE. You granted time to the other people that were on the other side, and after all we are real Americans; we are not foreigners.

The CHAIRMAN. You can wait until late this afternoon if you want to and we might give you 2 or 3 minutes then.

Mrs. LOHLE. Oh, now, I would be only addressing you for 2 or 3 minutes of time and then my time would be up. Come on now, be fair. And Senator George too, and Senator Johnson.

The CHAIRMAN. Your daughter used most of the time already.

Mrs. LOHLE. God love her, I am proud of her.

The CHAIRMAN. I will give you 3 minutes if you want it. That will be the rest of the 15 minutes for your organization.

Mrs. LOHLE. Oh, my, I have got to speak awfully fast, but I will try to get it in in 3 minutes.

The CHAIRMAN. We will be glad to hear you for 3 minutes only. Have a seat and let us have order here.

Mrs. LOHLE. Oh, my, I am having a great kick out of this.

The CHAIRMAN. Your time is going on.

Mrs. LOHLE. Oh, now, don't be like that. After all we have all day and all day tomorrow.

The CHAIRMAN. You may have, but the rest of us may not have.

Mrs. LOHLE. Wouldn't you give me that time after traveling all this distance?

The CHAIRMAN. You may go ahead.

Mrs. LOHLE. O. K., Senator. Thank you very kindly. I will have to be terribly fast.

**STATEMENT BY MRS. MARIE LOHLE, PITTSBURGH, PA.**

Mrs. LOHLE. I may be referred to by some people as a member of the "isolationist" group. Gentlemen, there is no such thing as an isolationist and there never has been. All persons with an ounce of Christianity in them believe that we should cooperate with our fellow humans. That requires international cooperation, but it does not require entangling alliances. "Isolationist" is but a smear word applied to cooperationists who do not want entangling political alliances by those who are partial to one foreign and who want us to play international favoritism. It is international favoritism, the desire to protect a so-called mother country against other countries and without consideration for the welfare of America, a favoritism which excluded the possibility of equal cooperation with all countries, which got us into World War I and World War II. And because the San Francisco Charter sets up a Security Council, composed of international favorites who have had to make many compromises with conscientious beliefs, it will lead to World War III.

Now, have I gone past my time? I am being fair with you. Have I gone past my time?

The CHAIRMAN. No; you have not.

Mrs. LOHLE. How long have I got?

The CHAIRMAN. You have 2½ minutes.

Mrs. LOHLE. Oh, bless your heart. You have already given me more than half a minute.

The CHAIRMAN. Let us not have all this frivolity.

Mrs. LOHLE. We must not be too serious.

The CHAIRMAN. It is a serious matter.

Mrs. LOHLE. It is a serious matter, but you can inject a little humor.

It has been said that the overwhelming majority of the American people are in favor of the San Francisco Charter. Such a statement is taking advantage of the fact that the overwhelming majority of Americans are in favor of equal peaceful cooperation with all of God's creatures, wherever they might be, and regardless of race, creed, color, or nationality. The overwhelming majority of Americans have not seen the San Francisco Charter, because only a very few newspapers printed it. It is just impossible for people to know whether they are in favor of something which they have never had opportunity to read. The widespread failure of newspapers to carry the Charter in full arouses the suspicion that there is something in it which the people would not favor, if they saw it. Should the Senate ratify this charter before the people have had opportunity to read it in newspapers and other periodicals would be a travesty on the idea that this is a government by the people. It would border on totalitarianism because it would constitute jamming something down people's throats.

We have never had a full investigation of Pearl Harbor. That has been generally conceded, but full investigation has been postponed because of military necessity. That necessity has now passed, and before this Charter is ratified the American people should have full information on Pearl Harbor. This Charter is supposedly for the purpose of preventing future wars. How could the American people make an intelligent decision on how to stay out of future wars while

they are denied full information leading to our involvement in this war?

We have no desire to attack the integrity or honesty of any person. However, it is a well accepted belief that prejudices often disqualify persons for certain tasks. The fact that this war has led to a request that the Senate make us a part of a world government, it is certain that a world government advocate is not qualified to head an investigation of the final act which got us into war. There should be a new Pearl Harbor investigation.

From what information Tyler Kent has been able to transmit to us it seems that he has something of value to us about events leading up to our involvement in war. If Tyler stole United States code messages he was guilty of larceny against the United States Government and should have been brought back to America for trial. To have surrendered him to a foreign government either constitutes an act of appeasement that is on a par with Munich and Yalta, or it indicates a conspiracy to keep pertinent information from the American people. How can you have government by the people when such information is denied them?

The United States Senate should look before it causes the United States to leap into the dark abyss of world government. And until you get full information on Tyler Kent you will not have looked.

Now, Senator Connally, I really feel that I should inject this into this. It was a letter that was written by a GI boy that is in one of our hospitals, and he is speaking on peacetime conscription. I won't read the whole letter because I don't want to upset you.

They asked me, "Is that peacetime draft going to leave us open to a dictator? It might set up a precedent that would eventually take away your freedom."

Bill (that's the fellow in the next bed by the door just brought in with one leg blown off above the knee and part of the other foot—stumbled on a mine field) said:

"When you go back to the States, don't let them push that bill through. Fight it."

I said, "But Bill, who am I? What can I do?"

Bill said, "Maybe if you wrote a letter to the paper and told what is what, somebody would take it up. Anyway, what can you lose?"

I said: "But Bill, I'm still in the Army and subject to military law and maybe it wouldn't rest so well with the authorities."

Bill said, "We still got a little freedom left back in the States."

Then he added, kinda like an afterthought, "I hope."

So you see, folks, how it is and why I'm writing this letter.

Now, Senator Connally, I want to say in conclusion that I think it is one of the most dastardly things that will ever be put across on our boys if this is put across while they are away. After all, they are doing the fighting and the dying. You have not got so many more days to live and I am not as young as I used to be either. And I think now that we have spent the greater part of our lives, Senator Connally, out of fairness to my daughter who represents those boys who have written to her, and she forgot to tell you that she received 167 letters from the boys in the armed forces since the 10th of last June, and not one letter criticized her—I say in fairness to the ideals of America and for the sake of your country, for God's sake, don't pass this Charter, for it is going to mean this damnable rag [exhibiting], eventually, and I want Old Glory for my flag.

Is that all I am allowed to say?

The CHAIRMAN. We are glad to have you testify.

Mrs. LOHLE. Do you want me to continue?

The CHAIRMAN. No; you have already exhausted your time.

Mrs. LOHLE. Now, don't forget this [indicating] is my flag.

The CHAIRMAN. The next witness is Mr. John T. Flynn.

**STATEMENT BY JOHN T. FLYNN, ECONOMIST AND JOURNALIST,  
NEW YORK, N. Y.**

The CHAIRMAN. This is Mr. John T. Flynn, of New York, a very distinguished economist and journalist whom most of you know.

Proceed, Mr. Flynn.

Mr. FLYNN. Mr. Chairman, may I ask how much time I will have?

The CHAIRMAN. You will have what you requested.

Mr. FLYNN. Mr. Chairman, I do not represent any organization. I talk entirely for myself and nobody is responsible for what I say except myself.

Mr. Stettinius, in presenting this Charter to this committee, said that it had been prepared to preserve peace and advance human progress; and the signers of the Charter, in the very pretentious preamble say:

To reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.

No man can possibly disagree with an enterprise the purpose of which is to preserve the peace of the world and to advance human progress; and if I believed that this Charter had been framed for that purpose, or that it accomplished that purpose or was a forward step in the direction of that purpose, I would be for it regardless of all its defects.

But I do not believe that it is a plan to prevent war or a plan to preserve human rights. I do not believe it will do any of these things.

Now, first, on the question of preventing war, after all, reasonable men who set about so vast an undertaking as that will begin by inquiring what are the causes of war. I think that here the framers of this Charter have proceeded on a theory which is not rational and which cannot be supported by the facts of history, and that is that Germany and Japan are the causes of war, and that if you can put down Germany and Japan and keep them disarmed, you can prevent war.

That theory will not stand the test of history. I am not defending Germany and Japan from the charge of being war makers. They are war makers, and the whole world knows it and knows of their guilt in this war.

What are the causes of war? Until you deal with those causes you will never prevent war, no matter what you write in the preamble of your Charter.

Prof. Quincy Wright has recently published a rather voluminous study of the origins of war, and in the first volume of that study he includes a group of tables prepared by the University of Chicago in a very extensive research into the number of wars fought in the last 400 years and the number of wars in which all of the nations of the world had been engaged. We need not worry about the old wars

in the fourteenth, fifteenth, sixteenth, seventeenth, or eighteenth centuries, but we certainly must look at the wars of the nineteenth century, our own century, the century of enlightenment and of a modern world, and of the present century for the record of the war makers in the last 140 years of world history.

Here is the record as summarized by me from these voluminous tables, which I shall be glad to include in the record for the information of anybody who wishes to pursue this subject further.

In the nineteenth century, in 100 years Prussia was engaged in 5 wars; Austria in 9 wars; Russia in 10 wars; Spain in 13 wars; France in 23 wars, and Great Britain in 28 wars.

In the present century, the first 41 years of it, the record is, Spain three wars; Austria three wars; Germany five wars; France six wars, and Great Britain seven wars.

This does not acquit Germany. I am giving you the European record. It makes it perfectly clear that these great nations in Europe, the six of them which I have named, have been constantly engaged in wars, numerous wars, over and over again during the last 140 years.

But suppose that you have dealt with the aggressor nations and brought an end to the causes of war by subjugating Germany and Japan and disarming them, and then presenting to the world a great confederation for peace and justice on the theory that you are now ending war or trying to end war. It seems to me that that is a very shallow and superficial approach to the whole subject of war.

Why are these nations engaged in these wars? The causes of these wars have been pretty well classified in this study. The chief causes are put down as imperialism and balance of power, the latter arising out of the imperialistic ambitions of these nations. The fundamental cause of war is this: These big and powerful nations have economic and social troubles just as every other nation, racial, dynastic—all sorts of things that urge men to act; but because of their power they assert the right, when they have economic and social problems to be dealt with, to march across their frontiers and move into the lands of other peoples and seize their territory and exploit their resources and hold their bases and do whatever they believe to be necessary for safety or defense or for the solution of the economic problems of these aggressor nations.

You are right when you say that wars come from these aggressor nations; but they come from all the aggressor nations, and you do not deal with the cause of war when you eliminate two aggressors and establish others of these aggressors in control of the world. You have not touched the cause of war. You will never touch the cause of war until you have gotten these nations, all of them, to renounce the right to solve their economic and other problems by attacking and holding, conquering and exploiting other countries, whether those attacks and conquests are recent or old, as long as the lands and territories of these other peoples are being held against their will.

You have a Council which is going to be in complete domination of this organization, so far as preserving the peace of the world is concerned, and it is in the complete control of four great nations. I eliminate China, because China is a poor and powerless nation at the moment. But the four great nations, the United States, Great Britain, France, and Russia—every one of them, with the exception of our own country—must be numbered amongst the greatest aggressors in the history of mankind, and the recent history of mankind.

I am not going to make any point of the present guilt of these aggressors, of England and her Empire, of France and her Empire. They are indefensible, in my humble opinion. I am not talking about the British Commonwealth of Nations. I know it would be a difficult thing to ask those countries to demobilize those empires right away; but until they are willing to say before the world that they have no such rights as they are now asserting you cannot put them in control of a world organization and call it an organization for peace, except in the preamble for sales purposes.

How are you going to stop war with this Charter? Suppose this Charter had been in existence before the first World War. How did that war begin? It began with an attack by Austria on little Serbia. If your Charter had been in existence then the Austro-Hungarian Empire, which was one of the great powers of the world, and one of the greatest war-making powers of the world, would most certainly have been a member of the Council; and when Austria undertook to take Serbia, what would have been the procedure? Serbia could have appealed to the Council, and when the matter came before the Council, Austria, as one of the great powers in the Council, would have vetoed any attempt to pronounce her an aggressor.

Then, if you wanted to stop the aggression by Austria, the first thing would have been to correct and destroy the Charter—the Charter which is organized for the purpose of restraining aggressors.

The only way in which you could restrain this aggressor would be to go outside the Charter and correct the Charter. And the same thing is true now.

Who are going to make wars in the future? The wars in the future are going to be made by these same aggressor states. They are not going to be made by little, bloodthirsty Finland or little Denmark or Belgium. They are going to be made by these great aggressor powers. How these wars will arise, no man can foresee. One thing is certain: We know that there are hundreds of millions of people now held under the dominion of these powers; and I do not believe, and I am sure you gentlemen do not believe, that these hundreds of millions of people in Europe, 115,000,000 people that Russia has seized directly or indirectly in the last few years, or the hundreds of millions of people in Asia, are going to cease to dream of this great objective of freedom which you are now holding up to the world as the object of this Charter. They are going to find ways to intrigue and to work and to struggle for their release from these powers, and they will find allies amongst these great powers whose imperialistic systems are hostile, very often, and contradictory, and presently the friends of the two aggressors you have now put down will turn up amongst some of the present allies and you will have another war in another generation or less, out of the aspirations of the 500,000,000 or 600,000,000 or 700,000,000 people of the world who are held in subjection by these aggressors.

If any attempt is made to stop any of these aggressor nations taking whatever measures are necessary to protect their conquests and their imperialisms, there is nothing you can do about it. You cannot stop them.

Practically everybody is restrained from making war, by this Charter, except the war makers; and if you try to stop them, they will veto your effort, and then the next thing you have to do is



what you would have had to do in the first World War—correct the Charter as a means of getting the peace.

There is another aspect of this matter which I think cannot possibly be ignored. When does war begin? As soon as Germany crossed the borders of Poland, Russia went in with her. Now you have these two powerful dictatorships launching upon conquest in Europe. They are both dictatorships. During the war in Europe our psychological warfare necessities required us to soft pedal any discussion of the character of our great ally in Europe, Russia.

I am no Red baiter. I favored years ago the recognition of Russia, and a great many people who now want to take Russia to their bosoms, were denouncing her.

I think the Russian people have a right to run their own affairs. They have lived under dictators and oppressors for centuries; they know no other form of life. The dictatorship they have now is not new; it is merely more complete than any they have ever had, for you have in Russia the most complete tyranny that the world has ever known, for the Russian Government is not only a state with totalitarian political powers to rule every human being within its borders, without limitation, but it is also the employer of every man, woman, and child within its borders; and a greater and more complete totalitarian tyranny you cannot possibly imagine. That is what it is; and it is a brutal tyranny, no less brutal than the one that we have just defeated.

I do not say this now for the purpose of baiting Russians, but because we have a decision to make about our own future, and we are bound to be realistic about it.

And let me quote to you what someone else has said about Russia:

The Soviet Union, as a matter of practical fact, known to you and known to all the world, is a dictatorship as absolute as any other dictatorship in the world.

That was said by Franklin Delano Roosevelt, before Germany crossed the borders of Russia. But she is still the same ruthless dictatorship.

We are supposed to have liberated the little countries that were seized by Hitler. We have liberated a great many of them from under the heel of Hitler and transferred them to the heel of Stalin and Russia; and if you take Latvia, Esthonia, Lithuania, and half of Poland and, now, eastern Germany, Yugoslavia, and practically all the Balkans, you have got over 115,000,000 of Europeans who are living now within the orbit of the authority of communism. Nothing in the world can stop them from being organized as communist states.

I do not know what we can do about that. I do not want to go to war with Russia to transfer Poland from under the heel of the Russian dictatorship, after having assisted in holding her there. But I do not want this nation to collaborate in this infamy. That is what we are doing here, because this Charter that we are talking about now is not the whole of this foreign policy with which we are dealing. It is only a part, one section of the foreign policy. Other sections are to be found in the policies and in the commitments which we have made or are asked to make.

Thus, for instance, we are asked to put \$2,500,000,000 into the International Fund of the Bretton Woods Agreement. We are asked to put \$3,175,000,000 into the International Bank of that

agreement. That is nearly \$6,000,000,000. We have at present in lend-lease about \$21,000,000,000 unexpended, and we have made agreements for post-war uses of this fund under section 3 (c) of the Lend-Lease Act which permits the President to make advances of funds out of Lend-lease after the war is over, on a credit basis.

England wants \$5,000,000,000 in the next year. I do not know how large a commitment she has. Russia wants \$6,000,000,000. We have got some kind of an arrangement with Belgium under lend-lease. Every country in South America wants billions, and every country in Europe and Asia wants billions.

Without undertaking to add up all the hopes and expectations of all the world as to the billions they are to get, there is about \$33,000,000,000 already more or less committed or in process of commitment, to be paid out to those foreign nations at the expiration of the war, and billions of it to Russia.

Now, to come back to my point, I say I do not want to go to war with Russia about these countries, and I do not want to refuse to recognize Russia or trade with her. But I do not want to pay the bills for Russia, for two purposes: one, to make her economic existence successful, and the other to enable her to hold faster and stronger upon the 115,000,000 people of Europe that she has taken under her heel.

That is what we will be doing. We are at the present moment in the midst of a great ideological struggle in this world. I do not see how any man can doubt that all of continental Europe has literally washed out of its life that system of economic life to which we are committed. Two-thirds of the populations of Europe and three-fourths of the land mass of Europe are under the dominion of Soviet Russia and communism. And what is left? France and Spain and Portugal. Spain is already fascist. France is going to be fascist. Who can stop it? She is on the road now to communism, and the only thing that will stop that will be a fascist movement. Italy will probably continue to be fascist, minus Mussolini. Fascism is only a vestibule or prologue to communism.

We have made Russia a successful military power. I am not detracting from her great courage and the magnificent fighting of her armies; but it was with American armament and American guns, American ammunition, planes and tanks, that she was enabled to defeat Hitler. But today she stands between the free capitalism and fascism and communism in Europe, the only great, successful combatant; and she has become that successful combatant with the power of her internal communist energies and with the supplementary power which came to her out of our capitalistic system. She enjoys this prestige of success, and if she can succeed, I am not willing to do anything to stop her. I do not consider myself wise enough to say that communism cannot be made to work if it is given a long enough time. I do not believe it can, but maybe it can; but I cannot see into the future far enough to know what will be the end of this.

I do not want to go into Russia and starve her or attack her. If that experiment is to succeed I want it to succeed on its own energy, and not on the energy of the capitalistic system which she is trying to destroy. I am not an apologist for the capitalistic system, with all of its shortcomings and faults and inconsistencies. I think it is the only system of life that has yet been devised by man under which he

can live in freedom. I know of no other nation of the world where it has had a chance, save in America, and here it has produced a degree of well-being which has been equaled nowhere in the world. It has many faults and it has many defects; it has many defects which have been introduced into it by its own capitalist friends, and they must be eradicated if it is to be made to work.

But you have got to make it work, or it will go. It is on its way now, under planned economy. That is nothing in the world but communism. If that comes, it is only an interlude between the fall of free capitalism and the arrival of communism.

So, if you are interested in building this system, you owe it to yourselves to use all the energies you have, to make all the sacrifices you have to make, because you have a competitor on the other side of the ocean that is engaged in an experiment which will destroy your country and its economic system and its representative government if that experiment succeeds.

I do not propose to lend my voice to the paying out of billions of dollars, first, to enable that economic system to succeed, and, secondly, to go into an organization which will enable her to rivet her hold upon two-thirds of Europe. She will do it, because, after all, gentlemen, you have not lost, I hope, your sense of regret, to put it mildly, that those little countries on the Baltic, Christian countries—such as Lithuania, with 80 percent of her people Catholics—are now incorporated in the body of the Soviet Union. You have not lost your sympathy, I hope, for little Finland, or for the people of Poland.

But there is nothing you can do about it; it is too late to do anything about it. Certainly you have not lost the hope that those nations may one day regain their freedom; but they will never regain it until the Russian Empire breaks up. And as part of this whole scheme of power which is being fabricated here, the San Francisco Charter, the Bretton Woods agreement, the postwar lend-lease credit arrangements, the Export-Import Bank, and all sorts of arrangements, plus loans from this country to foreign governments, countless billions of our dollars go to Russia and to Russia's satellites to make that system work in competition with your own.

I am against that. I am perfectly willing to go into an arrangement with Russia for peace. But this is not the whole story that we see in this Charter. It is only one facet of a foreign policy which ignores this past experience.

There is one other aspect to this. I frankly confess that I find myself simply bewildered and appalled at the gay insouciance which I find here in Washington, even among businessmen, talking about handing around billions of dollars, not only in America, but to the world.

I recall, and so do you gentlemen, not so very many years ago, about 7 or 8 years ago, when we had a soldiers' bonus bill which involved a billion and a half dollars. I think I could go back and dig up some of the speeches that were made here about how this billion and a half dollars was going to bankrupt America; and the President of the United States said so in a message to the Congress.

Men were talking about that billion and a half, which was nothing more or less than redeeming an outstanding obligation, and how it would bankrupt us and cause inflation. Men who were opposing that thing then are now talking about 25 billion, 50 billion, 100 billion,

200 billion, 250 billion, and saying it is nothing. They are talking about these vast sums without batting an eye.

I do not know what this war has cost to date, but on July 2 the sum amounted to \$259,000,000,000. We will have a debt of \$300,000,000,000 before we are through, or \$350,000,000,000. We have got plans in this country for vast outlays to the veterans, which you will have to meet, and about which men talk with apparent equanimity. We are talking about sending thirty or forty billion dollars' worth of goods abroad, apparently for the purpose of making their systems work and partly for the purpose of providing work here. Where is the money coming from? It has got to be borrowed. You cannot get it from taxation. From whom are you going to borrow it?

While you are busy remaking the world, in the coming year this Nation faces, without raising a single dollar of new money, meeting maturing obligations or possible maturing obligations of \$85,000,000,000. You have got \$45,000,000,000 in these lettered saving bonds, payable on demand, or 60 days after demand; a few of them 6 months after demand. The Government, in its great generosity, has said that all you have to do is to go to the bank window and ask for the money and you will get it.

No other government, as far as I know, in the history of this world has ever issued a demand bond of this kind. The people have been told that it would be a nest egg when the war was over. The bonds are in the hands of working men and women, and they will be out of jobs. They are in the hands of little businessmen, men of little means, millions of whom will be without income. They will be presenting those bonds to the Treasury for redemption the moment the war is over. They are beginning already.

In addition to that, you have got \$40,000,000,000 of short-term Treasury obligations outstanding. You have got more than that. I speak of \$40,000,000,000 due in the next 12 months. It must be funded in some way.

In addition to that, you have got hundreds and hundreds of millions and probably billions of dollars in the hands of people who have bought bonds to support this war; corporations, some of them. They have \$200,000,000 in bonds. Corporations do not want them. They are buying them wholly to support the war, because after the war is over they have a more dynamic use to make of their money. They will want this money, and the only way to get it is to sell these bonds on the open market, so that in the next year a hundred billion dollars in bonds will be looking for buyers or redeemers.

I would like to ask you where you are going to get all this additional money, when all the people have been buying bonds and are trying to cash the ones they have got. You face a fiscal crisis in this country, and a fiscal crisis so great that you cannot afford to go into a group of commitments like this, which is full of meaningless platitudes about peace and preventing war, which forms a nice facade for Bretton Woods and the other agreements through—by which we are going to pass out all these billions to Europe.

Is anybody thinking about the United States? Is anybody thinking about our economic system and our representative form of government? Is anybody thinking about what is ahead?

I hear a lot of people talking about the great purchasing power there will be because of savings. What savings? More than 80 percent

are locked up in bonds, and the only way is to convert them into cash and any time you do that it will wreck the credit of the American Government. You gentlemen face this appalling and staggering future. God help the poor former Congressman who has just become Secretary of the Treasury!

We sit around talking about giving billions to Russia to make her system work, and billions to Fascist countries in Europe to make their systems work. I say we had better call a halt. I am for international cooperation. I would be for a world order for peace—a real one.

If, when the American Nation was organized, there had been a Big Four—New York, Pennsylvania, Massachusetts, and Virginia—with permanent Members of the Senate while the others rotated membership, and they were allowed to pass on all the questions of war, with a Congress that was only a debating society, do you think the American Union would ever have been ratified by the States? Do you think it would have lasted? It would not have been a real union. It would not have been a real effort at peace on this continent.

This is what you have done. You have brought into existence a military alliance between four great powers, three of them great aggressors, and around that central core of the military alliance you have placed a halo of small nations without any power to do anything, selling it to the world as a great organization for peace.

I believe the American people have been sold this plan, Senator. It has been a grand job. As one who has been watching propaganda for a great many years, I take off my hat. You cannot turn on the radio at any hour of the day—morning, noon or night—whether you listen to the Metropolitan Opera or to a horse opera, a hill-billy band, a commentator or a newscaster, that you do not hear a plug for this great instrument for peace.

Nobody knows what it is all about. Nobody has read it. Nobody knows what is in it. It is the kind of propaganda that Hitler taught the world so effectively—"Don't argue with the people. Just put your idea in a slogan or a phrase and repeat it a dozen times a day until they all take it for granted."

That process has been used with extraordinary success and sold to the American people. But the American people will find out about it, and they are going to be a little bit surprised when they find out that they are underwriting, amongst other things, the success of the Soviet experiment in Europe, and that they have become also the underwriters of the Soviet domination of the people which Russia has recently taken under her wing.

It seems to me that this thing might have been discussed a little bit longer, like we discussed the Court plan, Senator—you remember that. You and I were on the same side, then, Senator. That was all greased to go through the Senate like lightning. But we had some Senators who believed in our system of government, and who said, "No; we will keep discussing this until the people of the United States know something about it." Yes; Senator George, Senator Connally, Senator Wheeler, Senator Johnson, Senator La Follette, and a lot of other Senators. They kept on discussing it until the people suddenly discovered that there was something worse than a Court of "nine old men."

After that discussion the thing never even got reported out of the committee to the House.

I believe that if this document were to be discussed as that was, it would be gotten before the American people and the people would have had a chance to mull it over and hear the other side of the story, on the radio and in the press and in the movies, and they might begin to have a different attitude on this matter.

I contend that it is a dangerous thing to take the people into this thing unless they are really for it as it is, not as it is presented to them, for the reason that it seems to me that the discussion of this thing ought to be carried on long enough here and in the Senate until the people of the United States can know what it is about and hear the other side of the story.

I do not know how you can present it. You cannot get it on the radio.

Anyhow, it is a grand job, and I congratulate whoever did it.

Now, gentlemen, one more thought, and I am through. I have not gone into the structural defects of this Charter. I have extensive memoranda on that. I think there are many things in this Charter that ought to be changed. I call your attention to one which comes to my mind now. I can think of others.

The Social and Economic Council is to have 18 members elected by the Assembly; but there is nothing in that that assures that America shall have any representative on that. I assume we will. We are a great power, too. It is conceivable that the Social and Economic Council, which will be making social and economic studies and recommendations, will be made up of a large majority of Fascists and Communist states which will be providing statistical information and exploiting the philosophy which is to guide this Charter. But I have not gone into the structural defects of it. I have merely been interested in details. I am primarily inspired by my apprehensions of the future of this country because of the economic jam into which we have gotten ourselves. We will need all our resources, all our power, all our sacrifice to pull ourselves out of this frightful hole. We will have no means of carrying out the commitments which we are about to make in connection with this Charter, and we put ourselves in the position perhaps of being one of the first of the members to "welsh" on the whole thing—which we cannot afford to do.

I do not mean that we should not take measures to protect ourselves against another war. I think Europe is headed for wars, ideological wars and wars of liberation; and the same thing is true of Asia. We are heading for our share without any more power to do anything about it than we have to do anything about the real issues involved in this one.

I think, therefore, that we should make up our minds to make a start in the direction of a federation of some kind that will work. No federation to preserve the peace will work unless every member renounces its authority and right to rule and control the lives of other people. I know of no other nation that can answer that description except here in this Western Hemisphere. There are some 22 nations which, whatever their faults in government, are at least not open to the criticism of being engaged in imperialistic ambitions of any kind. Of course, there have been a few boundary disputes in the past, but that is all.

It is possible to create in this hemisphere a great regional union to guarantee the peace and defense of this hemisphere. Europe can do the same thing if she has a mind to. If she has not a mind to do that, she certainly will be only a disturbing element in any world federation you have. After all, it is from Europe and your partners in this great design that all wars come.

If Europe wants peace in Europe, she can have it as we can have peace here. If she does not want peace in Europe, there is nothing that we can do to force her to have peace; and we ought not to be involved, by any treaty, in these disturbances.

I am for helping her in every possible way. I am for refusing money help to any of the Communist nations of Europe or the world. I am for cooperating with every nation in the interest of peace. I will go as far as they will go in any kind of a movement for peace. This is not a movement for peace. This is a movement to guarantee the present positions of aggression in the remaining aggressors. Beyond that I would not go.

I know there is no hope of bringing that view to the American people, because this thing has gone through too fast; and there is no way that I know of to change the minds of the Senators who have committed themselves to this. But I wanted at least to come here and sound this warning as to the future and as to the dark, dangerous waters into which we are sailing, and I want to raise my voice in protest against using any of the economic strength and any of the moral prestige of America to underwrite and guarantee the latest and most ruthless aggression that the world has known, which is now taking place in Europe, which is being carried on by one of the nations which has stepped in to rule over the world.

I thank you.

The CHAIRMAN. Have you any matter that you want to put into the record?

Mr. FLYNN. Yes, Mr. Chairman.

The CHAIRMAN. We will be glad to have any material that you would like to insert.

Are there any questions by Senators?

Senator TUNNELL. I did not quite understand the application. You spoke of the maturing obligations of the United States in the next year. They will mature just the same, whether we go into this organization or not, will they not?

Mr. FLYNN. That is correct, Senator.

Senator TUNNELL. Then it has no particular application to the ratification of this Charter.

Mr. FLYNN. Oh, I think it has.

Senator TUNNELL. What is the application?

Mr. FLYNN. My point is that this Charter is only part of the foreign policy of the Government at the present time, and the other parts involve the assumption of still vaster obligations in order to help out. I am not objecting to feeding them and doing everything we can to mitigate the destruction resulting from the war. But there is no way in which we can carry out the Bretton Woods commitment of additional billions for the Export-Import Bank or lend-lease commitments except by borrowing more money from the people of the United States.

Senator TUNNELL. Are they not separate questions?

Mr. FLYNN. I do not think they are. I think this whole thing is a part of our foreign policy, and we have aroused in the minds of our partners in this enterprise the expectation of getting these billions, and we cannot supply them. We have got to borrow 25 or 30 billions of dollars on the open market, at a moment when these other billions are maturing.

Senator TUNNELL. You said it was too late to prevent Russia from having control of two-thirds of the resources and three-fourths of the territory of Europe.

Mr. FLYNN. She has possession of them now.

Senator TUNNELL. You said it was too late to prevent that.

Mr. FLYNN. That time has passed.

Senator TUNNELL. When was that time?

Mr. FLYNN. Well, I do not know when the time was passed. I do not know how far any commitments which we might have gotten out of Russia as a condition to giving her help when she was on her knees would have been honored by Russia.

Senator TUNNELL. I was referring particularly to the fact that we have been getting some help from Russia.

Mr. FLYNN. No; I do not think we have. I think Russia was getting help from us, as all the nations in Europe were getting help from us, and they were helping us to help them.

Senator TUNNELL. Then your position is that Russia has not helped in this war?

Mr. FLYNN. I do not say that. I say she has helped herself in this war, and that as a consequence of that our task was made easier. But it was not so much helping ourselves as helping them.

Senator TUNNELL. Do you not think that the net result has been that we have been helped?

Mr. FLYNN. I do not agree with that, but I am perfectly willing to assume that. That is no reason why we should go on helping her to hold successfully millions of people that she has seized by conquest.

Mr. TUNNELL. I am taking your statement that the time has passed when we might have prevented Russia from having the control that she has in Europe.

Mr. FLYNN. Well, Senator, I am not prepared to say at what moment that time passed. I said before we got into the war that the war could have only one of two results; either Germany would win the war and dominate all the continent of Europe, or we would win the war and Russia would dominate the continent of Europe.

Senator TUNNELL. Which did you think was the preferable one?

Mr. FLYNN. I have no preference between them. I thought they were both brutal and abominable dictatorships, and I still think so.

Senator TUNNELL. You would have been just as satisfied if Germany had won?

Mr. FLYNN. I would not have been satisfied at all. I have no brief for Germany, but I do not see what is gained by spending our billions to take a man out of one prison and put him into another.

Senator TUNNELL. Do you think we are in just as bad a position as if we had not won the war?

Mr. FLYNN. No. Once we got into it we had to win it, regardless of consequences. But we are in a worse position than if we had not gone into the war.



Senator TUNNELL. Do you think we had a choice as to going in or not going in?

Mr. FLYNN. I most certainly do. We decided to go in when we began to involve ourselves voluntarily in it. There were a great many honest and decent people who believed we ought to involve ourselves. They said we ought to be in this war. There were a lot of other people that were not so honest that said we ought to go into the war in order to protect ourselves from being attacked. We went into it, and the moment we went into it, it could have only one result, namely, that we would win the war. But before we went into it I said, and I think the fact has now been demonstrated, that if Germany won the war Germany would dominate Europe, and if Germany lost the war Russia would dominate it.

Senator TUNNELL. But if Germany had won she would have dominated the Western Hemisphere?

Mr. FLYNN. That, of course, Senator, I never admitted and do not admit now. I think it is a fantastic and grotesque assumption.

The CHAIRMAN. Thank you very much, Mr. Flynn. You can insert whatever you like in the records.

(The documents referred to and submitted by the witness are as follows:)









TABLE 39.—List of wars, 1850-75—Continued

War	Date of beginning	Date of ending	Name of treaty of peace	Africa		North America											South America							Number of participants	Number of battles among 45 states <sup>1</sup>	Type of war <sup>1</sup>		
				Central Africa	North Africa	Costa Rica	Cuba	Guatemala	Haiti	Honduras	Mexico	Nicaragua	Santo Domingo	Salvador	United States	Argentina	Bolivia	Brazil	Chile	Colombia	Ecuador	Paraguay	Peru				Uruguay	
Third Central American <sup>2</sup>	1849	1858				54		49		49		59		49												5		B
Tai ping Rebellion <sup>2</sup>	Ang. —, 1850	July 19, 1864	(3)																							1		C
Conquest of Turkistan <sup>2</sup>	July —, 1852	Jan. 31, 1864	Askabad <sup>4</sup>																						2		I	
Montenegrin War	Feb. 12, 1853	Mar. 13, 1853																							2		C	
Crimean War <sup>4</sup>	Oct. 23, 1853	Mar. 30, 1856	Paris																						2	12	B	
Second Haiti-Santo Domingo <sup>2</sup>	1855	1856																							2		B	
Second Opium War <sup>2</sup>	Oct. 22, 1856	Oct. 24, 1860	Peking <sup>6</sup>																						3		I	
Sepoy Rebellion <sup>2</sup>	May 10, 1857	July 8, 1859	(7)																						3		I	
Moroccan War <sup>2</sup>	Oct. 22, 1859	Apr. 27, 1860	Fez		59																				3		I	
Italian War	Apr. 23, 1859	Nov. 10, 1859	Zurich																						3	5	I	
Peru-Ecuador <sup>2</sup>	1859	1859																							3		C	
Italian Revolution	May 11, 1860	Feb. 13, 1861	(8)																						3	5	C	
American Civil War <sup>2</sup>	Apr. 19, 1861	Apr. 2, 1866	(9)												61										3	50	C	
Japanese Restoration <sup>2</sup>	Aug. 13, 1863	Apr. 17, 1869	(10)																						3		C	
Mexican Expedition <sup>2 11</sup>	Apr. 4, 1862	June 27, 1867	(12)																						4	1	B	
Fourth Central American War <sup>2</sup>	Jan. 23, 1863	Nov. 15, 1863	(13)																						4		B	
Colombia-Ecuador <sup>2</sup>	Oct. —, 1863	Dec. 30, 1863																							2		B	
Spain-Peru <sup>2</sup>	Sept. 25, 1835	May 9, 1866	Paris <sup>14</sup>																						2		B	
Polish Insurrection	Jan. 22, 1863	Aug. 1, 1864	(15)																						2		B	
Lopez War <sup>2 14</sup>	Apr. 14, 1865	Mar. 1, 1870	(17)																						2		B	
Germany-Denmark	Feb. 1, 1864	Oct. 30, 1864	Vienna																						2		B	
Austro-Prussian	June 15, 1866	Aug. 23, 1866	Prague <sup>18</sup>																						4		B	
Spanish Civil War	Jan. 3, 1866	Sept. 28, 1868	(19)																						1	10	B	
Cretan Revolt	Sept. 2, 1866	— 1869	(20)																						1		B	
Cuban Revolt <sup>2</sup>	Oct. 10, 1868	Feb. 10, 1878	Lansón																						2		B	
Franco-Prussian	July 19, 1870	May 10, 1871	Frankfort <sup>21</sup>																						2	7	B	
Carlist War	Apr. 8, 1872	Feb. 28, 1876	(22)																						1	54	C	
Ashanti War <sup>2</sup>	Oct. 14, 1873	Feb. 13, 1874	Kumansi	74																					2		I	
Number wars participated in by each state				1	1	1	1	2	1	2	1	2	1	2	1	1	1	1	1	1	1	1	1	1	1	90	150	

<sup>1</sup> See table 31.

<sup>2</sup> Wars fought mainly outside Europe.

<sup>3</sup> The Taiping rebellion ended with the killing of its leader in 1864, though desultory fighting occurred after that event.

<sup>4</sup> The conquest of Turkestan ended with an imperial ukase announcing Turkestan as a Russian province in 1864. This was followed by hostilities on the Afghan border involving Russian, British, and native troops.

<sup>5</sup> The Turkish ultimatum to Russia expired Oct. 23, 1853, but hostilities had taken place with the Russian invasion of Turkish territory, Jan. 2, 1853.

<sup>6</sup> The Treaty of Tientsin, 1858, intended to conclude peace, was not observed but was reaffirmed by the Treaty of Peking, 1860.

<sup>7</sup> The Mogul Emperor was captured and banished in September 1858, the Mogul Empire was declared at an end, and the Government of India transferred to the Crown, after which, on July 8, 1859, peace was proclaimed.

<sup>8</sup> The Italian Revolution ended when King Frances of Naples escaped from the country in a French vessel, Feb. 13, 1861.

<sup>9</sup> According to the Supreme Court in the case of the Protector (12 Wall. 79, 1871) the war began in the far South by the blockade proclamation of Apr. 19, 1861, and in North Carolina and Virginia by the blockade proclamation of Apr. 27, 1861, and ended by the proclamation of Apr. 2, 1866, except in Texas, where it ended by the proclamation of Aug. 20, 1866. Lee had surrendered at Appomattox on Apr. 9, 1865, and Johnston surrendered the last Confederate army on Apr. 26, 1865.

<sup>10</sup> After the defeat of the supporters of the shogunate, restoration of the Emperor's power was marked by grant of the Charter Oath on Apr. 17, 1869.

<sup>11</sup> Small French, British, and Spanish forces landed at Vera Cruz in December 1861 but hostilities did not begin until Apr. 4, 1862, when 30,000 French troops were landed.

<sup>12</sup> The Emperor Maximilian was shot on June 19, 1867, soon after withdrawal of French troops, and Mexico City was taken by Juarez on June 27, 1867. The Allies had made a treaty with Juarez at Solidad, Feb. 19, 1862, after which Great Britain and Spain had withdrawn from the expedition.

<sup>13</sup> The war came to an end when General Carrera of Guatemala defeated General Barrios of Salvador. With Barrios' escape, no legal government existed with which to sign a treaty of peace. Carrera appointed General Ducas acting president of Salvador and retired to Guatemala with his army on Nov. 15, 1863.

<sup>14</sup> Hostilities ended with departure of the Spanish fleet, May 9, 1866. A truce was arranged through mediation by the United States in 1871 and a formal treaty of peace was signed between Spain and Peru at Paris Aug. 14, 1879, and between Spain and Chile at Lima, June 12, 1883.

<sup>15</sup> The Polish insurrection ended with the hanging of the insurrectionary leaders at Warsaw in August of 1864.

<sup>16</sup> Lopez attacked the Argentine on Apr. 14, 1865, though hostilities had occurred on Aug. 26, 1864, between Brazil and Uruguay and on Nov. 13, 1864, between Paraguay and Brazil.

<sup>17</sup> When Lopez was killed, the war came to an end. The conditions of peace imposed on Paraguay were those decided on by the terms of the treaty of alliance signed May 1, 1865, by Argentina, Brazil, and Uruguay.

<sup>18</sup> An armistice was signed at Nikolsburg, July 26, 1866. In addition to the Treaty of Prague with Prussia, Austria made separate treaties with Wurttemberg (Aug. 13), Baden (Aug. 17), Bavaria (Aug. 28), Hesse (Sept. 3), Saxony (Oct. 21), and Italy (Oct. 3) at Vienna. Venice was ceded to Italy and Prussia annexed Hanover.

<sup>19</sup> The insurgents defeated the royalists on Sept. 28, and the queen fled from Spain. The insurgent army entered Madrid on Oct. 3, and the provisional government of which it was the instrument was recognized by the powers on Oct. 25, 1868.

<sup>20</sup> The Cretan revolt ended in 1869 when hope for Greek intervention disappeared. Fighting of a sporadic nature continued until the end of that year.

<sup>21</sup> The Treaty of Frankfurt was preceded by the Preliminary Peace of Versailles, signed Feb. 26, 1871.

<sup>22</sup> The Carlist rebellion came to an end with the withdrawal of the Carlist forces from Guipuzoon, Feb. 20, 1876. Don Carlos, its leader, left Spain on Feb. 28. On Mar. 4, 1877, a general amnesty was extended to the Carlists who had submitted by Mar. 15.





<sup>1</sup> See table 31.

<sup>2</sup> The Treaty of Berlin was preceded by the preliminary Peace of San Stefano, Mar. 3, 1878, and followed by the definitive treaty of Constantinople, Feb. 8, 1879.

<sup>3</sup> Wars fought mainly outside Europe.

<sup>4</sup> Hostilities ended with the capture of Cetywayo, the Zulu king, on Aug. 29, 1879, followed by a British proclamation on Sept. 1.

<sup>5</sup> Amir Abdnrrahman, who defeated Ayub Khan, conducted his campaign with British backing. The war came to an end with defeat of Ayub on Oct. 3, 1881.

<sup>6</sup> The war ended with the defeat of the rebel, Arabi, on Sept. 7, 1882. Sporadic hostilities in the Sudan did not end until the fall of Dongola to Kitchener on Sept. 23, 1896.

<sup>7</sup> Treaties were signed by France with Annam (June 6, 1884) and Cambodia (June 17, 1884), but hostilities actually continued for a few months more.

<sup>8</sup> Queen Ranavale capitulated on Sept. 30, 1895, and on Oct. 1, 1895, accepted the protectorate treaty. Disturbances continued, and France declared the island annexed on Aug. 8, 1896.

<sup>9</sup> War ended without serious hostilities when the tribal king was taken prisoner by the British forces on their entry into Kumansi, Jan. 19, 1896.

<sup>10</sup> The Cretan Revolt continued after Greece had settled with Turkey and the concert of powers consisting of France, England, Russia, and Italy. Prince George, who had been given the post of high commissioner by the powers on Nov. 26, 1898, landed at Crete on Dec. 21, and hostilities ceased soon after Admiral Noel of the British Navy had hung the ringleaders of the revolt.

<sup>11</sup> A preliminary treaty of peace was signed after slight hostilities, Apr. 26, 1897, and the boundary question was settled by arbitration sponsored by the Greater Central American States.

<sup>12</sup> Preliminaries of peace were signed at Paris, Aug. 12, 1898, but hostilities continued against the Philippine insurgents until 1902.

<sup>13</sup> Great Britain proclaimed the annexation of South Africa on Sept. 1, 1900, but hostilities continued until the Peace of Vereeniging, signed at Pretoria, May 31, 1902.





<sup>1</sup> See table 31.

<sup>2</sup> Wars fought mainly outside Europe.

<sup>3</sup> A peace treaty between Salvador and Honduras on the one hand and Guatemala on the other was signed on the United States warship *Marblehead* on July 20, 1906, but war was renewed by Nicaragua in February 1907. A treaty of peace between Nicaragua and Salvador was signed at Amapala on Apr. 23, 1907, a peace protocol between all five republics was signed at Washington, Sept. 17, 1907, and a definitive peace treaty was signed at that place Dec. 20, 1907. (See D. P. Myers, "The Central American League of Nations," World Peace Foundation Pamphlet Series, VII (February 1917), 110 ff.)

<sup>4</sup> The inauguration of President Obregon, who was generally recognized, is considered to have ended the revolution.

<sup>5</sup> Turkey made peace with Bulgaria in the Treaty of Constantinople, Sept. 29, 1913, and with Greece in the Treaty of Athens, Nov. 14, 1913.

<sup>6</sup> There were 5 wars ended by distinct treaties and 79 bilateral wars. Germany, Austria-Hungary, Turkey, and Bulgaria signed a treaty of peace with Russia at Brest-Litovsk on March 1918 and with Rumania at Bucharest on May 6, 1918.

<sup>7</sup> The Treaty of Versailles was signed June 28, 1919, but did not go into effect until Jan. 10, 1920. Russia, Montenegro, Costa Rica, and Luxemburg did not sign it, although they had been at war with Germany. The United States signed a separate peace with Germany at Berlin on Aug. 15, 1921, which antedated peace to July 2, 1921, and China signed a separate peace at Peking on May 20, 1921, which went into effect June 28, 1921. Bolivia, Peru, Ecuador, and Uruguay had broken relations with Germany and signed the Treaty of Versailles, though they had not been at war.

<sup>8</sup> Russia, Montenegro, and San Marino, though at war with Austria and Hungary, did not sign the treaties of St. Germain (signed June 10, 1919, in force July 16, 1920) and Trianon (signed June 4, 1920, in force July 26, 1921).

<sup>9</sup> Of the 9 powers at war with Turkey all but Russia and Hejaz signed the Treaty of Lausanne (signed July 24, 1923, in force Aug. 6, 1924). In addition to these 7, Armenia, Belgium, Hejaz, Poland, Portugal, and Czechoslovakia signed the abortive Treaty of Sevres, Aug. 10, 1920.

<sup>10</sup> In addition to the 6 powers at war with Bulgaria which (except for Russia) signed the Treaty of Neuilly (signed Nov. 27, 1919, in force Aug. 19, 1920), 10 other allied and associated powers signed this treaty.

<sup>11</sup> Civil strife not recognized as a legal state of war was practically continuous in China from the republican opposition to Yuan Shi-kai's effort to reestablish monarchy in 1916, through the T'uchun wars from 1918 to 1925, through the nationalist advance in 1926-27, to the termination of the anti-Communist wars by the Sian agreement following Chiang Kai-shek's capture by Chang Hsueh-liang, in 1936.

<sup>12</sup> Articles for a treaty recognizing the Dominion status of the Irish Free State were signed Dec. 6, 1921, and went into force July 20, 1922.

<sup>13</sup> The Russian Revolutionary War was not recognized as a war in the legal sense. During its course Great Britain, France, Poland, Japan, and the United States intervened with military forces.

<sup>14</sup> Signed Mar. 18, 1921, in force Apr. 17, 1921.

<sup>15</sup> Vilna was assigned to Poland by the Conference of Ambassadors, Mar. 15, 1923, but Lithuania regarded itself in a state of latent war with Poland until the two accepted a resolution of the League Council in December 1927.

<sup>16</sup> This treaty also ended World War I against Turkey. Thus in law the Greco-Turkish War was merely a part of World War I, but in fact the latter ended with signature of the abortive Treaty of Sevres. From the diplomatic and military points of view the Greco-Turkish War was therefore an independent incident.

<sup>17</sup> A truce was signed on Jan. 3, 1929, followed by efforts at conciliation. Diplomatic relations were broken July 5, 1931. Paraguay's declaration of war on May 10, 1933, is said to have been rescinded a few days later (Shepard and Scroggs, *The United States in World Affairs, 1934-35*, p. 131).

<sup>18</sup> There was no legal state of war between China and Japan and diplomatic relations were never broken, but actual hostilities were carried on before and even after the Tangku truce.

<sup>19</sup> The resolution of the League Assembly in July 1936 terminating sanctions may be regarded as terminating this war, although hostilities continued and the major powers did not recognize Italy's conquest until 1938.

<sup>20</sup> No legal state of war was recognized in Spain, but an agreement to prevent assistance to either faction was accepted by most of the European states on Aug. 26, 1936. In spite of this, some assistance continued to be given for a time by Portugal and the Soviet Union, and Italy and Germany intervened with official forces on the side of the rebel government, which they had recognized as the government of Spain.

<sup>21</sup> In addition to the 42 states listed, Danzig, Iceland, Iraq, and Iran had become involved in this war before the end of 1941.

The CHAIRMAN. I will ask the reporter to include in the record at this point a letter dated September 27, 1943, from the Crusading Mothers of Pennsylvania and the National Blue Star Mothers and Women of Pennsylvania, addressed to the Senate.

(The document referred to and submitted by the chairman is as follows:)

SEPTEMBER 27, 1943.

OPEN LETTER TO THE UNITED STATES SENATE

*Honorable Sirs:*

We wish to put in the record our positive opposition to the term of the Fulbright resolution, concerning a declaration of the Federation of the World, as presented to the United States Senate.

We want to know who are the sponsors of this resolution and who gave them their instructions? We want to know from whom they received a mandate to change or in any way alter our form of government in these United States? The voters of this country did not give any such authority. Therefore, on this basis alone the Fulbright resolution, or Ball-Burton-Hatch-Hill resolution, must be condemned.

The mothers of this great Nation ask you to closely inquire into the true motives of the wealthy and influential organization behind the country-wide agitation seeking to turn our Government over to the will of a central world government, under a supreme ruler and a world legislative authority and police force. You know that this matter has not been presented to the electorate, and you know that the interests sponsoring the Fulbright, also the Ball-Burton-Hatch-Hill, resolutions are avoiding publicity and seek to obtain acceptance by the United States Senate as quietly as possible while our country is engaged in war. It is up to you and our citizens at large to determine how close this comes to high treason against the people of this Republic and their State and Federal Governments, established under written constitutions.

We know that the vast trust funds of the Carnegie Foundation, the Rhodes scholarships, and other sources of wealth are financing world government activity. We recall that Andrew Carnegie made his millions in this country while enjoying all of its privileges, but he never became an American citizen. We know that Cecil Rhodes made his millions in Africa (diamonds and gold) and was actively connected with the political and financial scandals of the Boer War and British imperialism—those things are in the British records. It is reported that the Rockefeller Foundation now cooperates with these several funds mentioned for imposing international government, an international bank, an international police force, and so forth, to make everybody good by the use of force and the end of war by the same means. These proposals are an insult to common sense.

It is astounding what an Oxford education can do to a Rhodes Scholar from this country, and how money can buy a brain trust to do its evil work against the wishes of the vast majority of our people, such as the lowering of our standards to those of the Russians, the Chinese, the Indians, and the millions of people in Africa, the Near East, etc., and even to those of the tax-ridden people of Great Britain whose standard of living is much lower than ours.

On March 11, 1943, the United Nations Forum of Philadelphia had a meeting, at a \$1-a-head admission, in the Academy of Music. A Justice of the Supreme Court was chairman of the evening session. Apparently our courts seem to consider it is ethical, and a part of the judicial work, to indulge in political activities while its members are in the trusted employ of the American people. We feel sure you do not approve of that. This Philadelphia Forum of some 3,000 persons presumes to represent the wishes of the 2,000,000 citizens in Philadelphia concerning World Government. (See the Evening Bulletin, March 19, 1943.)

In conclusion, I wish to point that neither the millions of voters in this country, nor the millions of our drafted soldiers in our military camps, and our soldier boys fighting in foreign lands, have been consulted concerning world government or this Fulbright resolution or Ball-Burton-Hatch-Hill resolution.

A minority group of internationally minded men and women agitating behind the backs of our armed forces will not be permitted to betray the people of this country or its flag, the Stars and Stripes. The lavish use of private money will not purchase this Republic.

If the promoters of world government would use their time and efforts to expose the dishonest money system in our country, at present farmed out to Federal Reserve bankers, they would do a great service to America.

Peace can be guaranteed only when Congress is restored its right to coin and regulate our money.

Cordially yours,

CATHARINE V. BROWN,  
*President, Crusading Mothers of Pennsylvania.*  
LILLIAN PARKS,  
*Secretary, National Blue Star Mothers and Women of Pennsylvania.*

The CHAIRMAN. The next witness is Mrs. Marshall Adams.

#### STATEMENT BY MRS. MARSHALL ADAMS, WASHINGTON, D. C.

Mrs. ADAMS. My name is Marshall Adams. Being a Washington radio commentator I realize the value of minutes, not alone minutes on airways, but world minutes, minutes which are being clocked off in working out world affairs.

Whom do I represent? No group or faction whatsoever, but myself, a young American woman with a radio commentator's job, with a husband overseas, and with a 3-year-old boy. I want to do what I can as an American woman to make this world a little better. Perhaps I represent many young women in this country. Perhaps I am going to be a bit more radical than the woman who was here a while ago who said that she represented Young America, and yet had nothing to say. Is Young America silent-lipped or apathetic?

One of the serious problems in this country is the lack of articulate effort on the part of Americans, whether women or men. I feel that we should have more vigor of expression, and I am very grateful for this opportunity of expressing my opinion.

Our stake in the present and in the future requires a belief in this Charter, even though some of us do not feel that it is a perfect Charter. Since it is on its way toward ratification, all of us must feel a sense of security and a sense of confidence in the Charter. I feel that you men here, and the men out in San Francisco, and many of the men from all over the world, have been sincere up to a point. It has been a very difficult and very trying job, an unusually difficult job. Naturally, there has been a great deal of loose criticism. But, if criticism is going to be constructive it must be based on these things; it must be based on knowledge by American men and women, regardless of their age, regardless of their scholastic background, regardless of their religion or color. It must be based on education.

I am very, very happy to have this opportunity of suggesting to other Americans that they try to think a little more seriously about what is going on.

I was horrified during the past 3 days of these hearings to realize in my talks with some of my women radio listeners to realize that they had not even read the Charter. How can they possibly digest or analyze the Charter or any other means of security unless they read it, unless they discuss it, unless they think about it in its various aspects? How can they get up here and criticize just for the sake of exposition and exploitation of themselves?

So, I feel that education is essential. Not using the word "education" loosely, but education whereby the preamble of the Charter is

made a part of our school system, where our teachers are given sufficient money, sufficient opportunity in their work so that they can be good representatives of an educational world system; so that the very necessity to learn and study is a part of American life, so that we do not just "take things easy" and as a great sprawling industrial nation feel satisfied and smug about ourselves.

There is another problem which confronts all of us today, and that is this business of propaganda. What Mr. Flynn had to say about propaganda was very interesting to me, because we get propaganda on the air and in our magazines and newspapers. But if we are going to criticize propaganda, does not the problem lie at our very own doorstep, because of accepting it as a basic fact instead of reasoning the problem out, writing our editors, our newspapers and radio stations, and our Representatives and Senators?

How can we possibly sit here in this room, or around our kitchen tables, and say that this Charter is bad, or that it is perfect, without feeling that we are part of that Charter because you men, our keymen, represented us? It was you men who helped to carry through the bill of human rights. Our educators helped, also. Therefore, we, as individual humans, are a part of the Charter, everyone of us.

If we are to understand the Charter—which affects several billions of people, which affects unborn babies—we must realize that there is a human interest side of a very human Charter. Therefore, it is a very personal thing, is it not? It is a document that is very important to us, and yet many of us say we do not understand it. Of course we do not—because we have not even read it.

Every person in this room should feel a little more close to a personal and democratic form of government. Perhaps many of our legislators are charlatans that are sitting in high posts because they enjoyed jobs that either dropped into their laps or because they had an opportunity, through money or other sources, to obtain high jobs. But, if we are going to make better laws we have to do it through own own efforts and our own methods. We have to vote, we have to think, we have to read, we have to write, we have to talk with people. We must realize the necessity of not listening to gossip and rumors of people from other nations and letting it affect us. If we are going to learn to understand these people we have got to learn their language. Our own State Department quite often sends representatives to foreign nations who do not understand the language of the people. I think that is a mistake which we will have to do something about in the future.

If we are going to create statesmen and politicians and diplomats of the future, we people right here today must do something about it. We must have more community life in our own States and cities and homes where we concentrate upon discussion groups of both national and international scope.

Finally, the Security Council must make clear to the public, to each and every one of us, what its policies are. We must try to understand those policies. We are the ones who must disprove or approve them for the Council is actually representing us. They are not supposed to be representing a few tycoons. So I feel absolutely that the thing we have got to get down to is closer knowledge and closer appreciation of what is going on in the world. Through these 4 days, these very fascinating and colorful 4 days in this caucus room, I have seen

the men and women of a gigantic young nation talking back and forth. They have had the opportunity of expressing their views. Some of them are skeptics. Others are realistic people who have many vital things to say. The very fact that they can say them here is a wonderful thing. It is a democratic gesture toward the future legislative understanding of international affairs. This is only one small part of the United States. Every person in this country can do the same thing, and thus each one can truly be a part of the Charter and of the United States Government.

In conclusion I would like to say that this Charter, in my opinion, humble as it is, is not a perfect Charter, but I feel that it comes nearer and closer to perfection and more to the grass roots advancement than anything we have ever attempted before. If we have to choose between two evils—although I dislike to use that phrase—the better of the two is the one which gives us the greatest opportunity for security and the greatest opportunity to make a better world.

I do hope that all of us will realize finally, that this is only the beginning. Some of us seem to feel that the Charter is the last word. It certainly is not the last word, because we as individuals are going to mold public opinion if we will only express our opinions. If we as individuals would be a little more sincere and a little less lazy about our public opinions we would have greater cooperation in an aim toward future peace in this country and with the nations of the world.

The CHAIRMAN. You are for the Charter, I understand?

Mrs. ADAMS. I hope that I have conveyed that impression.

The CHAIRMAN. Thank you very much.

#### STATEMENT OF HON. CHARLES O. ANDREWS, A UNITED STATES SENATOR FROM THE STATE OF FLORIDA

Senator ANDREWS. Mr. Chairman, I am presenting to the committee for inclusion in the record of the hearings on the United Nations Charter a letter which I have just received from the Honorable Hamilton Holt, president of Rollins College, Winter Park, Fla., whom you may recall attended the United Nations Conference in San Francisco. Dr. Holt is perhaps the only living member of the original group of distinguished American citizens who began the movement for world peace more than 40 years ago. He was one of the advisers of Woodrow Wilson during the peace treaty conference in Versailles at the end of World War I. Since that date Dr. Holt has spent a goodly portion of his time by means of voice and press in advocating a charter for the purposes which are now being accomplished.

Dr. Holt is taking his summer vacation at Woodstock, Conn. and offers to appear before the committee, but inasmuch as the hearings are to close today he will not have the opportunity to appear. Many Members of the Senate know Dr. Holt personally or know of him, and I feel that his letter is of such great importance that it should be included in the record of the hearings.

I am also submitting a letter which I have just received from the Honorable S. Bruce Jones, of Bristol, Va., to which is attached a copy of a letter written by Lt. Denis J. Jones, a paratrooper in France, upon receipt of the news that Mr. Jones' only son, a pilot on a flying fortress, had been killed in action. May I state that these two



letters so succinctly and ably express the sentiments of the hearts and minds of the average American that they should be perpetuated by being placed in the record of the hearings.

May I also state in behalf of the two and one-quarter million people of Florida, with many of whom I have talked recently, that deep appreciation is felt for the patriotic, able, and painstaking services which you, Senator Connally, Senator Vandenberg, Mr. Stettinius, and others in the American delegation rendered in behalf of world peace at the San Francisco Conference. The people of Florida pronounce the United Nations Charter to be the greatest document in behalf of the dignity and freedom of man that has been drafted since the beginning of history. They express also a view, in which I concur, that this Charter will be ratified almost unanimously by the United States Senate when the final vote is taken.

ROLLINS COLLEGE,  
*Winter Park, Fla., July 11, 1945.*

HON. CHARLES OSCAR ANDREWS,  
*United States Senate, Washington, D. C.*

DEAR SENATOR ANDREWS: I spent the first 6 weeks at the United Nations Conference in San Francisco, and, as you no doubt know, I sent a daily dispatch on the background of the Conference to the Orlando Daily Sentinel.

I suppose I must be the only living man who has been at the heart of this movement for world federation from the very beginning, for I have been promoting this movement through voice and pen and by establishing organizations for nearly 50 years. The men who were at the center of the movement at the beginning are all dead, and the men who are now in the saddle came in subsequently.

Dumbarton Oaks took perhaps 85 percent of their proposals directly from the Covenant of the League of Nations, the other 15 percent of suggestions were better than the proposals of the Covenant of the League, except in regard to disarmament. San Francisco, thanks to the initiative of the small nations like Australia, New Zealand, the Philippines and some of the South American states, so liberalized Dumbarton Oaks that the present United Nations Charter is 25 percent better than the Covenant.

I am very happy here taking something of a rest in my old-fashioned homestead, and am loath to leave it if possible, but if you think it would serve any purpose for me to apply to be heard before the Foreign Relations Committee in behalf of the Charter I will gladly come. Of course I know you are heart and soul for ratification, so I do not need to urge you to vote for it.

I hope you will have a happy and restful summer, and agree with me that when the United Nations are established it will mark the greatest milestone in international political progress since the establishment in 1787 in Philadelphia of the United States Constitution.

Faithfully yours,

HAMILTON HOLT.

JONES & WOODWARD,  
*Bristol, Va., July 11, 1945.*

HON. CHARLES O. ANDREWS,  
*United States Senate Office Building, Washington, D. C.*

DEAR SENATOR ANDREWS: Attached is a copy of a letter written by First Lt. Denis J. Jones, a paratrooper in France, who has since been decorated. This letter was written upon receipt of the news that my only son, Lt. Sydney Bruce Jones, Jr., a copilot on a Flying Fortress, had been killed in action.

The letter expresses so pointedly the hopes of the men who are doing the fighting that I thought it might be of interest to you, as a Member of the Senate, at this time.

The work of the San Francisco Conference cannot be perfect, but it is a beginning. It sets up the machinery which can be utilized by the nations as a means of settlements of disputes without resort to war, if the nations will use this machinery. For the Senate to fail to ratify this Charter would mean the abandonment of their leadership and the destruction of the hopes of the millions of common people.

Looking back over the last 26 years, I cannot escape the conclusion that if the Senate had approved the old League of Nations and if the people generally had not accepted the folly of isolation, the present war might have been deferred for many years, or possibly averted, and my boy would still be alive. Now, as then, the lives of innocent children, who are in no way responsible for the present condition of world affairs, will be affected by the action of the Senate.

Very truly yours,

S. BRUCE JONES.

FRANCE, *February 12, 1945.*

MY DEAR UNCLE BRUCE: Today I received word about Bruce, Jr. I find it hard to express my deep sorrow and sympathy, but you know exactly how I feel. Bruce and I were much closer than most cousins. I find it hard to believe that the good times we had are no more.

Today I had the second bath in over 6 weeks. We are back in France now, nice and safe, but during those 6 weeks, I lost many a good friend and expect to lose more, but what I'm getting at is this, were those men sacrificed for nothing? We are winning the war, certainly, but how about the "peace?" Will my son have to come over here 25 years from now and repeat this? If the soldiers could be shown proof that this was the war to end wars, they wouldn't mind the cold, rain, mud; and that hopeless feeling that hits us sometimes would disappear.

If the American public expects the soldier home from the battlefield to know all the answers for a lasting peace, they have another thought coming. We are taught destruction, not diplomacy, statesmanship, etc. We'll win the war, but you folks at home will have to win the peace.

Sincerely,

DENIS.

The CHAIRMAN. The next witness is Mr. Gerken. How much time do you think you can get along with?

Mr. GERKEN. I would like to have as much as 15 minutes.

The CHAIRMAN. We cannot give you that long. You were called yesterday and you were not here.

Mr. GERKEN. A telegram came that I have in my pocket and said to be here this morning.

The CHAIRMAN. You may proceed.

#### STATEMENT BY HUBERT J. GERKEN, VIENNA, VA.

Mr. GERKEN. My name is Hubert J. Gerken, Vienna, Va. I do not want to set the world on fire. All I want to do is to kindle two little sparks in your hearts, the spark of compassion and the spark of sympathy—a spark of compassion for the parents and a spark of sympathy for the little children—the little children of India, China, all across that vast expanse of Russia, the children of Finland, Poland, Norway, Denmark, Holland, Hungary, Czechoslovakia—yes, even the little children of Germany, of France, Italy, and sunny Spain. I hear their cries ringing in my ears, asking their mothers for food; and when I hear the mothers' reply that they have not anything to give them my heart breaks, and I am sure that yours would too if you could hear those cries as I hear them. I am a Virginia farmer, and when I hear these cries ringing in my ears I want to throw aside my pail and milking stool and take my pitchfork and go after those that brought this situation about.

Some years ago there ran from Washington over at Fairfax, Va., an electric railroad. Because of competition with busses and trucks that railroad was abandoned and the rails rusted there for years. Then there came a time when a gang of laborers took up those rails, and the word was spread about that those rails were being loaded on

a ship to be sent to Japan. The thought came to me that something ought to be done to stop that movement; and as I was in Fairfax, speaking of that, there came out of the courthouse and down the steps and across the street right toward me the commonwealth attorney. I thought, here is my golden opportunity. I must speak to him about it. But I did not. I merely said, 'How do you do?' And I passed on. For China was a long ways off and I had to hurry home to hoe my garden.

Now, parts of those very rails are flying into the bodies of the boys of Fairfax County, and so I resolved that never again would I hold my silence. That is the reason why I am here.

I want to put before you the idea of an ecumenical commonwealth. This idea first came to me when I heard Mrs. Warfield speak, the wife of a missionary in Poland, upon the atrocities that were being committed in Poland. As a Virginian I could hardly control myself, for I had taken the oath of allegiance to Virginia. I wanted to rise up and shout aloud the battle cry of old Virginia, "Sic Semper Tyrannis." Such has ever been the battle cry of Virginians down through the ages. I wanted to renew by allegiance to the grand old Commonwealth of Virginia, the home of Patrick Henry, Thomas Jefferson, George Washington, Madison, Robert E. Lee, Woodrow Wilson, and Senator Carter Glass.

These are not only times that try the souls of men but times that call for great vision and courage. These are times when the very foundations of society and nations are breaking up and reforming so that all of us are called upon to see that what is being formed is good and in accord with the best interest of all mankind.

There are certain laws that underlie civic action just as there are laws that underlie scientific and mechanical action. These may be called the laws of ecumenical commonwealth; for example, whatever destroys any material thing such as food or clothing leaves all men that much poorer, and anything that increases material things makes all mankind that much richer. Whatever affects one person affects all persons.

If we are to have a world order of lasting peace, these laws, along with moral law, must be observed. They are as fundamental as laws of gravity and electricity.

It must be realized that the ultimate unit of any such order must be the individual. The League of Nations failed because it failed to touch the individual. The Constitution of the United States and the Declaration of Independence succeeded because they touched the individual with the words, "We the people."

We need to try to bring about a recognition of the existence of this ecumenical commonwealth and have all nations make this recognition to the extent that they will come together to give a body of law to such a commonwealth.

When such a commonwealth is set up it shall grant citizenship to an individual upon his meeting requirements tending to establish the fact that he is a man of good will. The commonwealth would set forth the individual's rights (as is done in the Bill of Rights in the United States Constitution), assert the individual's interdependence, and define the individual's obligation as well.

Any man who claims the right to life must be willing to produce the means of life and must do nothing that thwarts another man's means of livelihood.

Any man who claims the right to liberty must be willing to give up his own liberty even to the extent of laying down his life to obtain liberty for others.

Any man who claims the right to pursue happiness must be willing to restrain himself so that he does nothing that blocks others in their pursuit of happiness.

In setting up such a code of law or constitution, the Constitution of the United States, the Declaration of Independence, the "Guiding principles of a just and durable peace" as set forth by the Delaware Conferences of Churches along with such State documents as relate to the structure of government and the rights of citizens of China, France, Great Britain, and the Union of Soviet Socialist Republics, and other nations with republican form of government, should be studied and followed.

In addition to those rights set forth in the ninth guiding principle, men must have freedom of movement and of choice of their place of habitation with due respect to the rights of others.

A court must be set up which would have jurisdiction over all kinds of international disputes and have power to hold individuals as well as states or nations responsible for violation of international law, and to which any individual could appeal when his rights as set forth in the Code or Constitution were violated by any government or government agents. Such a court would be separate from the legislative body of the commonwealth and have a police force to enforce its orders. Because the citizenship that would be granted could not be bought or gotten by chance of birth, but would have to be acquired by each individual in line with the code set forth in the Charter. This is complicated, but so is a watch complicated. We have plenty of watches. It should be easy to work when we have such a good code as we have in the Constitution of the United States.

Three stages of membership in the commonwealth on a national level and three stages on the individual level should be provided as follows:

1. National prospective stage to which all nations would belong regardless of any action on their part, until they took the steps to advance to—

2. National potential stage to which all nations whose government had given recognition to and had signed the code of law or constitution of the Commonwealth would belong, and the

3. National participating stage to which would belong those nations which, in addition to having given recognition and signature to the code of the commonwealth, had a majority of its adult citizens recognized by the commonwealth as potential citizens.

1. Individual prospective citizens are all members of the human race, both adults and minors.

2. Individual potential citizens are all adult members of the human race who had met the requirement of the commonwealth among which would be the ability to read in at least one language, evidence of a sound mind, and of having done at least 2 years' useful work.

3. Individual participating citizens are any who have met the conditions of potential citizenship and who also have been citizens of a nation in the national potential stage.

The code of ecumenical commonwealth should provide for the outlawing of compulsive military training as being a form of human slavery. Just as "No nation can exist half slave and half free," so

this type of slavery must be abolished in all countries if it is to be abolished in any. The world has so shrunk since the above words were spoken that the whole is now smaller than the nation for which they were uttered.

No. 8 of the guiding principles calls for the control of military establishments. The outlawing of compulsive military training would provide one of the best ways of doing this.

Therefore, the code should provide that any nation resorting to compulsive military training after the code has been given recognition shall be considered to have committed an act of war against the commonwealth.

That is strong medicine, but we need strong medicine if the cancer of war is to be controlled.

Scientific developments have so increased man's power to do evil that unless advancement is made in the application of higher moral standards in dealings both between individuals and between nations, the world still continues to face the prospect of bigger and more horrible wars. This application must be made voluntarily, because any control by force produces hatred. The greater the force the greater the hatred produced. Only in such voluntary cooperation is there hope of peace. "Peace is not a static condition. It is the condition that prevails when men are drawn together in fellowship to overcome serious obstacles which lie in the way of a mutually desired end."

The CHAIRMAN. You have 1 minute remaining.

Mr. GERKEN. Thank you, sir.

In line with the above I do hereby petition the Senate of the United States to ratify the Charter of the United Nations with the provision that a convention shall be called within 6 months of the cessation of armed combat for the purpose of writing a bill of rights to the Charter giving recognition to the principles of ecumenical commonwealth.

Unless something of that sort is done, workingmen realize that we will only face the prospect of another war, for no matter what a man's name is, whether it be Adolf or Benito, or whatever, if anyone rises up to control individuals he will soon have the whole world going to war.

The CHAIRMAN. Thank you, Mr. Gerken.

The Chair wishes to announce that all applications for appearances are closed. Those who still want to be heard may file a statement for the record.

The committee will now recess until 2:30 this afternoon.

(Whereupon, at 1:20 p. m., a recess was taken until 2:30 p. m.)

#### AFTER RECESS

(The committee reconvened at 2:30 p. m., upon the expiration of the recess.)

The CHAIRMAN. The committee will come to order, please.

Is Mr. Jackson here?

Mr. JACKSON. Yes, sir.

The CHAIRMAN. Would you care to use 5 minutes, Mr. Jackson?

Mr. JACKSON. Five minutes?

The CHAIRMAN. Yes, sir.

Mr. JACKSON. Well, when you give one man 45 minutes, it is rather unfair.

The CHAIRMAN. All right; you do not need to appear, then, if you do not want to.

Mr. JACKSON. Oh, you do not want to hear me?

The CHAIRMAN. Well, we will hear you. Come on up here. You were offered 8 minutes yesterday, and you scorned it.

Mr. JACKSON. Well, perhaps it will be 5 minutes more than you want to hear.

#### **STATEMENT OF ARTHUR CHARLES JACKSON, WASHINGTON, D. C.**

The CHAIRMAN. Give your name and residence, and state whom you represent, please, for the record.

Mr. JACKSON. My name is Arthur Charles Jackson. After hearing so often from this Chair the pious hope that the Charter as formulated at San Francisco would be adopted without any reservation, I somewhat timidly approach this matter. I happened to be at San Francisco the same length of time that you were, Mr. Chairman, and attended most of the meetings. Prior to going, while in Florida seeking to recover from a bad trouble, I wrote to some 200 newspapers that probably more than half of the human race would be unrepresented or ignored at San Francisco; also that I was somewhat familiar with the ambitions, limitations, and frustrations of Lloyd George, Clemenceau, and Woodrow Wilson at Geneva, where I happened to be also. I said that in all probability bold, bad men would attempt the same old game, in the same old way, at San Francisco, but I hoped that in the shadow of the Golden Gate I could urge the Golden Rule of Jesus Christ as the one perfect rule of action that will bring life, liberty, and the pursuit of happiness for all everywhere.

I submit as a self-evident proposition that the world was not created for exploitation by munition makers and profiteers; that 30,000,000 young men can be better employed than in killing and being killed in the mad fury and futility of modern warfare. I propose that in the future any man, President or commoner, who permits war shall be recognized as a lunatic and treated accordingly.

That was sent to many papers. I should like to have incorporated in the record the charter as proposed by Stanley Jones, a charter in such marked contrast to that which was evolved at San Francisco. Stanley Jones, as you must all admit, is one of the greatest and most beloved missionaries since St. Paul walked the earth. To economize your time, may I read this?

The CHAIRMAN. You may read it if you like.

Mr. JACKSON. Pardon me?

The CHAIRMAN. Yes; go ahead.

Mr. JACKSON. To reaffirm and proclaim that we believe in democracy as the equality of opportunity. This affirmation of our belief in equality of opportunity would apply to all areas of life—political, social, economic, and religious. We would not cancel its effectiveness by compartmentizing this equality of people to all people of all classes, all creeds, all races, and both sexes. We would not cancel its effectiveness by limiting it to certain groups.

In view of the above principles, we stand for the abolition of imperialism. We will take steps toward its earliest possible abolition in all areas of life—political, social, economic, and religious.

As we repudiate any desire on the part of others to dominate the world, so we affirm that we ourselves have no desire to dominate it. We will impose on the people of Germany, Italy, and Japan no penalties or indemnities other than those which war itself imposes. We offer them a peace now based on one condition; namely, that they get rid of their war leaders, and enter with us into a new order based on equality of opportunity for all—for so-called friend and so-called foe alike. We stand for a new world order based on the above principles. We will work with all nations of good will, whatever their particular type of government, for the establishment of this.

(The speaker paused.)

The CHAIRMAN. Go ahead. Your time is running.

Mr. JACKSON. I notice that. Time is being occupied also.

We define good will as nonaggression, which in turn would mean no desire to dominate others, politically, socially, economically, or religiously.

From San Francisco I sent this telegram to President Truman:

Japanese now know defeat is coming. You can save a million lives and great cities. Guarantee no executions upon immediate and complete disarmament. The World Peace Council wishes to aid you in this most vital achievement of the past thousand years.

This is an open letter from the president of the World Peace Council and International Longfellow Society to the Emperor Hirohito, Tokyo, Japan, believing that President Truman and Generalissimo Chiang Kai-shek will accept the terms suggested if the Emperor will accept for Japan, thus ending the war:

The World Peace Council wishes to save your life and millions of your people and our people, all of whom are God's children. You are urged to end the war now by immediate armistice, restoration of conquered territories, and total disarmament, that all engaged may reengage in useful and creative occupations for mutual happiness and service, in place of murder, assassination, and massacre. We seek for you and yours immunity from all vengeance from the hour you order cease firing and surrender of arms and armament for destruction for conversion into implements for creation or rehabilitation, recognizing that in the sight of God all of us have been guilty in the awful nightmare of destruction, desolation, and death that has ravaged this great and good earth, which was created for the enjoyment and happiness of all who dwell in it.

The CHAIRMAN. You have 1 minute.

Mr. JACKSON. Thanks.

"Do as you would be done by" is the Golden Rule of Jesus, Buddha, and Confucius. Every hour's delay will be tragic beyond characterization. Instead of a Mussolini or a Hitler, you may become one of the world's greatest benefactors and be so recognized for ages to come. By ending war now and seeking peace on earth and good will, Hirohito may become a hero of heroes.

The CHAIRMAN. Very well. Your time has expired. Instead of 5 minutes, we gave you 17 minutes.

Mr. JACKSON. You gave me how many?

The CHAIRMAN. We gave you 17 minutes.

Mr. JACKSON. Oh, no; it has not been 17 minutes since I began. I have not been here that long.

The CHAIRMAN. You started at 2:34, and it is now 2:51.

Mr. JACKSON. You are a bad actor in keeping time.

The CHAIRMAN. We thank you for your graciousness to the committee.

Mr. JACKSON. I, however, would like to add just one more word.

The CHAIRMAN. All right; one word.

Mr. JACKSON. After having been in San Francisco the same length of time that you were, I regard the so-called Charter of Nations, or whatever you may like to term it, as a most dismal and abysmal failure.

The CHAIRMAN. Thank you very much.

With the testimony of the next witness, these hearings will close. We have given everybody who applied for time and was available here an opportunity to be heard.

We will now hear Mr. John Foster Dulles.

#### STATEMENT OF JOHN FOSTER DULLES, NEW YORK, N. Y.

The CHAIRMAN. Senators, Mr. Dulles was one of the chief official advisers to the United States delegation at San Francisco and rendered very useful and distinguished service with respect to a great many matters covered by the Charter.

Mr. Dulles, the committee is very happy to hear you and give consideration to your views.

Mr. DULLES. Mr. Chairman and members of the committee, it is a great privilege to meet with this committee and to have the opportunity of saying the last few words before you.

We all recognize that the United States is at this moment at a parting of the ways. Either we must act to continue the association of the United Nations, or else we must let that association lapse, and go it alone. After the last war the United States decided to go it alone. Great Britain and France decided to compete with each other for power on the Continent of Europe. Italy decided to expand in the Mediterranean and to cut Great Britain's life line to India. In the Far East, Japan decided to make China her puppet and to take over the economic and financial position of Great Britain in the Far East.

Those five decisions by the Big Five of that victory created such disunity that Germany evaded the provisions of the Treaty of Versailles and regained the power to do evil.

There is a widespread impression that Germany regained power because the Treaty of Versailles was a soft treaty. That is a complete illusion. I was at Versailles, and I can testify of my own knowledge that the temper of the Allied victors at that time was stern, as it is today. The treaty imposed was at that time looked upon as the most severe treaty of modern times. It dismembered the German Empire. It reduced Germany to military impotence and gave the Allies a permanent right to prolong that impotence. For example, Germany was permanently forbidden any submarines and any military or naval air forces, and there could be no manufacture by them of any war material without the approval of the Allies. The military terms were drawn by Marshal Foch and his aides and were as drastic as the best military minds of that time could devise.

No; the reason why Germany recovered her military might was not because the Treaty of Versailles was a soft treaty; it was because the Treaty of Versailles was not enforced. The reason why it was not enforced was that the victors fell out among themselves.

I assume we all agree that we do not want to do that again. If so, the only practical alternative is to adopt the San Francisco Charter.



However, the Senate does not need to do that merely because the Charter is the lesser of two evils. Actually, the document before you charts a path which we can pursue joyfully and without fear. Under it we remain the masters of our own destiny. The Charter does not subordinate us to any supergovernment. There is no right on the part of the United Nations Organization to intervene in our domestic affairs. There can be no use of force without our consent. If the joint adventure fails, we can withdraw.

There are some who express concern as to the power of the American representative on the Security Council. They forget that it is not our distinguished leader at San Francisco, Mr. Stettinius, who will be the member of the Security Council. It is no individual. The member of the Security Council is the United States of America. The United States will be the member of the Security Council. How the United States will act as a member of that Security Council is a matter of our own internal policy, just as the way the Soviet Union as a member of the Security Council will act in its capacity as a sovereign state is a matter of its internal procedure. Under our Constitution, the President, and the President alone, directs the current conduct of foreign affairs. But there can be no declaration of war except by the Congress. That is our internal procedure, it will remain our internal procedure, and all the world knows that fact.

It may or it may not hereafter become useful to decide by legislation whether or not the use of our military contingent to enforce peace is the equivalent of a declaration of war. But surely we can better determine that when we know what it is that we are talking about. Today there is no military contingent. After the organization is established the organization may negotiate with the members for military contingents. That agreement for military contingents, so far as the United States is concerned, will be subject to the ratification and consent of the Senate. When the Congress knows what will be proposed concerning the size, the character, and the area of possible use of an American military contingent then we will know what we are talking about, and then it may be desirable by statute to fix the relative responsibility of the President and the Congress. On the other hand, it may not seem desirable. The President and the Congress have got along pretty well for 160 years without any statutory definition of their respective responsibilities in that area.

I have talked about the force used by the Security Council. But the United Nations Organization will depend only slightly on military force. The primary reliance is upon pacific methods for the settlement of disputes; and above all, reliance is placed on embarking upon great tasks of human betterment, which will hold the members together in fellowship and in friendship. That is the great hope of the future. Unity, such as that we want to preserve, is the reaction to a common peril and a common effort to overcome that peril. Germany and Japan have been the perils which drew us together. With the complete defeat of Germany and Japan, that peril will seem to disappear. Then our unity, too, will disappear unless we find new, compelling tasks to pursue in common. It is such tasks that the San Francisco Charter proposes to the United Nations. It brands intolerance, repression, injustice, and economic want as the common perils of the future, just as Nazi Germany and imperialist Japan are the common

perils of today. It proposes that we stay united to wage war against those evils.

That proposal responds to the hopes and the aspirations of the peoples of the world. To take an example from my personal knowledge, some 2½ years ago the Federal Council of Churches, on the recommendation of a commission of which I was chairman, announced its six pillars of peace. The Charter which is now before you largely realizes the six basic proposals which were then formulated.

The Charter creates the "political framework for a continuing collaboration of the United Nations and, in due course, of neutral and enemy nations." They—the quoted words—were our first and basic pillar.

There is to be an Economic and Social Council, which will promote stability in the field of international trade and finance. That was our second pillar.

The General Assembly is to seek the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations. That was our third pillar.

The administration of non-self-governing peoples is made a sacred trust, to be used to develop self-government and free political institutions. That was our fourth pillar.

The Security Council will exercise a control over armament both positively, to put it behind law and order, and negatively, to prevent excessive military establishments. That was our fifth pillar.

The organization is to promote respect for human rights and for the fundamental freedoms of all and will establish a special Commission on Human Rights. That, in essence, was our sixth pillar.

It has long been a Christian thesis that peace is best sought by enlisting the nations in tasks that are curative and creative. That is the invitation of the present Charter. It is unthinkable that we should refuse that invitation. To accept it will not, of course, guarantee peace. Nothing that we can do will do that. But while we must take precautions against failure, we must at least take the best chance that prevents itself to avoid that failure. Why should we not take the chance that is presented by this Charter.

I have been listening here today to honest, sincere, and able opponents of the Charter. I have been unable to hear presented one single cogent reason why we should not accept this Charter.

It has been said that by this Charter we enter into a military alliance. That is not so—at least, in accordance with my conception of a military alliance. What is a military alliance? A military alliance is an agreement between two nations whereby they agree in advance that in the event of some future contingency, such as an attack by a third power, they will go to that nation's defense. In this Charter there is not a word which commits the United States in advance to use its armed forces. That decision will be made at the time in the light of the circumstances and in accordance with the judgment of the United States of America as a member of the Security Council.

It is said that by this Charter and by the Security Council the great nations will dominate the small. Well, you Senator Connally, who have been at San Francisco, know what the attitude at San Francisco was on the part of the small nations. There was one dominating fear

on the part of the small nations, and that was the fear that the Security Council would not act, rather than the fear that it would act. They fought to the last the veto power possessed in the Security Council, because they felt that there would not be action if it required the unanimous consent of the five permanent members. The small powers at San Francisco were not afraid that the Security Council would act; their only fear was that it would not act. They can speak better for themselves than some of the people here today who profess to speak on their behalf.

It is said that this Charter will perpetuate colonial imperialism. Well, I admit that the Charter does not at a single step terminate all colonial imperialism. But, I say that the greatest step in advance that has ever been made in modern times is the fact that by this Charter every colonial power, without exception, subscribed to the proposition that the administration of colonial peoples is a sacred trust to be administered with a view to their ultimate self-government and the establishment of their free institutions. There are those today who speak for the colonial peoples who seem to think that that declaration is meaningless and that the purpose and effect of this Charter are to perpetuate colonial domination.

Mr. Chairman, again I say that there were at San Francisco people who were battling for the rights of colonial peoples, with as good a right to speak on their behalf as anyone who has spoken here today, and those people who battled at San Francisco for the colonial peoples feel that, at least, this Charter is a great achievement which opens a door, such as the world has never before seen, to a liberation ultimately of the colonial dependent peoples of the world.

It is said that this Charter will commit us to perpetuate the provisions of an unjust peace. Of course, there is in the Charter no automatic protection against an unjust peace and no automatic way of at once undoing all the injustice in the world. But we do have the provision, which was so gallantly fought for, particularly by Senator Vandenberg, which gives the Assembly the right to look into any situation, regardless of origin, which it deems unjust or likely to impair the good relations between nations and to make recommendations as to the rectification of that situation.

I say that while that will not assure justice, certainly to tear up that provision, which was gained through gallant fighting on behalf of the American delegation, and to go back to a world where there is not even that opportunity to review any injustice, would certainly be a step in retrogression.

It is said that we cannot go into this Charter because it involves our collaboration with those who in the past have been aggressors. Well, let him who is innocent throw the first stone. By any test that we can apply, the United States in days past has been an aggressor. Largely through force or the threat of force we expanded our domain from a small strip along the Atlantic seaboard to a great continental and, almost, world empire. There are some nations which think that we did it by aggression; and as I say, by the same tests that the speaker would apply to other nations, we, too, must stand condemned. Who, then, is to collaborate, and with whom are we to collaborate, and who is to collaborate with us, if no one is to collaborate with an aggressor? A collaboration which is limited to no collaboration between nations that have been aggressors is another way of saying that we must forever stand in isolation ourselves.

Then, it is said that we should retire into hemispheric isolation. That is the only constructive alternative, if you call it such, that I have heard put forward today by the opponents of this Charter. It was put forward by a gentleman who a few moments before had wept tears because he said we have lost our sympathy for Poland. Well, if we are going to retire into hemispheric isolation, we will have to lose our sympathy for more than Poland. As he portrays it, there is this great struggle going on in the world. Are we going to abandon everybody in Europe? It does not seem to me to make sense, on the one hand, to attack the Charter because it does not do enough for Poland, and then, on the other hand, to recommend as the only alternative that we retire to hemispheric isolation.

Finally, it is said that we cannot go into this Charter because of the huge public debt of the United States and the large sums that we have expended in aid to others by way of lend-lease. I would point out that the huge public debt which we have is a huge public debt which came about at a time when we avoided such association with other nations as is now proposed, and that the sums we have expended as an aid to lend-lease have not occurred under the association that is proposed. There is not a single word or line in this Charter which by affirmative implication commits the United States to any financial aid whatever, any more than it commits the other nations to financial aid to the United States. The question of policy in that respect is a policy which each nation will decide for itself, entirely independent of the undertakings of the Charter, which relate in no way whatsoever to the question of extending financial aid as between members of the United Nations.

Now, of course, I recognize that this Charter does not do what many people would like—to guarantee at a single step perpetual peace. We would all like to see that done. But the world does not move at a single step from a condition of virtual anarchy to a condition of well-rounded political order. Those steps are made falteringly. There are missteps; there have been missteps. This, for all I know, may again turn out to be a misstep. But when the gentleman said, as he did say, that he did not himself know what to do, I say that here is, at least, a step which presents itself to us, which may be, or which has a good chance to be, a step forward onto new, firm, and higher ground. We cannot know that that is so, and because we cannot know that it is so, as I said earlier, we must take precautions accordingly. But because we cannot know that it is so is certainly no reason to take no action at all. It may be that permanent peace will be achieved only by trial and error; but it will never be achieved at all if we are afraid even to try.

Mr. Chairman, I should like to close with just one word as to the part which the Senate has played in the negotiation of this Treaty. I can say frankly that in the past I myself have had some doubts as to the wisdom of Senators participating in the negotiation of treaties. Those doubts, for me, were dispelled at San Francisco. The sudden death of President Roosevelt and the many problems with which President Truman had to cope all at once left a heavy burden of decision upon the American delegation. That burden was primarily borne by the Senate's two great Senators, Senator Connally and Senator Vandenberg. Within the councils of the American delegation, their views were the ones that carried finality and decision; and also in the committees and the commissions of the Conference,

it was the weight of their words and of their presence which time and again assured a Charter which would conform to what the United States Senate would want and would accept.

I recall occasions when I myself was asked to go to committee meetings to present the agreed American case. I accepted to do so on the understanding that one, at least, of two Senators would come with me. In each case, after I had finished speaking, the Senator present nodded his head to indicate support of what I had said. That senatorial nod carried far more potency than any words which I had been able to utter.

The San Francisco Conference made plain how greatly the United States Senate is honored and respected by other nations. Through the great ability, the wisdom, and the unremitting labor of Senators Connally and Vandenberg, that honor and respect have been enhanced. There has resulted a Charter which both engages our Nation to honorable cooperation for peace and justice and, at the same time, protects those precious American traditions of which the Senate is our principal custodian. That is why this Charter can be, and I hope will be, approved by the Senate without reservation and without dissent.

The CHAIRMAN. Thank you very much, Mr. Dulles. I feel that I am authorized by Senator Vandenberg, who is unfortunately absent to say on his behalf and on my behalf that we thank you very deeply for the kind words spoken respecting our endeavors at San Francisco.

Does any Senator desire to ask questions of Mr. Dulles?

Senator MILLIKIN. Mr. Chairman, may I ask a question?

The CHAIRMAN. Senator Millikin.

Senator MILLIKIN. Mr. Dulles, there is in the Charter a provision whereby the Security Council may present plans for disarmament. Without going into detail on the thing, is it your opinion that the amount and nature of the armaments of the United States will remain, despite the Charter, under the complete control of this country?

Mr. DULLES. I have no doubt about that whatsoever, Senator. At the most, all they can do is make a recommendation.

Senator MILLIKIN. Thank you. If I understood you correctly, Mr. Dulles, I thought you said that the Senate will have an opportunity to ratify the special agreement having to do with our contribution of force and material.

Mr. DULLES. Yes, sir.

Senator MILLIKIN. Is that your opinion?

Mr. DULLES. That is not only my opinion, but it is expressly stated in the Charter that the agreements are subject to ratification by the states in accordance with their constitutional processes.

Senator MILLIKIN. Then it is your opinion that to comply with our constitutional processes, that separate agreement would have to come to the Senate for ratification?

Mr. DULLES. It is, and that was the view of the American delegation. I think there is no doubt whatever about that.

Senator MILLIKIN. Is there any doubt about that, Mr. Dulles?

Mr. DULLES. No.

Senator MILLIKIN. And no disagreement of opinion on that?

Mr. DULLES. No.

Senator MILLIKIN. I take it that by ratification you mean ratification by the method of advising and consenting to a treaty?

Mr. DULLES. That is correct; by a two-thirds vote of the Senate.

Senator MILLIKIN. The reason why I asked the question is that you are, of course, aware of the fact that there is a large dispute as to what is the legitimate field for so-called executive agreements and treaties. You are definitely of the opinion that the special agreement referred to will have to be handled by supplemental treaty rather than by an executive agreement?

Mr. DULLES. I have no doubt whatever about that.

The CHAIRMAN. It was specifically stated in the Charter.

Mr. DULLES. It shall be, as I said, in accordance with the——

Senator MILLIKIN. Constitutional processes?

Mr. DULLES. Constitutional processes.

Senator MILLIKIN. But I direct your attention to the fact, if you please, that there is a large field of opinion that this sort of thing can be handled under our constitutional processes by executory agreement as distinguished from treaty, and I was pressing to get an answer from you on that, and I thank you very much for your answer.

Mr. DULLES. It is clearly my view, and it was the view of the entire United States delegation, that the agreement which will provide for the United States military contingent will have to be negotiated and then submitted to the Senate for ratification in the same way as a treaty.

Senator MILLIKIN. I should like to ask if that is the opinion of the chairman of the committee.

The CHAIRMAN. It is most certainly the opinion of the chairman of the committee. I desire to call the Senator's attention to the fact that article 43, section 2, specifically provides as follows:

Such agreement or agreements shall govern the numbers and types of forces; their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

In other words, we in the agreement stipulate what we will do. Section 3 is as follows:

The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Our constitutional process is for us here at home to decide. There is no question in my mind that that means that the agreements must be ratified just like treaties are ratified, because they are with foreign countries. They are vital, they affect our military establishment, so they would have to be ratified by the United States Senate.

I thoroughly agree with Mr. Dulles that there was no question ever raised, so far as I know, in the Conference as to that effect.

Senator MILLIKIN. That answers it completely.

On page 48 of the report to the President on this Charter, Mr. Dulles, there is excerpted what appears to be an interpretation by the Conference of the right of withdrawal. Do you have that in mind?

Mr. DULLES. I have the topic very much in mind, yes.

Senator MILLIKIN. Perhaps you would like to read it?

Mr. DULLES. No.

Senator MILLIKIN. I should like to ask you whether, in your opinion, the reasons intimated there as to reasons for withdrawal or for the possibility of withdrawal are the only reasons—the only valid

reasons—outside of the exercise of sheer force or power, for withdrawing. Is this an exclusive statement of the reasons for which a nation might withdraw?

Mr. DULLES. In my opinion, it is not. I advised the United States delegation—

The CHAIRMAN. Will you please let me interrupt there, Mr. Dulles?

Mr. DULLES. Certainly.

The CHAIRMAN. Let me say, Senator Millikin, that Mr. Dulles, more than any other one connected with the American delegation, dealt with this particular question, and his aid and his advice were very instrumental in framing the language that you have just referred to.

Senator MILLIKIN. I am delighted that we can have the illumination that Mr. Dulles can throw on that, Mr. Chairman.

Mr. DULLES. It was my view from the beginning, and I so advised the United States delegation, that under the original Dumbarton Oaks proposals, where there was no provision either to allow withdrawal or to veto withdrawal, it followed, as a matter of law, that there was a right of withdrawal, the reason being that the agreement was not of a type which in any sense merged the member states into a new government or under which they gave up any of their independence. That being so, the arrangement was in the nature of a joint adventure, you might say, and not one whereby the member states lost their independence of action in any respect by merging it and creating a new government, as was done under the Constitution of the United States. So it was and is my view that, quite apart from any interpretation, there is a general right of withdrawal.

Now, morally, in my opinion, a nation ought not withdraw without reasons which are at least good to it. There was, I thought, serious objection, particularly at that late stage, in writing into the Charter an absolute right of withdrawal, as was the case with the League of Nations, because that would create a situation where a nation would not have to justify its conduct to its own people or to the world. They would merely say, "This is the type of organization we went into with the understanding that at any time and for any reason that we changed our mind, we could quit and get out." That was done under the League of Nations by the aggressor states of Germany, Italy, and Japan. They got out in order to have greater freedom to prepare for their continued aggression.

We did not want to follow the precedent of the League of Nations in that respect, and it seemed unnecessary to do so, insomuch as there was complete agreement among all delegations present that the lack of any provision for withdrawal, and also the lack of any prohibition of withdrawal, did leave a situation where nations might withdraw.

Does that make it clear?

Senator MILLIKIN. That makes it very, very clear.

Senator BARKLEY. Might I suggest that what you attempted to do was that, whereas you did not prevent withdrawal, you did not wish to put in language that would encourage withdrawal without sufficient reason?

Mr. DULLES. That is correct. There were two or three proposals originally made at San Francisco that there should be written into the Charter a clause prohibiting withdrawal. That was one of the

occasions when I went to a committee meeting—I forget whether or not Senator Connally was with me—and explained that it would be unacceptable to the United States to have in the Charter a provision prohibiting withdrawal. We explained our view of the situation much as I have explained it here to you, Senator.

That view was finally acquiesced in by everyone, and even the nations which at the beginning had proposed to prohibit withdrawal came around to the view that, after all, it was better to leave the matter in the state which I mentioned.

Senator MILLIKIN. Would you say, Mr. Dulles, that there was no conflict of opinion on the proposition you have laid down; that there were reasons for legitimate withdrawal in addition to those specified in the message referred to?

Mr. DULLES. Yes; the original statement on withdrawal was made—perhaps it is in the record; I do not recall—by Representative Eaton in a form which had previously been agreed upon with the American delegation.

The CHAIRMAN. It was expanded, though.

Mr. DULLES. I have it here somewhere, I think.

The CHAIRMAN. We later expanded it.

Mr. DULLES. Oh, yes; it was later expanded. The statement made was this:

It is the position of the United States delegation that there should be no amendment prohibiting withdrawal from the Organization. The memorandum of the repertoire of the drafting subcommittee on membership, read on May 14, suggests that if there is no prohibition of withdrawal, and if the Charter remains silent on this matter, any possibility of lawful withdrawal is eliminated. That is not my view. It is my opinion that if the Charter is silent on withdrawal, the possibility of withdrawal would have to be determined in any particular case in the light of the surrounding circumstances at the time.

That was the first statement of the American position that was made. Later on, after discussion, there was agreed upon the report of the committee, which you see, which indicates various reasons that the committee could already foresee would justify withdrawal. Three are mentioned, namely, if the organization is unable to achieve peace or cannot achieve peace except at the expense of justice; second, that amendments might be adopted which it could not accept—that does not apply to the United States, because of the fact that we have a veto power over amendments; and third, that amendments might be adopted by an overwhelming vote of the members at a convention and that those amendments which were deemed necessary to make the organization a vital, living thing might fail by reason of the exercise of veto power by a single State. That in turn, it was felt, might justify withdrawal; but those particular illustrations which were given are merely certain events which the committee foresaw and which it used to illustrate the basic proposition which I enunciate, namely, that the inherent nature of the organization is such that there is inherently a right of withdrawal.

Senator MILLIKIN. And each nation would have to be the judge of its own good faith?

Mr. DULLES. Each nation will have to be the judge of its own good faith; and all that we want to create is a situation where nations who contemplate withdrawal will feel under an obligation to justify their conduct to their own people and to the world. We want a moral restraint to keep people in as long as there is a moral reason to stay



in. If there is a moral reason to get out, such as the reason which the report mentions, namely, the inability to maintain peace with justice, then that in itself is a moral reason for getting out.

The CHAIRMAN. May I interject right there, Mr. Dulles?

Mr. DULLES. Yes, Mr. Chairman.

The CHAIRMAN. In addition to the grounds you gave, does not the committee report state the following:

If, however, a Member because of exceptional circumstances feels constrained to withdraw, and leave the burden of maintaining its national peace and security on the other Members, it is not the purpose of the Organization to compel that member to continue its cooperation in the Organization.

Now, "exceptional circumstances" covers a very broad field. The withdrawal clause is thus very elastic. Withdrawal may be by reason of exceptional circumstances, and the exceptional circumstances are to be judged by the withdrawing country. I think that answers the Senator.

Mr. DULLES. The point I should like to make, which is consistent with that, Senator, is that a withdrawal, I think, ought to be a justified withdrawal; in other words, not a withdrawal purely arbitrarily or for the purpose of regaining freedom to commit aggression.

The CHAIRMAN. In other words, the sanction against withdrawal is the adverse public opinion of the world, which the withdrawing power would have to take the risk of bringing upon itself?

Mr. DULLES. Precisely. We wanted to subject a withdrawing power to the moral pressure of public opinion and not create a situation as existed in the League of Nations, where there was a right which could be exercised without explanation or without reason or even for bad reasons.

Senator WHITE. I should like to ask this question or make this comment, whichever it is. If there is no prohibition in the treaty itself or the Charter itself against withdrawal, and if, as stated on page 48 of this text, there is no purpose in the organization to compel members to continue to cooperate, it seems to me that that is a clear recognition of the right in proper circumstances, although they may be exceptional circumstances, to withdraw, if a nation feels compelled to do so.

The CHAIRMAN. That is why I interjected.

Mr. DULLES. I think there is no doubt whatever about that, and we had no doubt in any delegation at San Francisco about that.

Senator MILLIKIN. Mr. Dulles, would you mind giving us the benefit of your observations of the relation of the Monroe Doctrine to this Charter?

Mr. DULLES. The question is as to the relation of the Monroe Doctrine to the Charter?

Senator MILLIKIN. Yes.

Mr. DULLES. The Monroe Doctrine is a doctrine originally enunciated and pursued as a doctrine of national self-defense. The words, as I recall, of the declaration state that the United States would look upon any attempt by a foreign power—a continental power—to extend either its colonial empire or its political system into this hemisphere as a threat to our peace and security. In other words, for 125 years we have sustained the proposition that for a European power to extend its colonial system or its political system to South

America is a threat to our national safety. That view has over that period of 125 years been acquiesced in by all the nations of the world.

Now, there is nothing whatever in the Charter which impairs a nation's right of self-defense. The prohibition against the use of force is a prohibition against the use of force for purposes inconsistent with the purposes of the Charter. Among the purposes of the Charter is security.

So it is my view—and I so expressed it to the United States Delegation—that there is nothing whatsoever in this Charter that impairs the Monroe Doctrine as a doctrine which has been proclaimed, sustained, and recognized by the world as a doctrine of self-defense.

Now, you have asked me about the Monroe Doctrine. The Monroe Doctrine has to an extent been enlarged or is in process of enlargement as a result of the Mexico Conference and the declaration of Chapultepec, where the doctrine of self-defense was enlarged to include the doctrine of collective self-defense and where the view was taken that an attack upon any of the republics of this hemisphere was an attack upon them all.

At San Francisco, one of the things which we stood for most stoutly, and which we achieved with the greatest difficulty, was a recognition of the fact that that doctrine of self-defense, enlarged at Chapultepec to be a doctrine of collective self-defense, could stand unimpaired and could function without the approval of the Security Council.

Senator AUSTIN. May I ask a question at that point?

The CHAIRMAN. Senator Austin.

Senator AUSTIN. Mr. Dulles, is it not a fact that the San Francisco Conference does not change the autonomous conditions of the regional arrangement with respect to the western hemisphere created by the Act of Chapultepec, that is, it is autonomous until the Security Council takes the steps that are necessary for security?

Mr. DULLES. It changed it in this respect only, Senator Austin: Without the Security Council and the new world organization we could have had in this hemisphere a regional organization which was wholly autonomous and which could act on its own initiative to maintain peace in this hemisphere without reference or regard whatsoever to any world organization. As it results from the Charter at San Francisco, the world security organization is given the first opportunity to maintain peace everywhere, using presumably regional organizations which it is invited to do but not absolutely compelled to do.

If, however, the Security Council fails to maintain peace and despite the existence of the Security Council there is an armed outbreak, then the regional organization moves in without regard to the Security Council.

Does that answer your question?

Senator AUSTIN. That answers the question; thank you.

Senator MILLIKIN. May I ask a question there, Mr. Chairman?

The CHAIRMAN. Senator Millikin.

Senator MILLIKIN. Would you say that conversely, Mr. Dulles, the Security Council would probably delegate that over-all power to the region to solve its own problems as best it could?

Mr. DULLES. I think that is probably true. Of course, you realize that so far as this hemispheric matter is concerned, the Security Council cannot act in this hemisphere without the consent of the United

States, so that it virtually is optional to the United States by virtue of its position as a permanent member of the Security Council to determine whether or not action in this hemisphere will be taken in the first instance through the Security Council, or whether we will vote against action by the Security Council, thereby automatically leaving it to the hemispheric defense to act.

Senator MILLIKIN. Let me repeat my question in a slightly different form.

So that there is nothing either in the Act of Chapultepec or in this Charter that impairs the Monroe Doctrine if we should ever have occasion to use it, or to put it in another way, if these regional multilateral arrangements should fail or if the Security Council should fail, we have not abandoned the Monroe Doctrine, and it stands there as, I might call it, as a club behind the door, as something that we can use in self-defense if we have to use it, is that correct?

Mr. DULLES. That is correct.

Senator MILLIKIN. Thank you very much.

The CHAIRMAN. Are there any other questions?

Senator TUNNELL. I would like to ask you this: In case the United States or any other of the five great nations wanted to withdraw—getting back to the idea of withdrawal—it would seem to me that any one of them would be a pretty undesirable member to the rest of them having the power of veto over any positive action, so that if they want to get out the chances are that the remaining nations would want them to get out, wouldn't they?

Mr. DULLES. I think you are entirely right about that. I often have in my law practice to deal with these contracts which establish a rather intimate personal relationship between people, and sometimes they want to have them run for an absolute period of years, 10 or 15 or 20 years. I always tell them that that is a foolish arrangement to make because if one of the parties to that arrangement wants to get out, it is a lot better that he should get out; and certainly any nation who did not want to be there could make itself so objectionable that the others would end up by expelling it. So we had better let it get out anyway.

Senator TUNNELL. So that the difficulty in getting out is not likely to bother any of the five nations?

Mr. DULLES. I would not think so.

The CHAIRMAN. Senator George would like to ask a question.

Senator GEORGE. Mr. Dulles, speaking of the agreement or agreements which are to govern the numbers and types of forces and the degree of readiness and general location and the nature of the facilities and assistance to be provided, as set out in article 43, subsection 2, is it your opinion that the United States in making available to the Council military contingents could restrict the place of the use of the forces—aside from the question of whether we could want to?

Mr. DULLES. There is no doubt in my mind but what we can do that.

Senator GEORGE. Aside from the wisdom of doing it. I quite agree that it would be an unwise thing, from my point of view, but I simply wanted your view on that question.

Mr. DULLES. I have no doubt that it can be done and I have no doubt that in a number of states it will be done.

Senator GEORGE. And that would not bring us—if Congress should subsequently in an implementing statute insert any provisions restricting the use of the military force made available to the Security

Council, that would not, in your judgment, bring us into collision with any affirmative grant or any affirmative obligation that we have assumed under this treaty?

Mr. DULLES. No. You speak of doing it by statute. The procedure will be by treaty—agreements submitted to the Senate for ratification.

Senator GEORGE. That is true with respect to the force, but it might become necessary for the Congress, or the Congress might deem it advisable to implement by purely domestic law, certain conditions that would apply to the representative of the United States or persons whom the United States should select.

Mr. DULLES. If restricted use of our military contingent were desired, Senator, I would think the wise thing to do would be to make provision for that in your basic military agreement which will come before the Senate for ratification.

In other words, you may assume commitments by that treaty which you could not honorably thereafter alter merely by statute. If you contemplate their alteration subsequently by statute, it would be wise, I think, to make provision to that effect in the basic military agreement.

Senator GEORGE. But aside from where it should be made, it is your opinion that a limitation of that kind could be, consistently with the obligations assumed under the Charter, inserted?

Mr. DULLES. There is no doubt in my mind whatever as to that. Many of the smaller member states already are clear in their own minds that they will not agree to make contingents available except for use in relatively near areas. Whether or not a great power wants to do that is a question of policy. As to the fact that it may do it, there is no doubt whatever in my mind.

Senator GEORGE. My question was as to the power. I thank you very much, and I want to take occasion to say that as one member of the committee I fully appreciate the very strong statement that you have made in defense of the Charter.

Mr. DULLES. Thank you.

The CHAIRMAN. I just wanted to call attention, on the line of Senator George's questions, to article 44. Under article 44, when the Council decides to use force, it shall before calling on a member not represented on the Security Council to provide armed forces in fulfillment of the obligations assumed under article 43, invite that member, if that member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that member's armed forces. In other words, upon the request of any member not a member of the Security Council, it may sit with the Security Council in considering what employment and where will be sent the troops from that particular country. It is not binding except that they have an opportunity to be represented.

Senator AUSTIN. I would like to have you refer to page 198 of the report to the President, article 43. This provides in section 1:

All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call; and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

Is there anything inconsistent in that provision with the interpretation you have just stated to the effect that an individual nation like

the United States might impose a limitation on the area in which its armed forces could be assigned to duty?

Mr. DULLES. No. In my opinion, Senator Austin, the phrase that they are "to be made available in accordance with a special agreement or agreements" enables the states to make any conditions which they want to attach, and I would think it quite probable that even the great powers, while they would probably want to make some forces available for use anywhere, that there would be some understanding whereby they would at least supply the preponderant force in the areas of their proximity.

I know that many of our Latin-American friends expect that we will, for instance, supply the bulk of any military contingent that is to operate in this hemisphere. Some of them are very much opposed to having the European contingents operate in this hemisphere, and if that view should be carried out, it might very well make provision for the fact that certain powers in Europe would not have contingents available in this hemisphere for use. That is a possibility.

But this whole matter must be explored much more fully than was the case at San Francisco. This has all got to be worked out by military people, and when that treaty comes back here it will impose problems considerably more difficult than those that are imposed by the ratification of this Charter. There are a number of problems still ahead which will raise problems, as I say, more difficult than are raised by the Charter itself.

The question of these military contingents, the possible question of fixing by statute the area within which the President can act without the authority of Congress, or a system perhaps whereby there would be joint action or joint control by the Congress and President; the question of what territories, if any, will be put under the trusteeship system—those are problems that you are going to have to work with in the future, and they will raise difficulties which are greater than any that are raised at the present time.

But the fact that there are difficulties concerned is no reason for not taking the first step. There are always going to be difficulties ahead, and when you solve the first batch, there will be a new crop around the corner.

Senator WILEY. Mr. Dulles, in connection with the questions just raised by Senator Austin, I want to ask you whether you interpret the terms "special agreement or agreements" to be synonymous with the word "treaty" as we understand it?

Mr. DULLES. I do.

Senator MILLIKIN. Mr. Dulles, throughout this whole hearing, strangely enough, there has been no estimate made of the amount of armed forces, the over-all employment of armed forces that might be required to operate under this Charter, and I should like to bump one or two thoughts against you and get your reaction to it.

As I see it, until the job of policing our defeated enemies is turned over to the organization contemplated by the Charter, and when you consider where the remaining possible fields of disturbance in the world may be, it seems to me that the initial force to support this plan would be nominal—let us call them—police forces. I wonder if you would go along with me that far to start with. Then I can see that as, if and when the job of policing our defeated enemies is turned

over to this organization there might be an expansion of power needed in this organization.

Mr. DULLES. Senator, I claim to be an international lawyer but I am not an international general. I am glad as an amateur to give a reaction to your remarks.

Senator MILLIKIN. Give me your amateurish reaction.

Mr. DULLES. My opinion is that the amount of military force required to make up these contingents ought to be very small for as far as anyone can predict reasonably ahead. As you point out, the force required to control Germany and Japan will not be supplied for a considerable period of time, at least, by the Security Council, and its military contingents.

In the second place, it will not be necessary to supply military contingents to deal with any one of the five major powers. So you eliminate at once five permanent members of the Council and the defeated enemy states. You can use your imagination and take any one of the most formidable remaining states, and then you can figure on the amount of force that would be required to keep that country under control.

And then you perhaps divide that into five, at a liberal estimate; but it could be divided more than that because it will be more than the five great powers that will be providing contingents, and the result which you get is that what would need to be supplied by any one power would seem to me to be very small. I think so the more because of the fact that in my personal opinion it will hardly be necessary at all to use this force for more than a demonstration. For if in fact the five permanent members of the Council are agreed to combine against any other state or group of states that can be thought of, that very fact will in itself serve to keep that state in order.

In other words, for as long a time as can be predicted ahead, there is no state or group of states which is going to stand up against the combined will of the Soviet Union, the United States of America, Great Britain, France, China, and at least two other nations.

Senator MILLIKIN. I think that is a very constructive contribution. There is just one other facet of that which I would like to develop. It seems to me that in the phase that you are talking about you have—let us call it—a policing problem, and later on you might come to a real war problem, and that draws a logical distinction between where the power might lie in this country to order troops into action as against one or the other of those two contingencies; in other words, it seems to me that possibly we can preserve and effectuate the constitutional power of the Congress and the power of the President depending upon the nature of the problem. The policing powers traditionally exercised by the President might possibly be kept in him, and the war powers might be kept in Congress, thus preserving in symmetry all of the constitutional powers of the Congress and the President.

Mr. DULLES. That is precisely what I referred to, Senator, in the first portion of my remarks when I said it seems to me foolish to be arguing now about this military contingent when nobody in the world has the slightest idea what it is. It may be just a few bombers; it might be half of the Air Force or half of the Navy of the United States, although I do not see why it should be; but it might be.

Now, when the matter must be dealt with as an internal domestic problem, it seems to me it will depend very greatly upon knowing

what it is we are talking about. If we are talking about a little bit of force necessary to be used as a police demonstration, that is the sort of thing that the President of the United States has done without concurrence by Congress since this Nation was founded.

On the other hand, if this is going to be a large volume of force which is going to put a big drain on the resources of the United States or commit us to great and costly adventures, then the Congress ought to have a voice in this matter. But as it stands today I don't know, and no one of you gentlemen can know, what it is we are talking about.

Senator WILEY. Do you agree with the conclusions of the Secretaries of War and the Navy that there is nothing in the provisions of this Charter with relation to trusteeship that would prejudice America's right to any of the strategic islands we have recovered in the Pacific?

Mr. DULLES. I agree wholly with that. There is an expressed provision which says that the question of what territories shall be put under trusteeship and under what terms shall be subsequently decided.

As far as this Charter is concerned, there is, I suppose, an expectation that has been created by the trusteeship system that something will come in under it. We have built a beautiful house here and everybody expects someone to live in it; but as far as any legal obligation is concerned, there is no reason whatever why any nation is bound to put any territories under trusteeship.

That is the reason why in what I have said elsewhere and here today, I have attached far more importance to the general declaration of colonial policy which applies to all colonial areas and attached relatively less importance to the trusteeship system.

The CHAIRMAN. Mr. Dulles, you are rather close to Governor Dewey. I do not have it here, but somewhere in the press I noticed a statement—I will try to procure it—that he approves of the Charter and its early ratification. Are you authorized to say that he did make such a statement?

Mr. DULLES. I am. I reported to him quite fully when I came back from San Francisco and went over the Charter fully with him, and when he went to the conference at Mackinac he there made a very strong statement not only urging ratification of the Charter, but urging it very promptly without reservations.

The CHAIRMAN. Thank you, Mr. Dulles. You have made a very fine statement and one which the committee appreciates and one to which it will give proper consideration in dealing with the Charter.

Mr. DULLES. Thank you very much.

The CHAIRMAN. At this point I want to insert in the record a resolution adopted by the Conference of Governors at Mackinac Island. It appears in the Congressional Record at page 7459.

(The resolution referred to is as follows:)

#### UNITED NATIONS CHARTER

The attainment of world peace has ever been the aim of civilized peoples. The recent San Francisco Conference has produced a charter, representing the determination of fifty peace-loving nations, that war be prevented.

We, as governors, declare our belief that the people of the several States are whole-heartedly in favor of the entry of the United States into this proposed international organization for world security.

We believe that the San Francisco Charter lays a firm foundation upon which continued progress toward justice and permanent peace can be made. No more worth-while achievement could be realized by freedom-loving men and women.

We endorse the United Nations Charter, as drafted, and urge its prompt approval by the United States Senate so that the United States can lead the way in this greatest of man's efforts.

The CHAIRMAN. At this point the hearings are closed. We shall excuse the visitors and the committee will have an executive session.

(Whereupon, at 4:10 p. m., the hearings were closed.)

(Subsequently the following excerpts from press comment on the Charter were presented by the Chairman for printing in the record.)

EXCERPTS FROM RECENT PRESS COMMENT ON THE UNITED NATIONS CHARTER

*New York Times, June 29, 1945*

"\* \* \* The Senator [Connally] wishes the United States to be the first, or at least among the first, to endorse the Charter, not only because this is only following our own lead but because early action here will encourage and speed up ratification by other nations.

"Another reason, equally urgent, is that Senate approval before the coming meeting of the Big Three would strengthen the President's hand by putting the position of this country beyond doubt. The League of Nations was also an American project, and our refusal to join it 25 years ago casts a long shadow. Until this shadow is dispelled for good we are at a disadvantage in making demands which can be justified only if we are pledged to full responsibility in carrying them out. When the Senate proclaims by an impressive majority that the United States is in the world to stay, the American case will be fortified in the difficult decisions that have to be made at the 'little peace conference'."

*Ibid., June 30, 1945*

"The appeal for prompt ratification of the new United Nations Charter which was made on Thursday by Senator Connally \* \* \* was echoed yesterday by two Republicans who played an active part in the conference at San Francisco. Senator Vandenberg \* \* \* lost no time in giving the Charter his warm endorsement. \* \* \* He believes, and we agree, that it is now or never for this country. \* \* \* John Foster Dulles, who served as a competent and useful adviser to the United States Delegation, emphasized that the Charter is 'a living and compelling document'. \* \* \*

"These two speeches, each in itself a powerful argument for prompt ratification of the Charter, are doubly welcome because they reaffirm, at the very start of the historic debate which is now beginning, the essentially nonpartisan character of the great issue of American participation in the new League of the United Nations \* \* \*"

*New York Herald Tribune, June 27, 1945*

"Guided by bitter experience, the achievement at San Francisco is at once much less ambitious, in many ways, than that envisaged by the authors of the covenant, but more precise and at vital points more positive. In at least three major respects it carries a surer promise of success. It has separated the formulation of a general machinery for keeping the peace from the innumerable pitfalls and problems of ending the war; and acceptance of the general scheme is thus preserved from the bitter controversies sure to be engendered in making the specific settlements. It represents, not a complete and logically consistent embodiment of any ideal plan, but a kind of least common denominator of what is today practically acceptable to all \* \* \*. It is conceived not as a final and static structure, but as a dynamic beginning, establishing very powerful, precise and practical instrumentalities for the peoples to use if they will \* \* \*."

"\* \* \* Because of what it is and the manner of its writing, the acceptance and ratification of this historic Charter should not be unduly difficult, here or elsewhere \* \* \*"

*Washington Post, July 1, 1945*

"For some time it has been evident that opposition to the United Nations Charter in the Senate has virtually collapsed \* \* \*"

"This cooperative mood on the part of the Senate will be further strengthened, we believe, by Senator Vandenberg's candor. 'I have signed the Charter,' he said, 'with no illusions regarding its imperfections and with no pretensions that it guarantees its own benign aims'. He accepts it, rather, as Benjamin Franklin accepted the Constitution, as a hopeful alternative to chaos \* \* \*"



*Ibid.* June 28, 1945

"The country at large will applaud the decision of the Senate to abandon plans for a July recess in order to pass upon the United Nations Charter. The task should be easy \* \* \*. As it is written, the Charter would have satisfied even Senator Lodge the elder, let alone the inheritors of his mantle.

"This is not necessarily a tribute to the Charter. It is a tribute to its draftsmanship, which from first to last has been done with an eye on its acceptability to the Senate, where, it was feared, there might be trouble if our national sovereignty were not kept unrestricted \* \* \* the product is a multilateral agreement aimed at the maintenance of constant consultation, in place of ad hoc diplomacy, coupled with a service agency in the shape of the Economic and Social Council \* \* \*. It is this Council that most appeals to this newspaper. Its presence in the Charter is heartening, and justifies in itself the campaign of the Americans United for World Organization for the dedication of July 4 as a day of discussion of the new Charter. Forty-two national organizations have already asked their memberships so to celebrate, and it looks as if there will be enough mass meetings throughout the land to give a powerful spur to prompt senatorial ratification."

*Washington Star*, June 29, 1945

"\* \* \* The hope has been expressed that the United States will be the first Nation to ratify the Charter. If this could be done it would signify to the world that we are embarking on this vital project, not with hesitant feet and crossed fingers, but with the fullest determination to do everything in our power to insure its success. And it is in that spirit that we and our associates must approach the future if there is to be any worth-while assurance of security in the world."

*Ibid.*, June 27, 1945

"The basic argument in behalf of the United Nations Security Charter was set forth in a few words last night by President Truman. 'If we had had this Charter a few years ago,' he said, 'and, above all, the will to use it, millions now dead would be alive \* \* \*'

"This is the undeniable, compelling fact which overrides all of the arguments that the Charter goes too far, or that it does not go far enough. With all of its imperfections, its compromises, and its evasions, this document, now signed by the representatives of 50 nations, provides the machinery which can be used to prevent another war."

*Baltimore Sun*, June 30, 1945

"It grows clearer every day that sentiment in the Senate is greatly in favor of a prompt ratification of the United Nations Charter.

"\* \* \* Months of the hardest kind of moral and intellectual labor, and many a hard-bought compromise, have gone into the making of the Charter. For years to come its structure and its functions will be subject to incessant discussion, correction, and refinement. For the present, what is needed is a simple act of affirmation, which the Senate has the power to make."

*Ibid.*, June 27, 1945

"Immediate ratification? Why not? The conference itself and the resulting document represent a triumph of single-minded devotion to a great purpose \* \* \*. Among the Senators, as among the people generally, minds are made up. Since that is so, much can be gained, and nothing can be lost, by prompt and decisive action in the Senate. We talk of world leadership. Now it is the Senate's opportunity to lead."

*Christian Science Monitor*, June 27, 1945

"To say that the Charter is imperfect, or only a first step, is not to belittle the work done at San Francisco. As the President reminds us, 'There are many who doubted that agreement could ever be reached by these 50 countries, differing so much in race and religion, in language and culture.' But not only were these differences surmounted but, 'in the spotlight of full publicity, in the tradition of liberty-loving people, opinions were expressed openly and freely.'

"This give and take \* \* \* has produced a groundwork for continued building by all the participants. \* \* \*"

*Pittsburgh Post-Gazette, June 27, 1945*

"A great step toward world order and security was taken yesterday when the delegates of 50 nations signed the United Nations Charter at San Francisco. The patient and painstaking negotiations, lasting 2 months, produced a document which all agree provides a sound basis for cooperative action to preserve the peace \* \* \*"

"President Truman told the delegates that the sentiment of the people of this country and of their representatives in the Senate is overwhelmingly for ratification of the Charter. The reference to the Senate was probably intended to reassure our foreign friends who have not forgotten that another President sponsored the League but the Senate rejected it. Any lingering misgivings on that score will be dispelled completely by a prompt Senate vote. We have assumed leadership in formulating the Charter; we should also lead in accepting it."

*Philadelphia Inquirer, June 27, 1945*

"First necessity for establishing the Charter as the strongest war-prevention agency in history is its prompt ratification by the United States Senate. We believe with the President that the overwhelming sentiment of our people is for immediate ratification. We hope the same is true of the Senate \* \* \*"

"There is no doubt whatever that a new structure of peace is rising on sturdy foundation. But it is not yet finished. Its completion, let it be remembered, demands the prompt ratification of the Charter by the Senate and wholehearted efforts by all the United Nations, maintaining their unity, to make it a living instrument for peace."

*Pittsfield (Mass.) Berkshire Eagle, June 26, 1945*

"\* \* \* Those who have labored at San Francisco realized that the best Charter that would be accepted by Russia and Great Britain and ratified by the United States Senate would necessarily be imperfect, but that without its acceptance by those nations no organization would be of any use whatever. They have written the best Charter that could be written at this time and for their work and for their accomplishments they deserve the thanks of the world."

*Detroit Free Press, July 2, 1945*

"The Senate has never been asked to approve a treaty so thoroughly thought through in advance as this compact of 50 nations \* \* \*"

"The Senate should be able to accept \* \* \* it \* \* \* without fear or misgivings. Whatever debate is regarded as necessary should be kept on a high and dignified plane. A squalid and acrimonious indulgence in mudslinging at other nations would be a poor beginning for this great adventure in international cooperation."

"With all its defects, the United Nations Charter affords the only program for forestalling World War III which free nations have been able to devise."

"The Senate should ratify it by a vote so resounding that it will be heard around the world."

*Des Moines Register, June 28, 1945*

"The United States Senate should ratify promptly—and by 'promptly' we mean exactly that. There is no need whatever for a long-drawn debate. The Senate participated in the making of the charter, through top Senate leaders of both Democratic and Republican parties who were participants at the Conference itself \* \* \*"

"The San Francisco Charter is a good and promising document \* \* \*. It is a big achievement."

"Besides this general reason for getting the Charter quickly ratified, a reason which applies to all countries, it is particularly important that ratification by our own country be fast."

"That is because of the record made after the First World War, when American participation in world organization was sabotaged and destroyed in our Senate. Fear that America will somehow do the same thing again has been one of the most bedeviling factors in the whole situation up until now and will remain so until all doubt of our ratification is ended \* \* \*"

"The two Senators from Iowa—Senator Wilson and Senator Hickenlooper—should immediately put themselves on the affirmative side. And when the time comes to vote they should vote accordingly."

*St. Louis Post-Dispatch, June 26, 1945*

"\* \* \* Mr. Truman wants immediate Senate action on the Charter. He wants to be able to tell Marshal Stalin and Prime Minister Churchill that we have not repeated our 1919 mistake. He is certainly right that time is of the essence. The people ought to back him in his justified desire for prompt action."

*Cleveland Plain Dealer, June 23, 1945*

"The important thing is the fact that there will be no delay by America in acting on the Charter. It is fitting that this nation should be one of the first to ratify the document which is the hope of the world. It is a document, whatever its present shortcomings, which is largely built on reality and 'not on shadows', to use the phrase of Field Marshal Jan Christian Smuts relative to the failures of the League of Nations."

*Cincinnati Enquirer, June 27, 1945*

"We are immensely gratified that a partisan fight seemingly has been avoided in the question of United States ratification of the Charter. The inclusion of top-ranking men from both major American parties seems to have avoided the atmosphere of partisan responsibility which doomed U. S. concurrence in the League of Nations program \* \* \*"

"We think the sooner the Senate does ratify the Charter—with, of course, due allowance for the process of consideration—the better it will be for the prospect of success of the United Nations organization. Mindful of what happened last time, other nations may well wait to see what we intend to do this time. We should waste no time demonstrating that we now intend to support a scheme of law and order in the world, as an alternative to the hideous sacrifice and cost of war."

*Springfield (Ill.) State Journal, June 11, 1945*

"\* \* \* Some Senators may vote against ratification. They are expected to be in a pitifully small and unimportant minority. The American people will want ratification. Under representative government that is exactly what they ought to have."

*Chicago Sun, June 28, 1945*

"The great task now goes to the Senate of the United States, and there need be no fear of the outcome. By reason of overwhelming support from the American people and their leaders, the treaty by which our republic will adhere to the Charter of the United Nations, and thus join the organization of the world, will be ratified with votes to spare.

"But there may be, from some backward-looking Senators, an attempt to procrastinate. Such a move should be defeated for these primary reasons:

"1. Immediate ratification by the United States—completing assurance that this strongest of nations has joined the world's cooperative organization for security and prosperity—will further improve the atmosphere for specific political settlements during momentous weeks now impending in Europe \* \* \*"

"2. The world needs the actual machinery of the United Nations functioning at the earliest possible time \* \* \*"

"Nor is there any valid reason for putting ratification off \* \* \*"

*New Orleans Times-Picayune, June 27, 1945*

"\* \* \* Senator Vandenberg declined to accept a place on the delegation until he was assured an absolutely free hand. His approval and active support of the 'great adventure to stop World War III before it starts' should check any tendency to make a party fight against it in the Senate or before the country.

"Washington reports that tentative canvasses of the Senate membership indicate a tremendous majority for ratification. That is good and 'important, if true.' Republican leaders like Vandenberg and Dulles can help to make it true for the Senate and the country alike."

*Raleigh (N. C.) News and Observer, July 1, 1945*

"There is only one way to earn a vacation in this period for the Senators charged with the responsibility of ratifying the Peace Charter. That is to ratify it at once \* \* \*"

*Chattanooga News Free Press, June 27, 1945*

"There should be no reservations this time \* \* \*"

"\* \* \* Let the Senate politicians beware of meddling with this document, as they did the last, for the American people, we believe, are in a large majority behind the President's appeal."

*Louisville Courier-Journal, June 17, 1945*

"\* \* \* Our unhappy record of the past demands rather that we be among the first to ratify this document born on our soil, embodying so many of our suspicions and hesitations, as well as the honest and prayerful hopes of all our people."

*Ibid., June 25, 1945*

"The decision of Senators Connally and Vandenberg to proceed directly from San Francisco to Washington this week and address the Senate at once is excellent, and so is the news of President Truman's reported optimism over the prospective ratification of the Charter. Mr. Truman knows the Senate as well as any man alive, and, if he believes there are fewer than a dozen votes against ratification in that body, there is good ground for rejoicing.

"But a question remains as to when the Senate will act. \* \* \*

"It is apparent that the only present ally of the bitter-end isolationists is delay \* \* \*."

*Miami Herald, June 26, 1945*

"\* \* \* It is to be hoped \* \* \* that critical Senators do not consume the hearings and floor discussions with attempts to weaken the Charter with reservations \* \* \*."

"What has been accomplished in San Francisco has been largely the handiwork of the United States representation.

"We have now come to the inescapable moment when we must act with the rest of the world for organized peace machinery and security or confess that we talk ideals but are not prepared to get down into the dust of the arena to make them live."

*Milwaukee Journal, June 26, 1945*

"The spirit of cooperation, the will to work together, the determination to build a world security organization \* \* \* have been present all through the arduous days in San Francisco \* \* \*. If they wither, or if we allow them to die, then all the words of the Charter are as dust on sheets of paper."

*Nashville Tennessean, June 24, 1945*

"The obligation of the Senate to act on the United Nations Charter with promptness is so patent that only the most compelling considerations can justify postponement until after the summer recess.

"\* \* \* The President wants this done \* \* \*." The people want it done. It should be done."

*Minneapolis Star Journal, June 25, 1945*

"The United States today is confronted with two duties. First, we must join the new organization. Second, we must work to make it effective.

"The United Nations as drafted at San Francisco is not a perfect organization. It may be seriously doubted that it will produce permanent peace. But it is the best organization that could be put together at this moment in history. It is the largest common denominator of world hopes and agreement upon the essentials of peace.

"It is, furthermore, the only organization now within our grasp. The choice is not between the United Nations and something different. The choice is between this step toward united action for peace and a return to international anarchy.

"That is no choice at all. The United States Senate in the first instance, and the people of the United States thereafter, must approve and boost the United Nations."

*Muskegon (Mich.) Chronicle, June 25, 1945*

"There is no right of anybody to deny this freedom of speech, or, it may be, to question the privilege to be exercised by Senators to fill the Congressional Record with their oratory.

"But the single disquieting fact is that the only effect of this talk can be to make less likely the success of the United Nations organization in achieving a lasting peace."

*Tacoma Times, June 25, 1945*

"\* \* \* After more than 2 months' deliberation, representatives of two score world nations have evolved a document that is a vast improvement over the original Dumbarton Oaks proposals. Meanwhile, despite the dubious doubts of sundry pessimists, the world conference sawed plenty of wood and has scored a momentous achievement \* \* \*."

"Developments of the past 2 months inspire hope that the United States will be the first of the major nations to approve the Charter \* \* \*.

"Proceedings of the San Francisco Conference have demonstrated, too, that nations, like individuals, can accomplish what they will to do. The world is a better place today because of the San Francisco Conference."

*Allanta Constitution, June 30, 1945*

"Speaking to his home people in Kansas City, President Harry S. Truman asked of the people of this country that they let the Senate know their feelings so there will be no hesitancy in signing the United Nations Charter.

"He asked that this Nation set an example by being first to sign, thus wiping out in some degree the example of refusal in 1919 \* \* \*.

"We believe it will be easy to get along in a republic of the world so long as we have leadership of the type Mr. Truman is supplying. By all means, let's be first to sign."

*San Francisco Chronicle, June 27, 1945*

"In closing the United Nations Conference President Truman said the things that are in the minds of the great majority of Americans. This Charter that has been framed is the hope of mankind for a better world. It must be put to use with a determination to make it work \* \* \*.

"Necessarily the powerful nations have had the strongest voices in the preparation of this Charter. The responsibility, as President Truman pointed out, is now on them to lead the way to international justice by their own example \* \* \*.

"President Truman is to submit the Charter to the United States Senate at once. In his speech here he stated the case on which the people of this country expect ratification."

*Utica Observer Dispatch, June 25, 1945*

"The draft of the United Nations Charter completed at San Francisco is generally admitted to be an improvement over the Dumbarton Oaks plan \* \* \*.

"In the light of what is known the arrangement must be accepted. The alternative is discord and continued international uneasiness much greater in scope than any doubts about the 'Frisco plan' can cause."

*Baltimore News-Post, June 29, 1945*

"It is a good thing for the world that so many nations have reached agreement upon how to start in the direction of permanent peace \* \* \*.

"The failure of the world to make the most of such an opportunity would, indeed, be, in the words of the President of the United States, a betrayal of 'all those who have died in order that we might meet here in freedom and safety.'"

*Washington News, June 26, 1945*

"The United Nations Charter voted by the San Francisco Conference last night is a small step toward an effective world peace league. To say less is to deny that something is better than nothing. To claim more for it may betray the people into a false security and a later reaction against international cooperation.

"Such an organization cannot prevent a world war, because it has no control over any big aggressor. Russia also forced into the Charter a veto power over peaceful settlement of disputes, and even over league investigations. Worse, the big-power veto privilege was extended to future amendments of the Charter.

"But we decline to be downhearted over these meager results. Better a slow start and world opinion realistically striving for something better, than a grandiose paper charter which the public considers a cure-all.

"Meanwhile, there is nothing to stop the United States from assuming peace leadership on the basis of the San Francisco Charter \* \* \*."

*Washington Times-Herald, June 28, 1945*

"The San Francisco Conference wound up Tuesday \* \* \*. It produced an elaborate United Nations Charter, which must be ratified by at least two-thirds of the Senate before it becomes binding on the United States—though this ratification is expected without much of a struggle \* \* \*.

"Actually, it is a mechanism for preserving the status quo indefinitely \* \* \*. 'How about ownership of strategic Pacific islands? \* \* \* Apparently, we get outright ownership of these, and do not have to be hampered by 'international trusteeships,' so-called.

"But it is to be hoped that the Senate will go over these clauses with microscopes and satisfy itself that there are no catches in them before it ratifies the United Nations Charter \* \* \*"

"For our own part, we've been dubious about this United Nations charter all along, and still are, but we hope we're wrong. If it postpones the next war as long as 1 year it will be worth all the Frisco pow-wow cost in dollars and hot air."

*Chicago Daily Tribune, June 27, 1945*

"The San Francisco Charter, although a fraud, is probably for the most part an innocuous one \* \* \*"

"Americans after reading the Charter inevitably ask themselves whether it will prevent wars. That is what it is supposed to do, but it won't \* \* \*"

"\* \* \* If we have peace for a time, it will not be because of the operation of the clumsy and self-defeating international mechanism outlined in the Charter but rather because none of the great nations chooses to start a war."

"It might have been much worse. If the colonial-minded Americans had had their way the Charter would have authorized the nations to combine against us to rob us and reduce us to servitude. We can be grateful that the conspiracy of these unbelievable people against their own country has been defeated."

*Ibid., July 4, 1945*

"\* \* \* Those who are eager to place our Nation in the new League of Nations assure us that their plan takes from us no particle of our independence. Only on those terms can the American people think of accepting membership in the new organization."

*Chicago Journal of Commerce, June 28, 1945*

"In the form in which it is to be presented to the signatory nations for ratifications, the security Charter probably is not the perfect instrument. Certainly, however, it is not the worst that could have been devised. Men of good will have done what they could, and if it doesn't work, that will be that. It will be up to men of later generations to try again."

*Omaha World Herald, July 4, 1945*

"So as our thoughts dwell on the Declaration (of Independence), we should be thinking, too, of another declaration—the Charter of the United Nations. Perhaps some day historians will decide that the signing of the Charter at San Francisco, was the greatest milestone in the history of mankind."

"For the principles of the Declaration of Independence—a declaration affecting only one people—are implicit in the Charter—a declaration affecting all peoples wherever they may be."

"Perhaps the most significant passage in the Declaration is the pledge 'to provide new guards for their future security.'"

"That is the heartstone of the Declaration of Independence and likewise the heartstone of the Charter. The Declaration worked because we, the American people, made it work. The Charter will work if not only we but all the peoples of the world resolve that it must."

*Tulsa Tribune, June 27, 1945*

"'You have created a great instrument for peace and security and human progress in the world', President Truman told the delegates from 50 countries to the United Nations Conference in San Francisco yesterday \* \* \*"

"Surely the President was speaking of our young friend, Crawford Wheeler, when he said some men had died that others might meet in freedom and safety in San Francisco to plan the way to end all wars. That's just what the citation says Crawford Wheeler died for \* \* \*"

"The Crawford Wheelers, living and dead, of the American Army in the Ardennes bulge, at Monschau, and in Bastogne made it possible that 'we might meet here in freedom and safety to create \* \* \* a great instrument for peace and security and human progress in the world.' The Crawford Wheelers of Pearl Harbor, Corregidor, Guadalcanal, North Africa, Sicily, Anzio, Normandy, Midway, Tarawa, Saipan, Iwo Jima, and Okinawa clinched our privilege."

"Now we must use it."

*Walter Lippmann, June 26, 1945*

"\* \* \* In basing the new organization on the principle of union, rather than on the idea of all nations policing all nations, the San Francisco Charter commits the United Nations to the development of an international society under the rule of law."

"The delegations at San Francisco have not created such a society. But they have designed institutions and laid down the commitments which, if we are wise and persevering, can be used to make the United Nations become an international society.

"More than that no one had the right to ask of the conference; to have done that much is to have done all that was possible, and to have earned in full measure the confidence and gratitude of mankind."

*Sumner Welles, June 27, 1945*

"\* \* \* There can be no alternative save anarchy and the certainty that future wars will be inevitable.

"The sooner the United States makes it plain to the other nations of the world, by ratification of the Charter, that it is participating wholeheartedly in this new attempt to organize the family of nations, and that it is determined to play its full part in making the Charter of the United Nations a success, the more likely it will be that the Charter will measure up to the hopes which are placed in it.

"The United States is now again presented, for the second time in a quarter of a century, with the opportunity to assume leadership in the task of constructing a free and a peaceful world, and thereby to insure its own safety and to advance its own welfare."

*George E. Sokolsky, June 29, 1945*

"That document represents the work of a large number of nations and therefore is a compromise. By the nature of such a meeting, it is probably the best compromise that could be achieved in the current circumstances. Being the work of men it cannot be perfect—and certainly no compromise can be perfect. Therefore, if we approach the problem with an eye for every flaw, we may overlook every instrument of value.

"If it is evident that we can get half a century, even quarter of a century of peace out of this Charter, I shall be for it. If we have nothing but a welter of words, I shall be against it.

"This Charter will take study and there is no hurry about it \* \* \*"

"If the will to peace is weak and the good faith of nations is lacking, no charter can be of value. As partisanship can play no part in any honest citizen's approach to the Charter, let us weigh its value in the love we have for our Children and their children and in the hope that we may not be forced again to see them in war."

*Life, July 9, 1945*

"This big-power formula is still the essence of the United Nations security system as far as force is concerned. But at San Francisco the United Nations far outgrew their semisecret origins. Without abandoning Dumbarton Oaks and Yalta, they went ahead and created a new world organ of their own \* \* \*"

"The San Francisco Charter is a credit to the democratic method of free discussion. This method not only brought the Charter to birth, but has now been institutionalized in the Charter for the good of the whole world. That, perhaps, is San Francisco's main achievement \* \* \*"

"And so the United Nations Organization, which may or may not keep the peace, will at least be a free forum. Like all free democracies, it will therefore be able to correct its own errors. With Ed Stettinius as the American representative we may be confident that it will stay that way. Yes, it 'can be' a great day in history."

*Harper's, July 1945 (Frederick Lewis Allen, editor)*

"Imperfect though it will be, let us hope it passes the Senate decisively and promptly. For unless we Americans earn a reputation for supporting rather than hamstringing our negotiators, our voice in the settlements still to be made will be equivocal. And these settlements will call for all the astute and generous statesmanship that the world can command."

*Nation, July 7, 1945 (Freda Kirchwey, editor)*

"The United Nations Charter provides a means to end the rule of the horse thief and the border raider in world affairs; it proposes to supplant lynch law with a sheriff and a justice of the peace. We believe the American people will support this effort, and we hope the Senate will follow President Truman's urgent advice and make the United States the first nation to ratify the Charter."

## LIST OF OTHER REPRESENTATIVE NEWSPAPER EDITORIALS GENERALLY FAVORABLE TO THE UNITED NATIONS CHARTER

Wilmington (Del.) News, June 27	Green Bay (Wis.) Gazette, June 28
Johnstown (Pa.) Tribune, June 27	El Paso Times, June 25
Worcester (Mass.) Telegram, June 27	Columbia (S. C.) State, June 26
Worcester (Mass.) Gazette, June 30	Columbia (S. C.) Record, June 26
Camden (N. J.) Courier, June 28	Charlotte (N. C.) Observer, June 28
Newark News, June 27	Winston-Salem (N. C.) Journal, June 27
Trenton Times-Advertiser, June 24	Roanoke (Va.) Times, June 27
Buffalo News, June 26	Richmond Times-Dispatch, June 27
Buffalo Courier-Express, June 28	Portsmouth (Va.) Star, June 29
Daily Worker (New York City), June 28	Atlanta Journal, June 27
Philadelphia Record, June 28	Augusta (Ga.) Chronicle, June 26
Philadelphia Bulletin, June 27	Ogden (Utah) Standard-Examiner, June 27
Detroit News, June 23	Oakland (Calif.) Tribune, June 27
Marquette (Mich.) Evening Journal, June 25	Reno (Nev.) Gazette, June 25
Grand Rapids (Mich.) Herald, July 1	New York Post, June 27
Madison Wisconsin State Journal, June 27	New York Sun, June 27
LaCrosse (Wis.) Tribune, June 27	Duluth (Minn.) News-Tribune, June 22
Chicago Daily News, June 23	Indianapolis Star, June 26
Dayton (Ohio) News, June 26	Huntington (W. Va.) Herald-Dispatch, June 25
Toledo (Ohio) Blade, June 27	Rock Island (Ill.) Argus, June 25
Mansfield (Ohio) News-Journal, June 23	Kalamazoo (Mich.) Gazette, July 1
Steubenville (Ohio) Herald-Star, June 28	Norfolk Virginian-Pilot, June 24
Youngstown (Ohio) Vindicator, June 26	New Orleans Times-Picayune, June 27
St. Louis Globe-Democrat, June 27	Pawtucket (R. I.) Times, June 25
Charleston (W. Va.) Gazette, June 27	Watertown (N. Y.) Times, July 3
Lincoln (Nebr.) State Journal, June 24	Sioux Falls (S. Dak.) Argus-Leader, June 25
Wichita (Kans.) Beacon, June 25	Houston Post, June 26
Montgomery (Ala.) Advertiser, June 26	St. Louis Star-Times, June 25
Little Rock Arkansas Democrat, June 27	Flint (Mich.) Journal, June 26
Miami (Fla.) News, June 27	Indianapolis News, July 2
Lexington (Ky.) Herald, June 27	Portland (Oreg.) Journal, July 4
Chattanooga Times, June 26	Philadelphia Inquirer, June 30
Memphis Commercial Appeal, June 24	

(The following statements were later received for inclusion in the record:)

## NATIONAL COUNCIL OF WOMEN OF THE U. S., NEW YORK, N. Y.

At the meeting of the executive committee of the National Council of Women of the U. S., Inc., on Thursday, June 28, 1945, in the office of the president, it was unanimously—

*Resolved, That—*

The United Nations Conference for an International Organization, having successfully completed a United Nations Charter for the establishment of permanent peace and international justice signed by 50 nations assembled in San Francisco, and which the President of the United States is to submit to the United States Senate on Monday, July 2, for immediate ratification;

The executive committee registers its profound belief and conviction that this Charter is the best hope for the future of our country and the world, and the progress of civilization to which the National Council of Women of the U. S., Inc., has dedicated its efforts; and that

The immediate task of the council and its individuals is to use its and their every resource to secure the Charter's adoption and immediate implementation by every means possible: by persuasion of each one's Senator; by letters; by resolutions of endorsement; and by meetings to explain and discuss the Charter.

The executive committee further resolved to inform its member organizations of this decision and action and to urge similar decision and action upon them.

The executive committee believes that in securing the ratification and implementation of the United Nations Charter it is facing one of the great crises of our country and the world; and that the opening phrase of the Charter—"We, the



people of the United Nations"—places the responsibility upon us, citizens of our great Republic; and that for the interdependence of nations we can have the same courage and desperate determination that our forefathers had for the independence of our Nation.

The executive committee believes with Abraham Lincoln that "public sentiment can do anything," and this thing shall be to free our land and our world forever from the "dark slavery of war."

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NATIONAL COUNCIL OF JEWISH WOMEN, NEW YORK 23, N. Y., STATEMENT ON BEHALF OF THE UNITED NATIONS CHARTER

The National Council of Jewish Women, with 65,000 members in 200 senior and 100 junior sections throughout the country, urge immediate Senate ratification of the United Nations Charter. Only by participating actively in the United Nations Organization can the United States assume its responsibility for preventing war and furthering social progress throughout the world.

At San Francisco the combined efforts of the delegates of 50 nations produced a Charter that can provide the basis for a postwar era of peace and progress. Immediate ratification by the United States is essential to the development of international cooperation.

But ratification alone will not insure success of the United Nations. The people and the Government of the United States, in ratifying this Charter, must accept the responsibility of living up to the spirit as well as the letter of the Charter. The members of the National Council of Jewish Women pledge their full support toward making the United Nations Charter a vital instrument for world cooperation for peace.

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THE AMERICAN JEWISH COMMITTEE, NEW YORK, N. Y.

*To the Senate of the United States:*

The American Jewish Committee, an organization founded in 1906 "to prevent the infringement of the civil and religious rights of Jews, in any part of the world [and] \* \* \* to secure for Jews equality of economic, social, and educational opportunity \* \* \*" wishes to place itself on record as favoring prompt ratification by the Senate of the United States of the Charter adopted recently by the United Nations Conference on International Organization at San Francisco.

The people of our faith, long advocates of the doctrine of the fatherhood of God and the brotherhood of Man and early sponsors of the ideals of peace and social justice, have an obvious interest in seeing adopted this Charter, which reaffirms "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small." Also, as foremost victims of the international anarchy and antidemocratic movements of the past decade, we Jews join other right-thinking individuals and groups—Protestant and Catholic alike—in an expression of faith that this war will in truth be "a war to end all war," that the United Nations Organization will prove successful in maintaining international peace and security, and that succeeding generations will be spared "the scourge of war which twice in our lifetime has brought untold sorrow to mankind \* \* \*."

The American Jewish Committee, for its part, cooperated with the other representative American business, labor, religious, and educational organizations invited to act as consultants to the American delegation at San Francisco and played a prominent role in suggesting the human-rights provisions which, as former Secretary Stettinius rightly stated, are "not mere general expressions in a preamble [but] \* \* \* are woven through and through the document." The American Jewish Committee anticipates the early creation under the Charter of a Commission for the Promotion of Human Rights, which will "formulate an International Bill of Rights embodying the principles of human rights, fundamental freedoms, religious liberty, and racial equality, and a course of procedure for the implementation and enforcement of the bill."

The American Jewish Committee recognizes fully that this Charter is not a perfect document. It might be well to note, however, that the framers of our Constitution also found numerous flaws in the document drawn up at Convention Hall, Philadelphia, in the summer of 1787. Probably, search for utopian perfection would have resulted then, and would result now, in postponement to the indefinite future of any man-made code. Delegates from 12 States signed the

Constitution in Philadelphia, and their work was subsequently approved by the American people as a notable step forward in the direction of national peace and security. Representatives of 50 nations signed the Charter at San Francisco, and we believe that the American people today hail that document as a notable step forward in the direction of international peace and security.

In his address before the final plenary session of the San Francisco Conference, President Truman described the Charter as "dedicated to the achievement and observance of human rights and fundamental freedoms" and warned that "Unless we can attain those objectives for all men and women everywhere—without regard to race, language, or religion—we cannot have permanent peace and security." The American Jewish Committee endorses these views of the President and joins him in urging the Senate to ratify the Charter. Prompt action of this sort by our country will set the example for the other nations of the world and will ensure that close and continuing collaboration of all peace-loving peoples which alone may prevent future aggression and remove the political, economic, and social causes of war.

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STATEMENT BEFORE THE FOREIGN RELATIONS COMMITTEE OF THE UNITED STATES SENATE WITH RESPECT TO THE SAN FRANCISCO CHARTER, AT A PUBLIC HEARING ON THE 13TH DAY OF JULY 1945, BY MERVIN K. HART, PRESIDENT OF NATIONAL ECONOMIC COUNCIL, INC., NEW YORK, N. Y.

A prominent American newspaper headlined a recent speech on behalf of this Charter as a "Plea for Charter as the only hope of averting chaos in the world."

Many speakers have urged its adoption as the only possible course—that there is no alternative.

But to admit any of these assertions would be rash. The fact is, and few would dispute it, that this Charter proposal has received a propaganda build-up that, even in these days of superpropaganda, is probably unequalled in history. It is my unhesitating assertion that in spite of this propaganda—indeed, because of it—the Members of the United States Senate will wish to scrutinize it with the utmost care. Nothing that has been done or said can lessen or vary its sacred obligation to do so.

Much that is contained in the Charter is good. But it must be read in conjunction with the various international agreements—Bretton Woods, UNRRA, the agricultural agreement, and all the rest. And if this Charter and those agreements are adopted by the United States, we will have set up a world state to which the United States will become, in many essential matters, completely subordinate.

We don't know what the postwar world will be like. If, as seems likely, nearly all Europe and Asia come under the domination of the Soviet Union—perhaps become merged in it, that would be one thing: the problem would be of one kind. If, on the other hand, the various countries remain reasonably free, it will be something else. How can America know what she wants to do while this question remains unsolved?

So, Mr. Chairman, I oppose the ratification of this San Francisco Charter, and for the following reasons:

1. The Charter is itself the creation of deceptive propaganda.
2. The Charter is based on an abandonment of realism and the adoption of "make-believe."
3. The Charter is held up as that which will mean for our people a gain in freedom. That statement is false. Adoption of this Charter, with the various international agreements that will presently be before this Senate, will involve a large loss of the independence and freedom of the United States.
4. The adoption of this Charter and of those other agreements that are scheduled, will be a complete lie to those 12,000,000 service men and women to whom, from every platform and pulpit and through the press of the Nation, we have promised a better life—a better world—after the war.
5. Because the Charter rings with insincerity—with the assumption as truths of what are untruths.
6. Because I believe the organization, like the organization set up by Bretton Woods, UNRRA, and others, will be dominated by those of un-American ideologies, who, by our insane following of the slogan of "unconditional surrender" in Europe, are morally certain to complete their conquest of the Continent down to the Pyrenees, and who, assuming that we follow to the bitter end the equally insane policy of "unconditional surrender" toward Japan, will with equal certainty give communism complete control throughout Asia, including probably Japan.

First, then, I oppose this Charter because it is the creation of deceptive propaganda.

It has been heralded even more than the Bretton Woods proposals now before the Senate. The thing has been ballyhooed and touted from coast to coast.

Section 201 of the Criminal Code absolutely forbids the spending of the taxpayers' money to influence legislation. It reads as follows:

"No part of the money appropriated by any act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other devices intended or designed to influence in any manner a Member of Congress, to favor or oppose by vote or otherwise, any legislation or appropriation by Congress, either before or after the introduction of any bill or resolution proposing such legislation or appropriation."

It will be noticed that the so-called liberal or radical element in the country is unanimously in favor of this Charter, as it is also of the Bretton Woods proposals and other agreements. As the Senators well know, on several occasions in the past when some conservative Congressman or Senator has used liberally his franking privilege, these "liberals" and radicals have cried out to high heaven that it was illegal and reprehensible. But in the case of these international agreements we have public officials, through the printed word and other disbursements of the taxpayers' money, absolutely violating a criminal statute in their zeal to put through the Senate that which they tell us is so vital.

What is there about this San Francisco Charter that either suspends the validity of this criminal statute, or requires that it be violated in order to secure its adoption? Can it not stand on its own merits?

It is my belief that the Charter is so lacking in merit that violation even of a criminal statute may actually be considered by the proponents to be necessary, and that without the widespread administration propaganda and other propaganda hardly less effective, it would not commend itself to the American people.

What is this other propaganda? I will speak of two kinds. In the first place we have business corporations, well up in the income-tax brackets, who are publishing advertisements urging the ratification of the Charter. And who pays for these advertisements? Eighty to ninety percent of the cost is borne by the taxpayers.

And then we have literally dozens of civic organizations of all kinds which are either leftist or are following the cue of the leftists, which are urging ratification, and which display on their letterheads the legend that financial contributions are deductible before income tax. So there, again, the taxpayers are putting up the money.

As it works out, the taxpayers are being obliged to pay most of the cost of propaganda to put through a charter in which many thoughtful citizens utterly disbelieve, and which some (of whom I am one) believe is filled with tragic possibilities of mischief.

Second, the Charter is based on an abandonment of realism and the adoption of "make-believe."

Those who support this Charter are pretending or "making believe" in the following respects:

They are pretending that the failure of the United States to enter the League of Nations was the sole cause of this present war; that after the last war the United States turned her back on Europe—abandoned European countries to their fate.

Such radical publications as the Nation and the New Republic, soundly backed up by the Daily Worker, the New Masses, PM, make the heavens ring with these assertions. They ignore the fact that the United States did more than any other nation in the world after the armistice to bring about the revival of Europe and the prevention of war. I need not enumerate all that she did: Our lending of \$6,000,000,000, hardly any of which was ever repaid; our effective efforts at feeding the people in distressed areas; our efforts at disarmament, as the result of which we were practically the only nation that scrapped any of its ships; our repeated efforts, through conferences of one kind or another, terminating in the Kellogg-Briand Treaties which supposedly outlawed war.

Yet in spite of the record, Leftist speakers throughout the country constantly reiterate this old falsehood—that we abandoned Europe after the last war, and that on that account this next war came.

They utterly ignore the established fact that this war could have been utterly prevented if in 1936 Great Britain had had the will to enforce the terms of the Versailles Treaty which she took part in dictating. If Britain and France had then had the will to throw Hitler out of the Rhineland, and France wished to do so, they could have held Hitler down. They could have prevented this Second

World War. But the wills of both Britain and France had been weakened by the Leftist-pacifist propaganda, cunningly carried on over many years, and which led in England to the adoption by the Oxford Union, which for two centuries had been the training-ground of British statesmen, of the Oxford oath "never again to take up arms for King or country."

The record clearly indicates that on Britain and France, and not on the United States, lies responsibility for the failure to stop Hitler when Hitler could have been stopped.

Another make-believe is that "collective activity" is the only road to peace.

In thus subscribing to collective action, we are merely falling for that unfortunate propensity of so many of us to build our ideas around slogans: Small collective movements have been tried throughout history and have nearly always failed. This idea of world collective activity is a new one in history. It springs without question from Marxist philosophy. It runs contrary to history; for I believe history shows that far more effective and more beneficial action has been obtained in the past through the agreement of two, or a few nations, than from any attempt to make all nations agree.

One great reason why this collective movement is doomed to failure is the different approach and philosophy of two countries so alike in many ways as the United States and Britain; and the utterly different philosophy of Soviet Russia. So great are these differences that there has been no meeting of the minds of these different nations. So different, indeed, is the approach that at the San Francisco Conference it was not deemed expedient to discuss anything that Soviet Russia did not want discussed.

While the United States did not enter the League of Nations of 1919, yet she was willing to cooperate with the nations that did enter. The failure of that League came far more because of an utter lack of confidence on the part of the larger nations (and probably the smaller, too) in the possibility of success. The hard-headed statesmen of Britain and France and other countries were willing enough to go along in the League of Nations picture—anxious as they were at the time to show their gratitude to the United States for past favors, and not unmindful of possible favors to come. But the wiser statesmen among those nations saw to it that separate agreements with nations with which they felt it important to agree, were made; and we can be sure that they relied more on those agreements than on the League of Nations.

That Britain and Russia will continue to do exactly what they please is indicated by the fact that already a leading British statesman has announced, before a single nation has adopted the Bretton Woods Proposals, that Britain will devalue her currency whenever she pleases, without regard to Bretton Woods.

Here in the present war, although Britain and Russia had known perfectly well of the determination on the part of the late President Roosevelt to try another League of Nations, Britain and Russia have been making their own arrangements with other nations with which they have felt it important to be on close terms. An example, of course, is the 20-year treaty concluded 3 years ago between Britain and Russia themselves. Other examples are the treaties executed by Russia with Czechoslovakia and other countries.

No; collective activity is not the only road to peace. It is just the mere assertion of the late President Roosevelt and some of his advisers—an assertion widely propagandized by the taxpayers' money, pushed by certain groups that have apparently seen special advantages in it, touted by the radical press and by the radical writers on even the conservative newspapers. And so the great mass of the American people, busily engaged in their highly specialized fields in the all-important job of winning the war and preparing for peace, have taken it for granted that it is so. Hitler said that a lie, if it was big enough and was often enough repeated, was sure eventually to be accepted.

Third, the Charter is something that is held up as a means for our people to gain more freedom. That is certainly false. Adoption of this Charter and of the various international agreements that either are or will presently be before this Senate, far from meaning a gain in freedom, will bring a loss of freedom.

In the last 156 years since the adoption of our Constitution, we Americans have known only two sovereigns—the State in which we live and the Federal Government. Only 72 years after the Constitution was adopted, and in spite of the fact we were a homogeneous people, we had 4 years of bitter civil strife between those who felt that the State came first and those that thought the Federal Government, in certain respects at least, was supreme.

But here by this so-called Charter we turn over, largely to other nations, an utterly unknown and undetermined amount of our sovereignty. We Americans

will then have three sovereign governments—the State, the National, and the International.

And let us not deceive ourselves into thinking that this is not true. One has only to read the provisions with respect to the Economic and Social Council to realize that we are setting up an international propaganda bureau—utterly beyond the power of any nation to control after it is set up—whose purpose clearly is to carry all of the experiments of the New Deal to all nations throughout the world. Just as this Charter is being put over on us by cunning propaganda, backed by limitless money, so it will be all the easier for the Economic and Social Council to put its schemes over on us. If we turn to the Bretton Woods proposals we see clearly that all of these social experiments are to be financed through the International Monetary Fund, and the International Monetary Fund will have practically no lendable money except that which is put up by the United States.

And if we go further into this Charter, we see by successive stages that the members of the United Nations agree to accept and carry out the decisions of the Security Council (art. 25); and we see by articles 43 and several that follow, that the Security Council, the executive body under this pending Charter, will have at its disposal certain armed forces in order to enforce the decisions of the Security Council. We see further that the suggested constitution of the International Food and Agricultural Organization allows it to recommend and promote international and national approval and adoption of its policies. Thus it follows that if the International Food and Agricultural Organization, in conjunction with the Security and Economic Council decides that certain social-welfare schemes are to be carried out in any country of the world, they would be financed by the American taxpayers through the Bretton Woods proposals; and if we Americans were to get tired of it and want to quit, the International Military, Naval, and Air Forces could be used to compel us to comply.

I realize that in the Security Council we will have the power of veto against many of these evils. But since, down to date, we have been so little disposed to assert our vital American interests, will we not be even less likely to assert our veto power after these mighty international bureaus have been set up? For by adopting the Economic and Security Council we are literally legalizing international communist propaganda throughout the world. If we Americans are foolish enough at the present time, when there is no compulsion upon us, to fall for any such schemes as these, how far do you think we could make that veto effective?

In the light of these facts, if this Charter and its cousins—these various international agreements—do not constitute an abandonment of American sovereignty, I would like to know what they do mean.

As I read this Charter and the Bretton Woods Proposals and certain other of the agreements, they spell out in my mind nothing short of a collectivist scheme by aliens to take the United States and its one hundred and thirty-odd million citizens completely under their control. For if we adopt this Charter, Bretton Woods and the other international agreements, we are bound to give them a certain trial. If we are generous, not to say reckless, enough to go into them, we may be sure we will have sent to other nations so much more of our goods, our food, our money, our ships, and possibly even our war equipment, that we will have weakened ourselves to a point where it might be extremely difficult for us to get out even if we want to get out.

To me this matter of the veto itself exposes the sham of the whole business. The preamble talks of the "equal rights of men and women of nations large and small." And then we proceed to set up a Charter under which any one of the five so-called great powers may veto any proposition, whether it has to do with the nation exercising the veto or with any other nation. It is true we are considerably protected by ourselves having that veto. But so long as we stay in the organization the possession of the same veto by four other powers will put us in their hands. For the possession by the other nations of the same veto power will render us unable to do those things for ourselves or for the other peoples of the world that we have always been accustomed to do, unless we do them on their terms.

And there are other make-believes. We are making believe that Soviet Russia is a "democracy." If that is true, then we are not a democracy. Or if it be asserted that both countries are democracies, that but shows how utterly different is the thinking of the American people and of the few who dominate Soviet Russia. As a matter of fact, I have always believed from my reading about our Constitutional Convention that the idea of a democracy was there weighed and abandoned on the ground that a democracy had always failed; and hence we were set up as a republic.

In a "democracy" such as Russia today, minorities have no rights; indeed, the vast majority of the Russian people appear to have no rights. But it is the essence of the American Republic to see that minority rights in important respects are protected. That is what our Bill of Rights is for.

We are making believe that China and France are great powers, when they almost certainly are not. Poor China is great only in her population, which in many ways is a disadvantage. And France, in spite of a great past, would have been permanently down and out if the United States had not gone to her assistance.

I have wondered, Mr. Chairman, whose idea it is to consider China and France great powers, and to put them on a par with the great United States? Was it Soviet Russia? What earthly interest of the United States does such idea serve?

Fourth, the adoption of this Charter and these other agreements that are scheduled to follow, and which must be kept in mind in connection with the adoption of this Charter, will be a complete lie to our 12,000,000 service men and women.

It will be as much a lie as was the assurance "again and again and again" that we would not be permitted to get into war.

Mr. John T. Flynn, in his book *As We Go Marching*, has carefully traced the developments in Italy that led to the Fascist state—and to war. The underlying trouble there was, as he points out, deficit financing. In the same book he likewise traced the step-by-step development in Germany under Hitler—a development whose cornerstone was likewise deficit financing, and whose goal was war. And he has traced with equal clarity the steps followed by the administration in Washington between 1933 and 1941. These, too, were based on deficit financing. Mr. Flynn said in this book published a year ago, that we had already gone four-fifths of the way previously trod by Hitler and Mussolini in their developments of the totalitarian state. The goal then was believed by many people to be war—a war, if for no other reason than to justify a continuance of deficit financing. We were lied to. And now we have lied to our 12,000,000 men overseas as well as to our American public as a whole, in talking about the better, richer life that lies beyond military victory.

We have all wanted this victory. We rejoice that we have won it in one of our two wars. We hope for an early and successful termination of our Asiatic war.

But to tell our people that a better, richer life is assured is a cruel falsehood. And in the soothing, dripping phrases that are passed out through the current propaganda, to tell them that "a world state," and all the various international agreements are necessary to make secure that "better, richer life," is merely to sing a siren song. For the setting up of this world organization and the adoption and carrying out of the various international agreements will make sure that in the lifetime of any of these 12,000,000 men there will be no better, richer life. There will be poverty and hardship, because we will have so tied ourselves to other nations and their interests that we will sink or swim with them; and though we may not completely sink, we will certainly fall to a level far below that which Americans have had for generations.

Because of our freedom and our way of life we led the world for 50 years. All nations envied us, looked up to us, tried to imitate us. For 20 years roughly half the world's trade was the internal trade of the United States. For all our shortcomings, within our borders was a richer, nobler life, greater good will, more charity in the best sense. We set an example to the whole world. We tried to raise other peoples to our level. But adoption of this Charter and these agreements will mean we have lowered ourselves to the level of other nations. No nation will be left in the world that will offer the example of freedom we have set, and the whole world will be the loser.

As a matter of fact, if this Senate and this Congress approve this Charter and these agreements, then the members of our armed forces will have had their fighting and their dying, and as a result they will have won the loss of a substantial part of their liberties. They will have borne the burden of the battle—they and the country back of them will have contributed the best they have had in them—and that means the best in the world—and they (except for Germany and Japan) will have been the chief losers afterward. They will have fought a war in order to lose American independence and the American way of life, and in order that they and their posterity—until they can shake off the consequences of these documents—will have sunk to a level that Americans have never known.

Fifth, closely allied with my fourth reason for opposing this Charter, is the further reason that its phrases ring with insincerity, and that it assumes as truths things that are not truths at all.

Two of the noblest statements in the English language are the Preambles to the Declaration of Independence and the Constitution of the United States. Not only is there no untruth in either of them—there is not even the slightest exaggeration. Their authors were guilty, if anything, of understatement.

The preamble to the San Francisco Charter is, indeed, different. There is an attempt at high-sounding phrases, but, for the most part, it is nothing more than a display of glittering generalities—and part of it is downright untrue.

Thus the expression of determination to reaffirm faith in “\* \* \* the equal rights \* \* \* of nations large and small \* \* \*,” when all the world knows that Soviet Russia, one of the principal signatories, has been guilty of as ruthless disregard of the rights of nations, and of the “worth of the human person,” both Russian and those of other nations, as any country in human history, implies so great an untruth as to be an insult to the supposedly free people of the United States.

As this Senate sits to consider this Charter, though we have been generous with Soviet Russia, our regularly appointed Ambassadors to various countries in eastern and central Europe are refused admission; the Polish delegates, traveling under safe conduct, are thrown into prison because apparently they have sought to keep communism out of Poland; and yet this Charter solemnly recites “faith \* \* \* in \* \* \* the equal rights \* \* \* of nations large and small.”

Sixth, and lastly, I believe that the International Organization called for by this Charter will be staffed to a large extent by those of Marxist ideologies; that in fact it will be dominated by Communists.

If such an organization as our own OWI, completely controlled by the Government of the United States, can have so large a proportion of Marxists as has been shown in the testimony before congressional committees; and with the UNRRA likewise so well staffed with leftists; is it not a moral certainty that the Organization of the United Nations will be likewise staffed?

The philosophy of Soviet Russia is based theoretically on collective action, though it is widely known that the country is a complete dictatorship, its Government being carried on through some 5,000,000 party members who loyally support the dictator. For the remaining 165,000,000 people in Russia there is little liberty, and in all probability less happiness. But, in theory at least, the Russian Government is collectivistic: Nothing can be done except by all.

Our background and tradition are utterly opposite. We believe not only in the worth of the individual, but in giving the individual the opportunity to rise as far as his talents permit. We believe that the system that permits this is best, in the long run, for everybody.

Russia, in the 28 years since her revolution, seems to have made little headway. What little progress has been attained has come largely through copying America.

We, on the other hand, adhering to our conceptions of the worth of the individual, have shown we could in an incredibly short time turn out armies, navies, and air forces superior to any in the world; and we have done such marvels in production that we have furnished much of the equipment that has carried our allies, and especially Russia, to victory.

And just as we have proven our American individualism to be best for the country, we have, I believe, proven that by retaining our own ability as a nation to act independently, we have done best not only for our own people but for the whole world.

Yet the new policy proposed by this Charter is to abandon our individual national strength and adopt the Russian conception. And there is no meeting of the minds among Americans in doing this. The truth has been played down or suppressed. We are being propagandized into pooling our strength with other nations none of which possesses strength like ours—none of which has our exact philosophy; one of which, indeed, hates our philosophy and has been trying wherever possible to destroy it. We are being converted from what we are into something else. If the plan for forcing it upon us is completed, we are more likely to fail in the new role than to succeed, because it is not our natural role. We would not be our true selves. Americans are not collectivists.

To my mind there can be no greater force for peace than one great nation such as ours, determined to keep the peace. A small nation cannot keep the peace. A large nation can. The single example of the United States, for instance, fortified by our armed forces, could lead the world in peace.

Who most wants this world state? I make it my business to follow fairly closely, among others, such publications as the *Daily Worker*, PM, and the other Communist and fellow-traveler publications. They are the ones that most want this world state.

To be sure, under the force of propoganda, we find widespread favorable comment on it in newspapers and magazines all over the country. I believe an analysis of the writers of the news columns, the headlines, and, indeed, the editorials, would disclose that a large majority of them are alien-minded, or for some reason have concluded to go along with the alien-minded.

Here we have, then, a scheme which calls for a highly developed—highly integrated as our New Deal bureaucrats would say—plan for a world state, a plan in which we Americans would surrender a large part of our liberty. No longer would we look to those servants of ours, the State and Federal Governments, to guide us and to conduct our public affairs: Once this world state had been saddled upon us, we would have to look to it and its bureaus and bureaucrats, not for leadership, but for direction and control.

By the very terms of the Charter and of the international agreements this would be world-wide. All "peace-loving nations" would be a part of it; the definition of a "peace-loving nation" apparently excluding those like Switzerland that refused to enter the present war.

In connection with all this, we have the Soviet Union, conceived by imaginative, crafty, able men. We have its Communist International which, though it has been "disbanded" in name, is certainly not disbanded in fact. That International has effective Communist Parties in practically every country in the world, including our own. That International and its various sections, including the Communist Party of the United States of America (or, if you please, the American Communist Association—I recognize no difference) are unanimously in favor of this world state and all of its international agreements.

To my mind, the conclusion is inescapable. What this Senate and this Congress are passing on when they are passing on this San Francisco Charter, the Bretton Woods proposals and the other international agreements, is nothing less than the great question of whether the people of the United States are to surrender their sovereignty and join a Communist world state.

I recently read statements by leaders of the Senate and of this committee that while they want plenty of time for consideration by the Senate, yet they want to lose no time unnecessarily in adopting this Charter.

Gentlemen, what is the hurry? If it is good for the American that the Senate adopt this, it will set far better with him if very ample time is allowed for consideration. If it is as good as its proponents believe it is, then a delay of a month, or 3 months, or 6 months in its adoption will, in the long run, make little difference.

Why not lay the matter over until fall, thus giving the people time to consider and discuss it?

If, as I believe, it would be a tragic mistake for the United States to enter into these treaties and agreements, then to do it quickly, after 2 weeks of hearings, and possibly a week or two of debate in the Senate, would merely heighten the tragedy.

If we are going to sell America out; if we are going to betray those 12,000,000 servicemen who are not here and cannot have ideas or even express themselves; if we are to consent to destroy the American Republic and deliver ourselves to the tender mercies of a Communist-controlled world dictatorship, for God's sake let us take our time about doing it.

Maybe we would decide not to do it after all. Maybe that is why there is this demand for haste.

#### A REVOLUTIONARY IDEA FOR PEACE FOR SAN FRANCISCO

STATEN ISLAND 1, N. Y., April 30, 1945.

#### DELEGATION OF SAN FRANCISCO CONFERENCE.

DEAR DELEGATES: As never before in its history, the world is searching for some form of collective action to handle the problem of the aggressor nation. Although I fully realize that the world's intellectual giants of all ages have applied their abilities to the problem with the results that are familiar to all, yet I do not hesitate to announce with the God-inspired confidence of a David, an idea that can revolutionize the world's search for a practical peace formula to solve the aggressor-nation problem.



The idea or formula is to provide a provisions for unequivocally defining the term "peace loving" state as used in the Dumbarton Oaks plan, chapter III, which reads: "Membership of the organization should be open to all peace-loving states." The idea is as follows:

A peace-loving state is hereby defined as any nation which gives its people the right to vote in a referendum, for peace or war except in the case of direct invasion and except for the use of joint military power by this Organization. Any nation participating at the San Francisco Conference which does not comply with this definition within 5 years shall be automatically dropped from membership.

In giving serious consideration to any plan for dealing with the control of war it is well to remember that from the beginning of time it has always been the rulers or the ruling classes who decided the question of war or peace and that, moreover, the common people of all countries have always been opposed to war. The tremendous possibilities of the war-referendum principle must be conceded when it is seen that this idea is simply a practical method of harnessing, for the first time in the world's history, the almost universal opposition to war of the common people, the ones who are forced to pay for war with their lives, their money, their suffering, and so forth. Needless to say it will also harness the power of religion to prevent war. It will enable every person to be a direct and positive force for peace. Then every Christian could be satisfied that the unselfish consideration of all plus their understanding of good or God, would be equally weighed in the final result. It would encourage and strengthen the individual and collective growth of Christianity as never before.

To show that the war-referendum principle is in absolute harmony with the democratic idea is a simple proposition. Democracy in its fullest sense can be defined as "rule by the consent of the governed," a phrase used in the Declaration of Independence. The war-referendum principle is really a method of honestly and efficiently registering the will of the majority with respect to a question of peace or war. It is equivalent to balloting directly for an idea instead of voting for men who only promise to support that idea. It cannot be denied that a referendum on vital or supreme issues is democracy functioning at its best.

Up to the present time, no nation in the world has made provision to declare war by the referendum principle, although it is very gratifying to state that the United States has had such a proposal in the Congress since 1935. Democracies and dictatorships are exactly alike with respect to a declaration of war, the common people having no part in making the decision. All prospective member nations would be on an equal footing insofar that each would have to change its political structure by adopting the war-referendum principle as already defined.

The aggressor nations of today are first-class examples that selfishness and dictatorships breed war. Unselfishness and democracy are their opposites and so they must promote peace. And, needless to say, the war-referendum principle is a perfect channel for registering the power of unselfishness, a basic Christian quality.

While I recognize only too well that the causes of war are many and complex, still I feel that an international organization of nations without provision for the war-referendum principle must be considered as simply an extension of the present system of international power politics with all its obstacles to a sound peace. A world organization should be a government of mandatory action in support of established principles, instead of a government of men with the usual political log rolling as exemplified by the League of Nations and apparently put back into circulation by the decisions made at Dumbarton Oaks and Yalta. The war-referendum idea can control, handle, or effectively discourage aggression between nations. It will make the people, instead of their leaders, responsible for acts of war. By scrapping "peace and war making by the few," we the people will gain "peace making by the multitude."

As a sincere worker and fighter for the cause of peace, I have offered the war-referendum formula as an idea that can constructively neutralize the many objections and weaknesses of the Dumbarton Oaks and Yalta proposals which are now being considered by the delegates to the San Francisco Conference. By adopting my requirement for defining a peace-loving state there could be no reasonable objection to giving our representative to the Security Council all the necessary powers to act as the case would require. It would liquidate in effect the very important charge that aggression by the large powers is to all purposes left unchecked. Was not aggression by a large power the direct cause of World War II? How often would aggression by a small nation start a world war?

Just as Wilson's poorly conceived blueprint for a League of Nations (with its loose and ineffectual membership and expulsion standards) was a colossal failure and so blindly torpedoed the ship of peace, so the danger is present today. I fully agree that membership in the World Organization should be limited to peace-loving states. But let every nation (and I include my own beloved United States of America), show that it is really a peace-loving state, by adopting the referendum principle in its political structure, and so prove that it is ready and worthy of membership.

Let it not be said that the Delegates to San Francisco rubber-stamped the "Papa knows best" policy of Churchill, Roosevelt, and Stalin as conceived by Dumbarton Oaks and Yalta.

You delegates to the San Francisco Conference can revolutionize the world's search for a practical peace formula by adopting the war-referendum principle, which in effect proposes to effectively harness the peace-making efforts and desires of the masses instead of a comparatively few statesmen and the ruling classes.

It is a challenge that no intelligent believer in Christianity or democracy can afford to overlook.

It is with a very great sense of love for the cause of peace and for the efforts of you and all others (past and present) that I send this communication. I have purposely refrained from submitting a complete plan for dealing with the aggressor nation problem, as I feel that it is more realistic under present conditions to amend the Dumbarton Oaks plan in the manner I have previously recommended.

In the final analysis please remember that whatever you do at San Francisco, your plan should have the overwhelming and enthusiastic support of the people in order to succeed. By incorporating the war-referendum formula, you are sure to capture universal appeal for the most important part of the entire plan, that dealing with aggression.

Physical might can win wars, but only right ideas can win the peace.

Sincerely submitted.

CLIFFORD R. JOHNSON.

#### STATEMENT ON THE CHARTER OF THE UNITED NATIONS

(Presented by the Women's Action Committee for Victory and Lasting Peace to the Foreign Relations Committee of the United States Senate, July 1945)

As 1 of the 42 national organizations invited by the Department of State to send consultants to San Francisco, the Women's Action Committee for Victory and Lasting Peace followed the United Nations Conference closely. Our organization representatives watched with confidence and respect the contribution made by each member of the United States Delegation.

The Women's Action Committee stands 100 percent behind the San Francisco Charter. The Charter was created in a spirit of cooperation. This country's delegation gave outstanding leadership in sustaining that spirit. We are confident that the American people are eager to accept the Charter, so that the United States may assume its responsibilities under the Charter promptly and with vision.

The Women's Action Committee supports this Charter not merely because we feel it is the one bulwark which exists between our civilization and annihilation by future wars but because we consider it to be an outstanding document, an instrument for peace and progress, forged through the united efforts of 50 nations. In the very process of producing the Charter, these nations have already begun to live the life of community cooperation which is at the heart of the Charter.

It is a Charter in the truest sense of the word. It does not set up a world government; it indicates patterns of international cooperation. The highest purposes of the United Nations will be achieved if these nations follow the letter of the Charter in the spirit in which it was written.

In accepting the Charter the United States will commit itself to the support of principles which we have long championed as a nation. The United States will also commit itself to using the instruments of international cooperation. However, as a member of the United Nations Organization, this country will not be compelled to pursue any policy, or take any action other than by its own free will and according to its own decisions. This country's decision, on the other hand, will have a very profound effect upon the United Nations Organization.

As one of the sponsors of the San Francisco Conference and as one of the powerful nations of the world, the United States has a grave responsibility to choose wisely. The Women's Action Committee urges, therefore, that this country's

first great decision for the future, the decision to join the international organization without reservations, be given prompt acceptance by the Senate of the United States.

THE NATIONAL FEDERATION OF BUSINESS AND  
PROFESSIONAL WOMEN'S CLUBS, INC.,  
New York 23, N. Y., July 6, 1945.

HON. TOM CONNALLY,  
Chairman, Committee on Foreign Relations,  
United States Senate, Washington 25, D. C.

DEAR SENATOR CONNALLY: On behalf of the membership of the National Federation of Business and Professional Women's Clubs, Inc., representing 91,000 women, I request that the enclosed statement in support of ratification of the United Nations Charter be included as a part of the hearings on that Charter.

Sincerely yours,

MARGARET A. HICKEY, *President.*

STATEMENT ON THE UNITED NATIONS CHARTER  
(By Margaret A. Hickey, National President)

The National Federation of Business and Professional Women's Clubs, Inc., adopted the following resolution:

"Support of participation by the United States of America in international organizations with adequate enforcement machinery for the maintenance of peace and security; and support of a foreign policy embracing international social development, economic and financial stability, and the peaceful settlement of international disputes."

Our federation favors prompt and favorable ratification of the United Nations Charter because we believe in the principle of international cooperation and because we believe that the Charter embodies an instrument through which we can work together to maintain peace. This Nation must not fail to take its rightful place now and in the future in this common cause.

THIS PLAN PRESENTED TO CONGRESS, BY HON. WIRT COURTNEY, FROM TENNESSEE  
AS IT APPEARS IN THE CONGRESSIONAL RECORD, OF JULY 1, 1943—HOUSE OF  
REPRESENTATIVES

VANDERHOOF, 13-POINT PEACE PLAN TO ELIMINATE FUTURE WARS AFTER VICTORY

(1) An organization or association to be formed among the United Nations, and those others which will have been freed from the bondage of Germany, Japan, and Italy.

(2) These nations large and small shall be permitted to set up their own form of governments, without influence or demand.

(3) These nations shall set up a new code of international law.

(4) Present enemy nations shall not be barred from membership in such organization or association.

(5) Each nation in association, to be acceptable to membership must adopt or write a constitutional amendment, waiving all right by power of their government to declare war, unless attacked by forcible arms. The association to decide what constitutes forcible attack.

(6) All power to so declare war must rest with the people of each respective nation, by popular vote.

(7) The armament of each of these nations shall not be in excess to that which will be necessary to maintain internal order. Size of each respective army to be determined by the association or union.

(8) An international chamber of commerce to be organized with equal representation among these United Nations, to create markets and guide in the fair distribution of raw materials and manufactured goods. The main object of such chamber is to eliminate competition among nations as much as possible. Tariffs of each member nation to be regulated by the association.

(9) The principal of freedom of religion must be a point of adoption among these nations. This to be the constitutional right of all the peoples of these respective nations.

(10) The principal of freedom of trade, of the seas, and in the air must be adopted.

(11) Any nations not joining this association or union, by adoption of agreement as set forth in paragraphs 5, 6, and 9 shall be cut off from international trade, postal exchange, and diplomatic relations with all nations of this association. Citizens of the outlawed nation will not be permitted to enter the boundary of any of the associated nations.

(12) Each nation of these United Nations, both large and small, shall have only equal representation in this association. Territorial claims and boundary disputes to be settled by the association.

(13) A sizable international police force or army to be maintained in readiness to occupy any aggressing nonmember nation. Also to see that the laws of this association are justly maintained.

By: FRANK E. VANDERHOOF,  
Washington, D.C.

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NATIONAL COUNCIL OF FARMER COOPERATIVES,  
Washington 6, D. C., July 10, 1945.

Hon. TOM CONNALLY,  
Chairman, Committee on Foreign Relations,  
United States Senate, Washington 25, D. C.

MY DEAR SENATOR CONNALLY: I am enclosing a statement on behalf of the National Council of Farmer Cooperatives urging prompt approval by the Senate Foreign Relations Committee and the United States Senate of the United Nations Charter.

As you know, the National Council of Farmer Cooperatives was one of the consultant organizations at the San Francisco Conference, being represented there by Mr. Homer L. Brinkley, president of the council, and by associate consultants C. C. Teague and Earl W. Benjamin.

Sincerely yours,

JOHN H. DAVIS, *Executive Secretary.*

STATEMENT OF JOHN H. DAVIS, EXECUTIVE SECRETARY, NATIONAL COUNCIL OF FARMER COOPERATIVES BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE ON RATIFICATION OF THE UNITED NATIONS CHARTER

The National Council of Farmer Cooperatives, one of the consultant organizations at the San Francisco Conference, urges the prompt and unqualified approval of the Charter of the United Nations, including the Statute of the International Court of Justice, by the Senate Committee on Foreign Relations and by the United States Senate. In the same spirit we are also urging that the Senate approve as soon as practicable the companion resolutions establishing the Food and Agriculture Organization and the International Fund and International Bank.

While these documents admittedly are not perfect, they are clearly steps in the right direction—provided all nations honestly approach the future in the spirit set forth in the preamble of the Charter of the United Nations: "to save succeeding generations from the scourge of war \* \* \* and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, and for these ends to practice tolerance and live together in peace with one another as good neighbors, and to unite our strength to maintain international peace and security, and to insure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples."

As has been true of our own Constitution, the Charter will doubtless require amendments from time to time. It will also require interpretation and supple-

mentation by law and court decisions which will require patience and understanding of the type demonstrated at San Francisco.

Far more important and determining in the long run than the written documents themselves will be the attitude and spirit of the peoples and leaders of the participating nations—particularly the larger nations such as the United States. Certainly the experience following World War I amply testifies to the necessity for world-wide cooperation if peace is to continue unbroken. It is appropriate that a liberty-loving and peace-loving nation such as the United States assume a prominent and leading part in the proposed world organization. While the international road ahead will be tedious and difficult we must approach it with the same indomitable courage and devotion to the principles of right, justice and law, and individual liberty and well-being as was adhered to by the founders of our own nation. Although compromise may frequently be necessary in the interest of agreement, we must ever avoid compromising with the fundamental principles of law and justice upon which a sound civilization must rest.

The United States Senate has already made an important contribution to world peace through the work of Senators Connally and Vandenberg at the San Francisco Conference. We urge that this committee and the entire Senate further contribute to permanent world peace by ratifying the Charter of the United Nations as promptly as possible.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,  
*Washington, D. C., July 13, 1945.*

HON. TOM CONNALLY,  
*United States Senate,*  
*Washington, D. C.*

DEAR SENATOR CONNALLY: While the Senate is absorbed in the United Nations Charter, you will no doubt be interested in knowing that the board of directors of the United States Chamber of Commerce, at its meeting on June 29, approved that Charter and urged its speedy adoption by the Senate.

The board at the same meeting also recommended that the United States, by duly ratified agreements with the Security Council, agree to provide an appropriate contingent of armed forces to maintain peace and security, and that the United States representative on the Security Council, as the President's representative, be authorized to vote with the Council as to the use of such national contingents as shall have been established by international agreements.

The board commended the interim arrangements that have been made for joint consultation and action, pending completion of agreements necessary to permit the Security Council to function as intended; and it expressed gratification over the fact that the International Court of Justice has been made a major organ of the United Nations.

The board of directors also adopted a recommendation favoring United States membership in the Food and Agriculture Organization of the United Nations as outlined at the Hot Springs Conference.

This action by the board was taken upon the recommendation of the chamber's special committee on international postwar problems, headed by Mr. Harper Sibley.

We believe that these recommendations offer the best road to enduring peace.

Sincerely yours,

ERIC A. JOHNSTON, *President.*

No. 9, Two Hundred and Eighteenth Board Meeting, June 29-30, 1945

*To the Board of Directors:*

The United States Chamber special committee on international postwar problems, presents to the board of directors the following recommendations adopted at its meeting on June 28:

UNITED NATIONS CHARTER

On January 3, 1944, the membership of the Chamber of Commerce of the United States in Referendum No. 76, took the affirmative position that "an international political organization is necessary for the purpose of maintaining peace and security among nations." This vote was thereupon officially reported

to the Department of State of the United States Government, and to the appropriate committees of Congress.

On June 26, 1945, 50 United Nations, after meeting for 9 weeks of intensive study and debate, unanimously adopted a new charter for a general international organization to promote and to maintain world peace.

Happily, at the invitation of the Secretary of State, the special committee of this chamber was represented at the San Francisco Conference by its chairman, acting as consultant to the United States delegation, as well as by other members of the committee.

Now, therefore, this special committee, having read the full text of this new Charter, and having listened to the reports of its members who were present at the United Nations Conference, recommends that, inasmuch as this document clearly conforms in principle to the position taken by the chamber in said Referendum No. 76, the board of directors of the Chamber of Commerce of the United States express its approval of the Charter of the new International Organization, to be established for the promotion of world peace and security; and further,

That the board of directors of the Chamber of Commerce of the United States urge the Members of the Senate without delay to consent to the ratification of this Charter of the United Nations.

#### SECURITY CONTROL

The membership of the Chamber of Commerce of the United States in paragraph 2 of said Referendum 76, approved the following statement: "This peace and security may best be safeguarded through the use of the armed forces of peace-loving nations acting through the Combined Chiefs of Staff organization, developed to meet future conditions."

Pursuant to this resolution, your chamber committee recommends that the board of directors of the Chamber of Commerce of the United States urge that the United States assume its responsibilities as a permanent member of the Security Council and that the United States, by a special agreement or agreements to be entered into with the Security Council and duly ratified, agree to provide an appropriate contingent of armed forces for the purpose of maintaining peace and security. Further, that the United States representative on the Security Council, acting as the representative of the President of the United States, should be authorized to vote with the Council as to the use of such national contingents as shall have been established by international agreement.

#### INTERNATIONAL COURT OF JUSTICE

The Chamber of Commerce of the United States has always advocated membership by the United States in the World Court, and reaffirmed this position last year in Referendum 78. The board of directors of the Chamber of Commerce of the United States is gratified that the International Court of Justice has been made a major organ of the United Nations.

#### INTERIM ARRANGEMENTS

Referendum 78 stated that: "The Chamber of Commerce of the United States favors the exercise of interim powers by the United States and other United Nations, in close collaboration as trustees of the peace, during the period between the cessation of hostilities and the establishment of a general international political organization, such powers to be designed to prevent further resort to arms by the defeated enemy and to restore and maintain a regime of freedom under international law and order."

The board of directors of the Chamber of Commerce of the United States is gratified to recognize that pending the completion of all the agreements necessary to permit the Security Council to function as intended, the parties to the four-nation declaration of Moscow and France shall consult with one another, and as occasion arises with other members of the Organization, with a view to such joint action on behalf of the Organization as may be necessary to maintain international peace and security.

#### UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION

The committee recommends that the board of directors of the Chamber of Commerce of the United States favor membership by the United States in the Food and Agriculture Organizations of the United Nations as outlined at the

Hot Springs Conference, which Organization will become one of the specialized agencies to be brought into relationship with the new United Nations Organization, and advocates passage by the Senate of House Joint Resolution 145 providing for such membership by the United States, which resolution was passed by the House of Representatives on April 30, 1945.

CONSULTATION AMONG UNITED STATES GOVERNMENT AGENCIES CONCERNED WITH FOREIGN AFFAIRS

In the new responsibilities which the United States is undertaking in the family of nations, the committee recommends that the board of directors of the Chamber of Commerce of the United States emphasize that, to form a proper basis for the instructions to be given the American representative on the Security Council, there be maintained by the United States Government effective machinery for consultation between high officers of the Department of State, the Department of Commerce, the Army, the Navy and other interested Government agencies.

CONSULTANTS

The committee recommends that the board of directors of the Chamber of Commerce of the United States congratulate the Department of State on the arrangements made at San Francisco for representatives of national organizations to act as consultants to the United States delegation, and recommend that this program for consultation which proved constructive at the United Nations Conference be continued in the future, when appropriate.

WASHINGTON, D. C., July 7, 1945.

FOREIGN RELATIONS COMMITTEE,  
*United States Senate, Washington, D. C.*

GENTLEMEN: The purpose of this letter is to state wherein the United Nations Charter departs from basic principles of justice and democratic ideals and, also, what can be done to remedy this situation without withholding ratification.

I

1. President Truman stated, speaking of the Charter, "Justice remains the greatest power on earth. To that tremendous power alone will we submit."

A century and a half ago George Washington stated, in similar vein of noble thought; "It will be worthy of a \* \* \* great nation to give to mankind the \* \* \* example of a people always guided by an exalted justice \* \* \*"

Neither of these statements can be reconciled with provisions in the Charter for military enforcement whereby people generally—men, women, and children indiscriminately—are to be starved or murdered by bombing from the air.

Indeed, it is contrary to simple justice, if not reprehensible, that people who are innocent of direct political power to act in any nation should be so punished for that which they cannot control.

2. "Exalted justice" in a democracy holds those who control the power of the state individually responsible to protect, defend and not violate the rights of the people as expressly stated in the Constitution. This is the foundation of democracy.

It is not consistent with democratic ideals that those who control the power of the state shall remain free to again lay careful plans to regiment their people and to conquer the world, the Security Council included, with new and terrible weapons of misdirected science.

"Freedom from fear" is a people's right. The mandate of the people that something be done to prevent war in the future is a demand for a people's right.

There is no provision in the Charter, anywhere, to restrain those who control the power of the State to aggress.

3. Throughout the history of mankind, the only successful method of deterring crime has been that which applied the principle of individual responsibility under law.

Thomas Jefferson stated this principle when he wrote: "No government can be maintained without the principle of fear as well as duty. Good men will obey the last but bad ones the former only."

Franklin D. Roosevelt said: "Somebody should be held responsible for firing that first shot."

The Charter provides for responsibility en masse. The thought that this will deter aggression is comparable to the Nazi belief that the slaughter of innocents would stop the underground. It is as great a delusion as the concept that a state can be held responsible for war.

People will obey a law they understand and accept and which punishes the individual violator. History is replete with refusals to submit to compulsion predicated on the slaughter of innocents.

The Charter does not hold "somebody" responsible. It is lacking in law specifically prohibiting aggression. It is without means for applying the principle of individual responsibility.

The Charter is lacking in true enforcement means. As it stands, it is the agreement of a military alliance.

## II

We can easily remedy the situation by following the path of the Magna Charta and the Bill of Rights.

We can ratify the Charter with the understanding that a "People's right" will be offered as the first amendment to the Charter. We have a precedent for this in the adoption of our own Bill of Rights.

A "People's right" would empower justice operating under specific law to pierce the veil of state sovereignty to hold those who control the state individually responsible for criminal acts of aggression.

Presently, the power to defend and protect the people is also the power to compel the people to serve the "will to conquer." The "People's right" would withdraw the latter power. In other words, we would stop the crime of aggression from the top down instead of the reversion to military barbarism from the bottom up as provided for in the Charter.

The "People's right" would eliminate the objection that the Charter creates a military alliance, also the objections relating to the veto power.

## CONCLUSION

Where exalted justice rules, there tyranny is reduced to servitude. If the United Nations Charter is to be a permanent monument to those who fought tyranny in this war, we must eliminate the possibility of a recurrence of tyranny in the domain we seek to establish by the Charter. If we do not, the next generation may suffer the tempest generated by the ill winds of this war.

We must apply the principles of democracy to make this world safe for democracy.

Respectfully submitted,

HENRY M. KANNEE.

## A PEOPLE'S RIGHT TO VITALIZE THE UNITED NATIONS CHARTER

(NOTE.—The author was official reporter to President Roosevelt from 1932 through 1940 and saw the President almost daily during that time)

## I

It was late in August 1939. President Roosevelt sat in his study in the White House. The messages on his desk summed up to one word, "War!"

Now he was silent and his eyes were reflective, telescoping the past.

Then he spoke. There was anger in his tone and manner but frustration and sorrow were paramount.

There was cause for anger: With grim memories of World War I, he had pleaded with Hitler to think of humanity but had been treated with contempt.

There was deeper cause for frustration: He had long sought means for enforcing peace, much as a doctor seeks a cure for cancer. He had invited the friendship of leaders and peoples. He had taken counsel on the World Court and the League. He had proposed outlawing aggressive armaments under policing of an international commission. He had urged Baldwin of Britain to offer Mussolini the choice of arbitration with Ethiopia or a barred Suez. He had told an apathetic world to quarantine aggressor nations.

There were the peaks; long valleys of thought witnessed his stubborn search.

His sorrow resulted from foresight. War had come. It was too late for a vaccine because the dread disease had struck and must run its course. He termed this "The War for Survival" and refused to discount its ultimate



cost in lives. Long before Pearl Harbor he warned the Nation that it would reach into the far corners of the world.

He knew the bitter task ahead. He was bound under his concept of "first things first" to awaken the Nation, to prepare it, to bring about unity of purpose and, while this was in slow process, to lend what strength he could to the first lines of resistance.

For these reasons, his search for the road to enforcing peace must wait. This was the dividing line, the moment between stanch hope and stark fact. He thought and then he said:  
"Somebody should be held responsible for firing that first shot."

## II

It is not my right to attempt to express what was in President Roosevelt's mind at the time he uttered the words I have quoted. I can furnish only the background, as I knew it, and the words, verbatim.

However, I have every right to express my own conviction that this single sentence concisely described the very road he had been seeking to the objective of "freedom from fear."

The United Nations Charter adopted at San Francisco does not follow that road and I maintain that it is without law and effective enforcement to deter and control future crimes of aggression.

I invite you to travel that road with me and compare it with what is proposed in the United Nations Charter.

## III

"Somebody should be held responsible for firing that first shot."

This is law.

This is a definition of crime—the crime of aggression.

The primary purpose of criminal law is to deter the criminal rather than to punish him.

Crime cannot be prevented because the intent of the criminal is obscure. The will to conquer is particularly adept in finding circuitous routes to its objective.

It is only by first having a clear statement of law that the potential criminal is deterred by fear, that the police have authority on which to act and that it is made difficult for criminals to enlist the aid of others.

Men easily twist their minds to serve an ideal, particularly if it pays. However, if that ideal is contrary to fixed and accepted law or if it becomes apparent that it will lead to a violation of such law, then enthusiasm wanes and organization disintegrates.

War cannot be fought without organization.

The Charter does not furnish a clear statement of law defining the criminal act of aggression and fixing responsibility therefor. In other words, individuals, including office holders, are bound under the laws of the state to serve the state. It follows that they can be compelled to serve the will to conquer if and when it is in control of the powers of the state.

Under the Charter, the Security Council will make decisions designed to maintain peace. This is law after the fact. Law and punishment after the fact does not serve to deter crime nor does it serve to restore so much as one son lost in battle.

## IV

"Somebody should be held responsible for firing that first shot."

Throughout the history of mankind, laws against crime have been enforced by holding the individual responsible for his criminal act.

The rights of people in a democracy are enforced by exalted justice applying the concept of individual responsibility without regard to rank or position.

War requires organization and organization requires control and direction. If police authority is created under law clearly defining an act of aggression as a high crime against the people, it follows that such police authority should be in position to arrest those individuals who are at the control points of the act of aggression.

In short, deal with aggression from the top down so that the "will to conquer" is the first victim of enforcement.

The Charter holds to the concept that the "state" is responsible for the crime of aggression. This is a delusion. A state is incapable of being "responsible" for crime. A state cannot be punished or made to fear punishment hence it.

cannot be deterred from committing a criminal act. A state cannot be arrested or stopped.

A state is like a corporation. A corporation cannot be deterred from committing a crime. However, its officers and directors are deterred from using the corporation or permitting its use for criminal purposes because they know that justice will pierce the corporate veil to put them, individually, in the penitentiary for the criminal act committed by the corporation. In other words, justice holds the directors and officers individually responsible because they were elected or appointed to guard the actions of the corporation.

Unfortunately, the Charter does not deal with the state as justice deals with corporations. The Charter does not hold individually responsible those who have been elected or appointed to the high honor of guarding the security and liberties of the people. In fact, under the Charter, those in office who directly control the power to wage war are not only free to serve the will to conquer but the will to conquer, if and when it attains top position in government of a state, remains perfectly free to compel them to serve.

However, it is perfectly evident that the Charter has provided the Security Council with enforcement powers. It cannot apply them against a state which can suffer no pain. It does not apply them against specific individuals; indeed, it cannot because its weapons are of a military rather than police nature. What is the Security Council going to do? Why, it is going to resort to economic blockade and action by air, sea and land forces. Here are weapons and the use of weapons capable only of starving and bombing men, women and children, indiscriminately. In other words, the very people who are intended to be the beneficiaries of the objective, freedom from fear, are to be subjected to starvation or murder from the air in order to exercise leverage on the conscience of a state which is without conscience and whose leaders have given indications of willingness to join battle in a reversion to war.

Examine it from another angle: The people—who nowhere in the world are constantly in control of government—are given a choice which must, perforce, call for decision by the individual. Assuming that he has a free and informative press, he is confronted, on the one hand, by the remote possibility that the Security Council will stoop to mass murder of innocents and that he or members of his family may be among its victims. On the other hand, he faces the absolute certainty that he, individually, will be shot for treason or desertion if he does not obey his own government forthwith. He will obey his own government, of course, and will support it—he always has. Thus, the people will be ground, just as they are in war, between two vast machines, to one of which they are hopelessly chained by law while they can expect from the other, the Security Council, nothing but death and destruction during its probing in a blind and senseless search—for what? Nor is the toll of lives a one-sided affair. Read the casualty lists.

Good people do not need to know the law. It is the criminal who makes it his business to know the strength and weaknesses of law and enforcement.

The basic weakness of the enforcing powers held by the Security Council is not that the Council will refrain from sadistic use of military force and thereby nullify its effectiveness. Nor does it lie in the fact, assuming that the Council does make use of its broad powers, that the entire people of any nation will resent, as they have throughout history, the punishment of innocents, particularly if such punishment is predicated on enforcing the discretionary judgment of the Council rather than accepted law.

The basic weakness of such enforcing powers lies in the probability established by history that another score of years will see the "will to conquer" arise, as safe behind the veil of state responsibility as it was behind the veil of state sovereignty, to lay its careful plans to regiment its people and to conquer the world, the Security Council included, with new and terrible weapons of misdirected science.

Then, even as in this war, men who think themselves free will once again become the indirect puppets of the "will to conquer," fighting the slaves of that will, man to man—yes, and machines against helpless women and children—with all the folly, futility, and wanton waste of war.

Any treaty which cannot be enforced is a scrap of paper, the mere pledge of price and convenience of signatories whose lives are short and whose honor may be shorter. It is like an escort ship without a rudder, a menace to the sovereign ships which unwisely rely on it for protection.

What to do about it?

The Charter lacks only in law and enforcement to maintain peace.

Law calls for a simple prohibition, a "Thou shalt not," which every person can understand, respect, and help to enforce. Aggression is a high crime against

mankind. As such, it calls for a high law, or a people's right. A people's right calls for exalted justice, which is justice empowered above those in control of government anywhere, to apply that people's right. Since justice does not exceed the letter of law which has been accepted, this is no incursion of state sovereignty.

Enforcement of a people's right calls for true police powers capable of arresting the individual who actually violates the people's right. Since we are dealing with states, both justice and the police authorities must have the power to pierce the veil of state sovereignty to hold individually responsible those who exercise the powers of the state to commit an act of aggression.

Thus, we need not concern ourselves with the actual or theoretical causes of war, whether they be individuals or cliques, people of the state as a whole or the economic royalists, poverty or greed, race or religion. They do not justify war nor will war eliminate them.

We would make use of the Security Council and its military forces only as we in the United States on occasion make use of the National Guard, viz., to restore law and order under justice when and if the people are misled into obstructing the path of justice.

This would serve to cure certain faults in the Charter relating to the Security Council and its powers, as follows: The Council is given broad discretionary powers without provision for the checks and balances or principles of justice consonant with democratic concepts. The Council members are tied to the leaders who appointed them, hence subject to power politics as were the delegates to the League of Nations. The Council's unity and speed of action are contingent upon agreement among a few dominant states. Finally, but not least, the veto power of our representative is the only safeguard we will have against incursion of our form of government and liberties in the name of maintaining peace.

## VI

The people's right: "No person shall be compelled, caused, directed or knowingly permitted to participate in an act of aggression, nor shall any person voluntarily participate in an act of aggression."

Outline of application and enforcement:

"For purposes of definition, the foregoing prohibition shall be known as 'The people's right' and an 'Act of aggression' shall be the sending of military manpower or weapons from within the sovereign limits of one state to trespass upon the sovereign territory of another state without the express consent or request of the Security Council.

"The citizens or subjects of all States \* \* \* shall be construed as being individually bound and obligated \* \* \* to comply with, protect and defend 'the people's right.' \* \* \* Officials \* \* \* shall include this obligation in their oaths of office. \* \* \*

"States which accept 'the people's right' shall not be subject to the enforcement powers of the Security Council except as hereinbelow provided.

"The International Court of Justice shall be charged with effectuating 'the people's right' in accordance with recognized principles of criminal justice.

"Violation of 'the people's right' involving use of public office shall be \* \* \* 'Betrayal of Public Trust' \* \* \* in the first degree (this criminal act) shall be punishable by death \* \* \*

"The International Court of Justice may issue warrants, cease and desist orders \* \* \*

"The Court shall create a Department of International Justice. \* \* \* Agents of said Department shall have the privilege of entry into any signatory state at any time and in any numbers \* \* \* without power to act, however, unless and until the Court has designated individuals who have violated 'the people's right' and who have refused to obey the mandates of the Court or to submit themselves to its jurisdiction. \* \* \* interference with agents, including refusal to permit their entry \* \* \* shall be a violation of 'the people's right' and punishable. \* \* \*

"In the event that there is interference with the Court or its agencies, by military or other forces, to such degree that the Court and its agencies are unable to function, the Court shall have authority to require the Security Council forthwith to furnish military forces and to direct the use of such forces to the end that order shall be restored \* \* \* and the Court and its agencies may function for the purpose of effectuating 'the people's right.'"

"It will be worthy of a free, enlightened and, at no distant period, great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice. \* \* \*"—George Washington.

HENRY M. KANNEE.

WASHINGTON, D. C., June 30, 1945.

STATEMENT OF LYEL CLARK VAN HYNING, PRESIDENT, WE THE MOTHERS MOBILIZE FOR AMERICA, INC., CHICAGO, ILL.

The organization which I represent is known as We, The Mothers Mobilize for America, Inc. Its one objective is the preservation of our form of government.

The Government of the United States is not an experiment. It has proven itself not alone in the unprecedented growth of the Commonwealth but in the development of the individual citizen.

Other nations hold greater portions of the earth's surface, with access to richer treasure of the earth, yet we have become the greatest nation on earth by virtue of one thing only—a three divisional form of government with ultimate power in the hands of the people, secured to them by certain checks and balances, which operate to prevent any one department from tyranny. The resultant freedom to the individual is best exemplified today in the American soldier who does the impossible because he cares to think for himself.

Yes, gentlemen this is a Government of the people. Our Constitution for the first time in history recognized the common citizen as superior to his elected representative. The writing of those seven words "We, the people of the United States" was the revolution of all time.

Article 10 of the Bill of Rights, without which the States would not ratify the Constitution, plainly, declares "The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The powers delegated to each of the three departments of the Government are plainly written in plain language. No one person can commit these United States to any thing which need be considered binding. The secret commitments made by Mr. Roosevelt at Yalta and elsewhere are not in any way binding upon our Congress or Mr. Truman.

The other nations have had 150 years to learn that truth. Ignorance can be no excuse for their acceptance of any promises made by an individual.

The Declaration of Independence which is the cornerstone of our sovereignty defines the things which a free and independent state may do—first being "Full power to levy war." Accordingly, the Constitution, pursuant to this principle gives to Congress the right to "declare war," article 1, section 8.

Yet, the San Francisco Charter places that power in the hands of an individual. You, Senators, are oath-bound to support the Constitution—you cannot give away that which you do not have. To argue that Presidents have violated that law as justification for further violation is tantamount to justifying all subsequent crime after the first. If you are the murderer's second victim you have no case.

The Constitution was ratified—made binding by the people—only they can, alter or annul it.

The Constitution has been praised through the years for the "brevity, precision, and conciseness of its language." The San Francisco Charter is a hodge podge of ambiguity, one example, in chapter 4, article 13, it makes "recommendations" for promoting international cooperation in the economic, social, cultural, educational, and health fields—but, "far further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph B." You must find chapters 9 and 9X where you read "Article 59—All members pledge themselves."

How it is to be done is explained in the following articles of chapter 9, suffice it to say that this extraordinary power over our health, education, money, etc., is to be placed in the hands of the economic and social council of 18 members chosen by 200 members of the General Assembly, who are appointed by the administrative branches of these various Nations. Thus the five, who represent us will not be elected by the voters or responsible to them.

The Economic and Social Council which will have the power to regulate the intimate details of the lives of our people will be chosen by irresponsible peoples whose ideology is vastly different from our own—antagonistic to the American spirit of personal freedom and individual enterprise.

This is another violation to that immortal document, the Declaration of Independence, which declares our right "to assume among the powers of the earth, the separate and equal station, to which the laws of nature and nature's God entitled us." As per the above instance, the San Francisco Charter is an attempt to dissolve us in an International Witches Brew.

The veto power was fought bitterly in San Francisco by the small Nations, Australia, Colombia, India, Peru, etc. Evatt, Foreign Minister of Australia, called the position of The Big Powers "indefensible." Fifteen Nations abstained from voting as their protest against it.

Senator Connally's only justification of it was "the dead President had promised." Dead hands cannot control a brave new world.

In this veto of the big and powerful, we see the ugly picture of our own great country, which has always been for the underdog, now beating small Nations into line by the use of might. We may bribe the rulers, but the people are in revolt against such rulers.

How can there be peace with two-thirds of the people of the world held in thrall to the wishes of a Big Five? It has been tried before and it failed, and it will ever fail as long as liberty lives in the hearts of men. The Holy Alliance of 1815 was the San Francisco Charter of that time. Its members, while giving lip service to system of government professing the principles of Christianity, in reality had no other aim than to crush by blood and iron every movement against despotism.

The Monroe Doctrine was a defense against the land-grabbing tactics of that big combine, whose world objective was that a Big Three could keep peace.

The Monroe Doctrine has protected the Western Hemisphere and its people from the imperialism of the old world gang for over 100 years. Under this San Francisco Charter, if Russia wished to eat up Mexico or Nicaragua, as she has eaten up Poland, we have to ask the Security Council if we may act to prevent her, and by one veto, Russia herself can forbid it. What then of the good-neighbor policy?

The world has been controlled by Big Three's or Five's or One's for thousands of years, and there has been no peace. The whole world is in revolt against the domination of the few and this San Francisco Charter is only a final chapter in a long series to make the world subservient to the will of a clique of international materialists. They have used the fair name of "peace" to deceive the people into giving up their inalienable rights, while advancing their control over the people.

This conspiracy to enslave all peoples has been going on for years, by means of many well financed so-called "peace" organizations and charity cloaked monopolies.

Those who have lived off the sweat and toil of their fellow men, have conspired to reduce the worker to complete servitude.

The Charter is the final chapter in the long series of secret commitments by world politicians and financiers, who have planned wars and depressions.

The peoples of all countries have only to consider the groups who are for the Charter, to realize that they are the great money powers. They control all mediums of expression. They smear and excoriate any one who dares speak in opposition. To be a simple student of Christian culture is to be styled unAmerican. In proof that there is a conspiracy we plan, I submit for examination this postwar world map, which was completed in October 1941, 2 months before Pearl Harbor. Also, I submit a recent map of June 5, 1945. The territorial claims, the spheres of influence, are the same in both; so alike that one could be superimposed upon the other.

Who planned it so exactly and why? Who is responsible for all the slaughter and suffering?

The same people who wanted the war want the Charter. Why? If you find the few who have profited most from the war, you will have the answer.

Tell the mothers of dead and dying boys that it is only part of a plan.

Many, of course, favor the Charter as they favored war, victims of an expensive propaganda which discourages any thinking which is at variance with the "national emergency." These know nothing of the real significance of the Charter or the plan. The few who planned both know.

No peace loving nations were at San Francisco. They weren't permitted; they might make a real peace.

Only war-loving nations were there and "men who make war cannot make peace." Winston Churchill said that. "You have swallowed everything else," he said; "why not swallow that."

The Charter carries the torch for profit, greed and power. It pretends freedom but its freedom is that of a life prisoner; it pretends peace, but its peace is that between a master with flogging rope and his cowering slave.

Let all Nations give up their spheres of influence, liberate the East Indians, the Koreans, the Poles, etc., then, and then only, talk of peace.

World peace will come, but it can't come through blood and iron, hate and revenge, but through justice, equality and the Golden Rule.

A world cooperation will come when Nations have the Government of their choice and an equal voice in the affairs of Nations.

The United States Constitution will live for it is part of the divine plan, it is the torch guiding all struggling peoples to the light.

The San Francisco Charter is the last grasp of greed and hate by the vested interest and exploiters of human beings. Its falseness is only proof that the real is near, for the false must come first.

It is the final effort to deflect man from his rightful destiny of freedom and peace.

A vote for the Charter is treason to your country and to the peace hopes of the World.

To recapitulate: The San Francisco Charter voids the Declaration of Independence; violates the Constitution of the United States; scraps the Monroe Doctrine, and the ancient law of nations to conduct their own internal affairs.

It is all a well-laid plan or conspiracy by the privileged few, against all people.

Americans have been so cowed by propaganda under the excuse of "national emergency" they are condoning this treason to their country.

WAR RESISTERS LEAGUE,  
New York, N. Y., July 12, 1945.

The Honorable TOM CONNALLY,  
*Chairman, Committee on Foreign Relations,  
United States Senate, Washington, D. C.*

DEAR SENATOR CONNALLY: We have today sent you the following night telegram:

"We wish to register a statement concerning the attitude of the War Resisters League as to ratification of United Nations Charter. Statement follows under separate cover and we hereby respectfully request you to enter same in the record of your hearings."

The statement, sent for inclusion in the record of your hearings, is enclosed herewith.

Sincerely yours,

ABRAHAM KAUFMAN,  
*Executive Secretary.*

#### THE SAN FRANCISCO CHARTER

An open letter from the War Resisters League to the Committee on Foreign Relations of the United States Senate, now in session to consider the support by the United States of the charter adopted at San Francisco

Before the European phase of this war was over the executive committee of the War Resisters League unanimously adopted the following statement as our official position concerning the proposals for the United Nations Conference on International Organization, popularly known as the Dumbarton Oaks proposals:

#### THE DUMBARTON OAKS PROPOSALS

The War Resisters League deplors the reactionary character of the Dumbarton Oaks proposals. We see them as representing no true international arrangement but the domination of the world by the five most heavily armed powers. It is a step back to the Triple Alliance, with special privilege for certain nations based on the old and dangerous principle that might makes right. We are glad opportunity is given for discussion and criticism and would point out the inherent defects which disturb us.

It is our conviction that the specific proposals made at Dumbarton Oaks are inadequate and a menace to the development of a peaceful and just world order.

First. The most serious defects of the old League of Nations, long recognized, are not remedied but at times even exaggerated. (a) Imperialism, against which the mandate system offered a weak gesture, is here completely disregarded. (b) No specific instruments are proposed to do away with the underlying causes

of war in race tensions, economic inequalities and territorial irredentas, except that economic and social welfare is handed over to a council without power. (c) Armament regulation is entrusted to the Military Staff Committee of the five powers. (d) All possibility of progress is blocked as effectually as in 1919 by the requirement that amendments to the Constitution must be ratified by the powers possessing permanent seats on the Council.

Second. A significant change from the League of Nations is the abolition of the inefficient unanimity requirement in the Assembly, but even more important is the provision for the immediate coercion of aggressors by the Security Council, substituting for loose sanctions a definite obligation of members to carry out the decisions of the Council. This obligation is to be enforced through a permanent military staff committee of the five great powers, equipped with an immediately available air force. This proviso is a step back in the building of international cooperation for it merely strengthens the system of alliances and dependence on military power which is basic in the Dumbarton Oaks proposals and has already produced two wars.

Third. The obligations stated in the Atlantic Charter are completely ignored. There are watertight provisions which secure for all time the control of the all-powerful Council to the five nations which are expected to emerge as military victors in the present war. They have exclusive control of the military staff committee and the air-force quotas, possess the right of veto over all amendments, and hold the only permanent seats in the Security Council. The six nonpermanent members of the Council are to be elected for 2-year terms, and to be ineligible for immediate reelection. In the General Assembly the smaller "peace-loving" nations may make recommendations upon all matters except matters "relating to the maintenance of international peace and security which is being dealt with by the Security Council."

Fourth. Not only do these proposals appear to the War Resisters League as a bartering of freedom, equality and justice in return for security from aggression, but this very security cannot be counted upon. If it should be finally determined, as one of the great powers has urged, that any Council member may be allowed a vote upon disputes involving itself, no small nation can be relieved from the fear of aggression by any permanent member. Moreover, as two of the five permanent members are still without stable government, and the three great powers are known to differ on crucial matters, the Security Council itself can give no guarantee of continued cooperation after the war emergency is over.

The War Resisters League cannot place confidence in any attempt to bring peace through armed coercion rather than through justice, friendship, and the removal of the underlying causes of war. We urge the American people to assert all possible effort toward the modification of the proposals for international organization along the following lines:

(a) To build international political machinery—based on the consent of the governed—capable of handling world problems vital to the economic and political freedom, and the security of people everywhere.

(b) To advocate democratic, federal structure, with membership open to all and enforcement of world law on individuals rather than military coercion of nations in any international organization proposed.

(c) To recognize the universal abolition of conscription as the acid test of good faith in any world organization designed to prevent wars and create justice.

Since our adoption of the above statement, November 27, 1944, the nations were called together to draw up a charter for the United Nations. It is significant that those invited included only nations at war. Iceland, for instance, whose constitution forbids a declaration of war, could not be invited, though one of the world's earliest democracies and a "peace-loving nation" if ever there was one.

#### THE ATLANTIC CHARTER

In but one respect has the new Charter met the specific criticisms set forth in our League's statement—that which concerned mention of the Atlantic Charter. We are glad to note that the Atlantic Charter was taken from its discarded position and accepted by the drafters of the new Charter. We are glad, too, at the mention in the new Charter of: "fundamental human rights, in the dignity and value of the human person, in the equal rights of men and of nations large and small \* \* \* the principle of equal rights and self-determination of peoples \* \* \* promotion and encouragement of respect for human rights and for fundamental freedoms for all without distinction as to race, language, religion, or sex \* \* \* promotion of human rights."

It will be our duty to see that these words are transformed into reality. To this we must dedicate ourselves.

We cannot overlook, however, the reality that for the present the words just quoted are nothing but words and that the actions of the Big Three these last few months give us little hope that they are more than words.

#### A WELCOME ARMISTICE

Our league welcomes the fact that the Big Three have agreed on the San Francisco Charter as an indication of a temporary compromise of their imperialist differences—in that sense this Charter is a welcome Armistice.

#### NOT A STEP TOWARD PEACE

With respect to the building of an enduring peace, however, we do not see it as even a step in that direction. We ask, at this point, examination of our League's statement with regard to the Dumbarton Oaks proposals. The basic ideas there set out still stand. We find no progress toward the solution of any of these minimum requirements, in a direction toward genuine world government or an effort for ending of conscription and the burden of armaments. Neither do we find among the builders of this new Charter a consideration of terms for an early end to the slaughter in the Pacific or for a program for Europe which would give confidence in humane treatment for the defeated or carrying out of the words quoted above from the early sections of the San Francisco Charter.

We, therefore, oppose the adoption by the United States Senate of the San Francisco Charter, unless amended to include the basic changes listed above.

#### WILL THIS MEAN CHAOS?

Does rejection of the Charter mean world anarchy or world chaos, as so many supporters contend? No. It would mean only a recognition of the chaos and anarchy in the affairs of men which now exists, recognition of the status quo—a temporary alliance of the three "Big" states who each act as they please, with or without a charter. These three states, with or without the charter, are now engaged in a period of armistice as among themselves.

For the principles set forth in our November statement on the Dumbarton Oaks proposals, we shall continue to work. We cannot accept the San Francisco Charter as it now stands. It is not at present "better than no world organization." It is an organization only in a nominal sense—the sense in which an alliance may be called an organization. It, therefore, misleads people who are anxious for a genuine world government. In this deception we cannot and will not join.

PETOSKEY, MICH., July 12, 1945.

HON. TOM CONNOLLY,  
*Senate Foreign Relations Committee, Washington, D. C.*

MY DEAR SENATOR CONNOLLY: Wire services today and late Wednesday carried story that Mrs. Agnes Waters appeared before your committee representing National Blue Star Mothers for purpose of opposing United Nations Charter. National Blue Star Mothers formerly were known as Crusading Mothers of Pennsylvania and changed name to sound like the original war mother association, Blue Star Mothers of America, whose half-million members cooperate in the home-front war activities program. A survey recently showed great majority of these patriotic mothers approved in principle the Charter. Senator Vandenberg is familiar with the organization. Mrs. Waters does not speak for nor represent in any way Blue Star Mothers of America. We will appreciate having this statement put on the record and likewise will appreciate letting the press know the facts.

Thanking you respectfully.

GEORGE H. MAINES,  
*Founder, Blue Star Mothers of America.*

FLINT, MICH., July 12, 1945.

HON. TOM CONNOLLY,  
*United States Senate, Washington, D. C.*

MY DEAR SENATOR CONNOLLY: I have read in the Detroit News, in the Detroit Times (Hearst), and the Chicago Tribune, while up here looking over a news-



paper plant we are anxious to buy, that Mrs. Agnes Waters, of Washington, appeared before the Senate Foreign Relations Committee. And that Mrs. Waters claimed to speak for the National Blue Star Mothers in opposition to the United Nations Charter.

My good friend, this lady is the same person who claimed to speak for several war mother groups a few years back, Blue Star Mothers, American War Mothers, Gold Star Mothers, among others, according to stories that appeared in PM newspaper, New York Evening Post, Washington newspapers, and whose ideas, as reported, were far different from those propounded by the Blue Star Mothers of America which was organized as a patriotic and educational association for service. The newspapers this writer is associated with sponsored and financed the Blue Star Mothers of America as a home-front war activity group for unity, tolerance and freedom. It was started as a result of the Pearl Harbor attack by this writer with the assistance of the department commanders in Michigan of the American Legion, VFW, DAV, and members of the Sons of the American Revolution, Military Order of the World War, Army and Navy Union of the USA, among other military and service organizations.

The record will show that a Philadelphia women's organization called the Crusading Mothers of Pennsylvania were so smeared by the press that they decided to change their group name to "National Blue Star Mothers" in January 1944. Our Blue Star Mothers of America had applied for a national charter prior to that, and were getting support from the late Senator Van Nuys who had promised us a committee hearing, you will recall.

In fact you told me you were impressed with the ideals of the original group, Blue Star Mothers of America, and their program. A majority of the members of the Senate Judiciary Committee had personally told this writer they would support a bill to give us a national charter. I only accepted the position voted me by the war mothers as national organizer and founder until a charter could be granted. We did not expect to have any opposition because it seems there was a place for such a home front group which would oppose the so-called subversive mother groups. With a charter we could have protected the name, I believe.

One thing you and your committee can count on, as Gov. Frank J. Lausche, Senator Homer Ferguson, Congressman W. W. Blackney (Michigan), Congressman John Lesinski (Michigan), and Senator Vandenberg could vouch for and that is there will be no planned campaigns, nor planned opposition from our mother association if we do not obtain a charter.

The Blue Star Mothers are not supposed to be in politics. They aim to help their sons and daughters in service, and to cooperate to furnish the womanpower to agencies like the American Red Cross, OPA, civilian-aide agencies, and the usual duties of good women who are interested in the welfare of their country. Reports show that in 1944 \$270,000 was given away in cash and goods to service men and women by the Blue Star Mothers of America without one penny being charged to expenses. Only one secretary in national headquarters is on a pay roll. While we financed the group at the start, they are able to carry on now under the guidance of Mrs. Edna May Standing, of Cleveland, the national president. They do some splendid work, and I am glad to compliment them.

Will appreciate it if you will let your committee know the facts about National Blue Star Mothers and the original patriotic organization which is the Blue Star Mothers of America. Thanking you, and with a handgrasp, and sincere regard and respect for old times' sake,

Your friend,

GEO. H. MAINES,  
*Founder, Blue Star Mothers of America.*

(The following communications, favoring the Charter, were later received for the record:)

HAMMONTON, N. J., July 7, 1945.

HON. TOM CONNALLY.

Urgé prompt ratification and approval of United Nations Charter.

EMELIE M. PHILLIS,  
*Legislative Chairman,  
Second District Women's Federated Clubs of New Jersey.*

CHICAGO, ILL., July 13, 1945.

Senator TOM CONNALLY:

Trust you received for Senate Foreign Relations Committee record letter to you and statement sent air mail special yesterday. Commission on World Peace of the Methodist Church strongly urges ratification of Charter and supports statement adopted by Federal Council of Churches. As executive secretary of commission I am urging unanimous vote in Senate, believing this would have large influence for peace upon all nations of the world. Hope my letter stating support of Charter and statements of appreciation to United States delegation may be included in record. Your skillful leadership and devoted accomplishments of your colleagues are greatly appreciated.

CHARLES F. BOSS, JR.,  
Executive Secretary, Commission on World Peace,  
Methodist Church, and Consultant for Churches at United Nations Conference.

SEATTLE, WASH., July 13, 1945.

Senator TOM CONNALLY,  
Chairman, Foreign Relations Committee,  
United States Senate:

Please be advised of our unanimous and vigorous support of CIO President Philip Murray urging adoption of United Nations Charter.

O. A. MUNIER,  
Agent Pro Tempore,  
Marine Cooks and Stewards Association.

SEATTLE, WASH., July 13, 1945.

TOM CONNALLY,  
Chairman, Foreign Affairs Committee, Capital Building:

Alaska Fishermen's Union requests United Nations Charter be approved unanimously.

OSCAR ANDERSON, Agent.

SEATTLE, WASH., July 13, 1945.

Senator TOM CONNALLY,  
Chairman, Foreign Relations Committee, United States Senate:

This organization expresses solid support for CIO President Phillip Murray in his plea for favorable action your committee and Senate on United Nations Charter for International Organization. World peace is basis of industrial development for the Northwest and world trade. We feel Charter absolutely necessary to peace of world.

HILDA HANSON,  
Executive Secretary, Seattle CIO Council.

MIAMI BEACH, FLA., July 13, 1945.

Senator TOM CONNALLY,  
Chairman, Foreign Relations Committee, United States Senate:

I believe I express the views of not only Connecticut independent Republicans but independent voters throughout the Nation in urging the immediate ratification of the United Nations Charter. It is a step in the right direction.

H. O. ANTMAN.

SCHENECTADY, N. Y., July 13, 1945.

Senator TOM CONNALLY:

Charter must be ratified without fail. Make it quick. Then strengthen provisions for air, sea, and land forces with basis therefor under United Nations control. The organization must be able to act fast.

BRADFORD JORDAN.

NEW YORK, N. Y., July 13, 1945.

Senator TOM CONNALLY,  
Chairman, Committee on Foreign Relations:

At the instance of the president of the American Bar Association I wish to advise you of the approval of the council of the section of international and comparative law of the Charter of the United Nations Organization signed June 16, 1945, at San Francisco as a preliminary step in the right direction presupposing that the Congress of the United States will take the further steps necessary to implement the Charter and to assure the maintenance of the economic and military strength of the United States so as to enable it to play its part in preserving world peace.

MITCHELL B. CARROLL, *Chairman.*

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OMAHA, NEBR., July 13, 1945.

Hon. TOM CONNALLY,  
Chairman, Foreign Relations Committee:

Two hundred Omaha North Side Woman's Club members heartily endorse ratification of United Nations Charter.

Mrs. GEORGE GILBERT, *President.*

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CUSTER, S. DAK., July 13, 1945.

TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:

The Custer Women's Civic Club composed of 65 women representative of the community are in favor of the ratification of the Charter of the United Nations.

HELEN SANFORD, *Secretary,*  
LUCY BROYLES, *pro tempore.*

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TACOMA, WASH., July 13, 1945.

SENATOR TOM CONNALLY,  
Washington, D. C.:

Necessary President Truman be supported by ratified Charter when Potsdam meeting convened. Since American public approves acceptance of Charter we urge its immediate ratification.

TACOMA WOMEN'S COUNCIL FOR DEMOCRACY.

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SEATTLE, WASH., July 13, 1945.

Senator CONNALLY,  
Chairman, Foreign Relations Committee, Washington, D. C.:

International Longshoremen's and Warehousemen's Union, Local 1-19 urges immediate passage of World Security Charter without crippling amendments.

WM. VEAUX, *Secretary.*

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SEATTLE, WASH., July 13, 1945.

TOM CONNALLY,  
Chairman, Foreign Affairs Committee,  
Washington, D. C.:

The United Fishermen's Union of the Pacific are supporting Philip Murray in his plea for favorable action on the United Nations Charter as necessary for the future peace of the world.

ANTON SUSANJ, *Secretary-Treasurer.*

NEW YORK, N. Y., July 14, 1945.

HON. TOM CONNALLY,  
*Chairman of Foreign Relations Committee:*

I wish to congratulate you in your efforts toward peace as repeated in many statements of the new Charter and emphasized in the following words: "The principle of equal rights and self-determination—promotion and encouragement of respect for human rights and for fundamental freedoms for all."

It seems that there are other provisions which contradict these noble words. I hope you will disregard such contradictory sections and thus promote world-wide peace.

MRS. J. SERGEANT CRAM,  
*The Peace House.*

FORT WORTH, TEX., July 12, 1945.

Senator TOM CONNALLY,  
*Washington, D. C.:*

Our full support for San Francisco agreement. Proud of you for splendid work to promote it. May God lead Senate to approve it.

WOMAN'S SOCIETY OF CHRISTIAN SERVICE,  
HIGHLAND PARK METHODIST CHURCH.

BATON ROUGE, LA., July 12, 1945.

HON. TOM CONNALLY,  
*Senate Foreign Relations Committee, Washington, D. C.:*

Behind you 100 percent in your efforts for ratification. Call upon us if we can in any way assist you.

E. M. CULVER,  
*Adviser to Department of Education,  
Louisiana Federation of Women's Clubs.*

CHICAGO, ILL., July 12, 1945.

Senator CONNALLY,  
*Chairman, United Nations Charter Senate Hearing:*

Our organization, Women of America, dedicated to the preservation of our constitutional form of government, believes the immediate adoption of the United Nations Charter will solidify all countries, materially lessen the possibilities of world conflicts, and will have a decided influence in shortening the present war. We feel that every real American should be working for the adoption of this Charter.

MRS. MARY E. KENNY,  
*National President.*

NEW YORK, N. Y., July 12, 1945.

Senator TOM CONNALLY,  
*Foreign Relations Committee, United States Senate, Washington, D. C.:*

The board of the National Federation of Business and Professional Women's Clubs meeting here this week urge that the Senate Foreign Relations Committee recommend to the Senate by unanimous vote favorable consideration of the Charter of the United Nations.

MARGARET A. HICKEY, *President.*

CAMDEN, N. J., July 12, 1945.

HON. TOM CONNALLY,  
*Chairman, Foreign Relations Committee,  
Senate Office Building, Washington, D. C.:*

The delegates of the South Jersey Industrial Union Council, CIO, Unanimously passed a resolution at their meeting July 11, 1945, fully endorsing the United Nations Charter. We respectfully request that the United States Senate speedily

approve this document and thus lay a foundation for a world in which war will be considered a crime against humanity. We respectfully urge you to vote for this Charter without any reservations.

Sincerely yours,

ERNEST KORNFIELD,  
*District Representative.*

BEAVER, PA., July 12, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:*

The Woman's Club of Beaver, Pa., is encouraged by your courageous stand in urging the early ratification of the Charter of United Nations. Hope you will continue to influence other Senate Members to speed action in approving this measure so vital to the whole world.

MRS. ELWOOD P. HUGHES.

LOS ANGELES, CALIF., July 12, 1945.

Senator TOM CONNALLY,  
*Chairman of Foreign Relations Committee,  
Senate Office Building, Washington, D. C.:*

Three hundred and fifty members wish to commend you for your stand and leadership for the United Nations Charter. The American people will be very proud to have United States the first of the great powers to ratify this world Charter.

HOLLYWOOD WOMEN'S COUNCIL.

NEW YORK, N. Y., July 12, 1945.

HON. TOM CONNALLY,  
*Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:*

MY DEAR SENATOR: On behalf of the directors and 50,000 members of the American League for a Free Palestine, an American nonsectarian nonpartisan membership organization, I wish to urge the speedy ratification by the Senate of the United Nations Charter.

It is imperative that the United States continue with the role of leadership that it displayed when, under the late President Roosevelt, it initiated the organization of the United Nations. The world is in dire need of the continuation and further development of that leadership. Together with an overwhelming majority of the American people, we enthusiastically acclaim President Truman's policies as expressed in his message to the Senate on the Charter.

The enormous and bloody sacrifices of this war must not be in vain as were the sacrifices of all previous wars. The League of Nations failed because it abandoned the moral foundation upon which it was built and because we were not there to maintain that moral foundation which was given to the League by one of America's greatest Presidents.

Woodrow Wilson was right and the price for our refusal to recognize this fact is over a million American casualties and some 50,000,000 casualties of other nations. Today once again providence has thrust upon our nation the heavy burden and glorious opportunity of initiating a world leadership of morality and justice in which human decency prevails and which is the only guaranty for a peaceful world order enabling the progress of all nations and their development in an atmosphere of freedom and good neighborliness rather than despotism and war.

The American League for a Free Palestine came into being as a result of these American traditions and aspirations. It seeks the solution of one of the world's gravest and most shameful problems, a problem which has repeatedly threatened the peace of the world and which has perpetually victimized and decimated the population of the great Hebrew Nation.

We cannot and should not ignore the millions of Hebrew casualties in Europe. We cannot and should not ignore their survivors who now more than ever deserve the right of self-determination and of a free life on the soil of their ancient national territory—Palestine.

President Wilson was an ardent believer in the rebuilding and reestablishment of Palestine and it was mostly due to his efforts that the League of Nations recognized the justice and necessity of this historic development. Every President and every Congress of the United States since then has reiterated the desire of the American people to see the fulfillment of that aim. It will be impossible for the Charter to succeed in its purpose of maintaining world peace so long as one section of the world's population continues to suffer under a historic injustice.

In sending you this message for inclusion in the record of the hearings of your committee on the Charter, I do so, confident that the splendid work you did at San Francisco will not be wasted for want of fulfillment of all the ideals and all the traditions of the American people.

Sincerely,

HARRY LOUIS SELDEN,  
*Cochairman, American League for a Free Palestine.*

THE NATIONAL BOARD OF THE YOUNG WOMENS  
CHRISTIAN ASSOCIATIONS OF THE UNITED STATES OF AMERICA,  
*New York 22, N. Y., July 12, 1945.*

Senator TOM CONNALLY,  
*Chairman, Foreign Relations Committee,  
Senate Office Building, Washington, D. C.*

DEAR SIR: One June 27, 1945, the following action was taken:

Voted: "That the National Board of the YWCA heartily endorse the Charter of the United Nations as a solid structure upon which peace can be built. We urge prompt ratification of the Charter by the United States Senate and full cooperation by our government and people in the task of building a world order based on law, justice and human welfare."

This action is a culmination of many years of support by the Young Womens Christian Associations of the United States of the principle of collective security. The national convention in 1924 endorsed entrance into the League of Nations, making the YWCA the first women's organization to give such support to the League. This action was reaffirmed in subsequent conventions. During the war, the national board has worked for the establishment of a general international organization, and its public-affairs program adopted in December 1944 endorsed the Dumbarton Oaks proposals.

The national convention which was to have been held in April of this year was canceled for transportation reasons. Instead, stay-at-home meetings in community and student YWCA's afforded even wider opportunity for discussion and vote on issues confronting us as Christian women and as citizens. Included was the public-affairs program mentioned above. Unanimously and with great vigor, the local meetings approved "acceptance by the United States of membership in the United Nations Organization, and full support of its principles as a step toward the greater development of international organization." The only qualifications were made by some associations who thought that the stand of the national board could have been even stronger.

In endorsing the Charter of the United Nations as "a solid structure upon which peace can be built," the national board of the YWCA recognizes the great importance of national acts and policies essential to carry out the lofty purposes of the Charter. We know that the United States has a primary responsibility in making the United Nations effective. An immediate and obvious step is to provide a contingent of armed forces for use by the Security Council, and to authorize our representative on that body to commit their use without reference to Congress on each occasion when aggression threatens. We believe that such authorization is a logical development of the United States policy of executive action to protect national interest by the use of force. Modern methods of warfare make it essential for the upholders of peace to act as swiftly as the breakers of peace. Furthermore, assurance of such prompt action by the United States and other nations would go far in deterring potential aggressors.

The national board of the YWCA urges an immediate and overwhelming vote by your committee and by the Senate in accepting without reservations the Charter of the United Nations. We stand ready to support action in political, economic, and social fields essential for building, on the foundation of the Charter, a world of peace and justice.

Sincerely yours,

Mrs. HENRY A. INGRAHAM,  
*President.*

COMMISSION ON WORLD PEACE OF THE METHODIST CHURCH,  
Chicago 11, Ill., July 12, 1945.

Senator TOM CONNALLY,  
Chairman of the Senate Committee on Foreign Relations,  
United States Senate, Washington, D. C.

DEAR SENATOR CONNALLY: I am writing to you and the Foreign Relations Committee in two capacities; first, as executive secretary of the Commission on World Peace of the Methodist Church; and, second, as one who was present at the San Francisco Conference from April 22 to June 27. It was my privilege to be accredited by the State Department as an "observer," as a "press representative" writing for the church press, and as a "consultant" for the Federal Council of the Churches of Christ in America, taking Dr. Walter Van Kirk's place beginning June 1.

As executive secretary of the Commission on World Peace, I am informing the Committee on Foreign Relations through you, that we have taken action supporting ratification of the United Nations Charter. We believe our people are ready for this action.

We are sending a mailing beginning today, to 26,000 Methodist leaders. These include our 23,000 Methodist ministers who are being asked, as you will see in the accompanying material, to read the Federal Council's statement from the pulpit Sunday, July 22, and to urge all of our people to support Senate ratification. This appeal is signed by Bishop G. Bromley Oxnam, president of the Federal Council of the Churches of Christ in America, and chairman of the Crusade for a New World Order of the Methodist Church.

The action of our commission and my appeal to the church to support complete unanimity in the Senate is contained in the letter and brief summary of the San Francisco Conference. Copies of the letter of Bishop Oxnam, of the Federal Council's statement, and of my summary, are enclosed.

Writing as one of the consultants to the United States delegation, I want to add my prayer and hope that the Senate will take unanimous action in ratifying the Charter. I believe this will have an influence for good, an influence for peace, among all the nations of the world. May I report to the committee my very great appreciation for the consecrated and outstanding labors of the United States delegation, which so successfully and brilliantly gave leadership amidst the difficult problems, and contributed so much to the final result.

Speaking particularly from the point of view of a churchman, I am grateful for the deep religious spirit and moral earnestness which characterized the members of the United States delegation, and for the sense of moral responsibility which pervaded the United Nations Conference.

With kind regards, I am  
Sincerely yours,

CHARLES F. BOSS, Jr.,  
Executive Secretary.

THE CRUSADE FOR A NEW WORLD ORDER

LED BY THE COUNCIL OF BISHOPS OF THE METHODIST CHURCH

JULY 12, 1945.

To Each Methodist Minister in the United States.

MY DEAR BROTHER: I. The final decision is about to be taken. There is no time for letters. To be effective, send a telegram to your Senators at once. Urge them to vote for the ratification of the Charter of the United Nations.

II. Please read the enclosed statement adopted by the executive committee of the Federal Council of the Churches of Christ in America to your congregation on July 22. This will be done in thousands of our churches across the country.

With kindest regards, believe me.  
Ever sincerely yours,

G. BROMLEY OXNAM.

COMMISSION ON WORLD PEACE OF THE METHODIST CHURCH,  
Chicago, Ill., July 12, 1945.

DEAR FRIEND: The following brief summary of my experience at the United Nations Conference on International Organization at San Francisco is presented now while the United States Senate is considering the ratification of the United

Nations Charter. A more complete report of my observations and conclusions will be available later.

Permit me to report first that the Commission on World Peace has approved my recommendation that we support the ratification of the Charter, and the enclosed statement concerning the Charter which was adopted by the Federal Council of the Churches of Christ in America. The brief but forceful appeal of Bishop G. Bromley Oxnam, in the name of the Crusade for a New World Order that the Federal Council statement be read in all of our pulpits on Sunday, July 22, and that members be requested to send telegrams urging Senate ratification of the Charter, has our full support. It is indeed time for action.

May I venture one further recommendation? It is that in sending our telegrams we appeal for a unanimous vote in the Senate on the ratification of the Charter. A unanimous vote will have a profound influence for peace, I believe, among the nations of the world. Only a few Senators to date have not yet indicated a favorable decision.

It was my high privilege to attend the Conference in San Francisco for the entire period from April 22 until June 27, the day following the closing session. I was privileged to attend every plenary session and commission meeting, the daily conferences conducted by the Division of Public Liaison of the State Department, most of the major press conferences, and the consultants' meetings beginning June 1 through the close of the Conference.

We are thankful to God that such a conference could be held at all. It began while war in Europe was continuing, war in the Pacific still raging. It faced the great differences in political, economic, and geographical structure between the Union of Soviet Socialist Republics, the United Kingdom, the United States, and the other 47 nations. It had to work in two languages—English and French—and carry on interpretation and translation in five—English, French, Chinese, Russian, and Spanish. The problem of making words mean the same thing in different languages, and in finding words and phrases in different languages which contain the same meaning, constituted a real difficulty in drafting and adopting the Charter.

Deep moral and spiritual elements were in the Conference. It began and closed with "a minute of silent and solemn meditation." President Truman, Governor Warren, and many of the delegates introduced direct references to religious principles, and even introduced Scripture and prayers. A sense of deep moral responsibility pervaded the sessions, and the delegates revealed a determination to succeed, whatever the difficulties encountered.

Over and over again the delegations of the United States, the United Kingdom, and the Union of Soviet Socialist Republics demonstrated their adherence to the principle of unanimity. This principle operates on the conviction that only if the five permanent members maintain unanimity in the interest of the maintenance of peace—and such purposes are embodied in the Charter—can peace be maintained.

Did the Church—religion—influence the work of the Conference and the agreements drafted in the Charter? The answer is a strong affirmative.

First, in the spirit of the delegates themselves, among whom were many outstanding Christians—some of them Methodist Christians—religion exercised influence.

Evidence of the influence of the Church may be found in the fact that the six political propositions, better known as the Six Pillars of Peace, are very largely embodied in the Charter. Of the nine amendments adopted by the churchmen at Cleveland, all except one were adopted in whole or in part. No specific provision was made for promptly initiating the limitation and reduction of national armaments. But the Charter does place responsibilities upon the General Assembly and upon the Security Council and Military Staff Committee for reduction of armaments and even disarmament. Some amendments fell short of the full ideal established at Cleveland, but all amendments at these points moved in the direction of—and some fully comprehended—the amendments recommended by the churchmen. It is my judgment that the finished Charter is a vast improvement over the working paper entitled "The Dumbarton Oaks Proposals."

Furthermore, the Charter is superior to the League of Nations Covenant. The General Assembly will be the Town Meeting of the United Nations, providing a world forum for the discussion of international problems within the scope of the Charter. It is more inclusive in the range of action than the League, and contains authorization and method for action. No nation is above the law, not even the five permanent members. The conception of work to be done in the economic, social, educational, and cultural fields lies far beyond what was undertaken by the League. It begins with 50 nations including the 3 vast major powers, i. e., the Union of Soviet Socialist Republics, the United Kingdom, and the United States.



The veto, it may be noted, does not apply at all to the General Assembly, to certain actions of the Security Council—as, for example, where decisions involve a member state which is a party to a dispute, in which case, such state (or states) must step aside, nor at all to the Economic and Social Council, nor to the work of the International Court of Justice. It does apply in one very important part of the voting formula. This is where actions leading to or involving the use of force are to be applied and where the principle of unanimity must govern. The veto may never be used; it is a safeguard to prevent the disunion of the states in actions leading to war. It is possible, of course, to so use it as to prevent progress toward peace. It could be used to thwart the will of most of the nations.

The Charter contains a declaration concerning the interests of all undeveloped and all non-self-governing peoples and provisions for a Trusteeship Council which will give international supervision to territories which may be placed under it. (The full report which is being prepared will deal more in detail with each of the items involved.)

Before closing this summary may I make two additional observations:

Probably for the first time in history democratic principles were applied on a large scale to the formulation of international agreements, which when ratified are binding upon the member nations. (a) The public took Mr. Hull's letter releasing the Dumbarton Oaks proposals seriously and discussed, debated, and offered amendments. (b) Free speech was maintained in the United Nations Conference at San Francisco; there was no gag rule. (c) The Conference had a rotating chairmanship shared by the four sponsoring powers. (d) All chairmanships of major commissions and committees were assigned to delegates from medium and small states. (e) Members of the Dominions of the United Kingdom did not always vote with the British Government. (f) Cuba, at least once, voted against the United States. (g) Five days a week the State Department held off-the-record conferences for the representatives of more than 200 national organizations, to which came members of the United States delegation, advisers, technical experts, and others. (h) Forty-two organizations had accredited consultants, who held meetings daily from an early stage in the Conference until just before the close. These consultants were from farm, labor, business, veterans, church, and other groups. (i) More than 2,600 members from the daily press, church press, radio stations, and photographic agencies were accredited and given access to plenary and commission sessions and provided with special press sessions in addition. (j) Unlike the conference which drafted the League of Nations Covenant, east and west—white, yellow, and black races—were on an equal footing. Principles adopted were "without distinction as to race, sex, language, or religion." This is a new process, an experiment in the democratic making of our foreign policy and of international policy—a significant step toward making this a people's peace.

The second observation is no doubt what is in all of our minds. The Charter is not the peace; it alone is not the solution to the problems of war. It is, however, the "constitution" of a new world order, an international instrument for the facing and solving of problems by united nations which have outlawed war and committed themselves to the achievement of lasting peace based on human rights, justice, and the self-determination of nations. This means that it is not the end, but a new beginning. It means that the greatest work of the Church lies ahead. Now we must develop within the whole fabric of society the implications of the United Nations Charter. This "constitution" of a new and better world was signed by the authorized representatives of 50 nations. It will, I am confident, be ratified by these 50 nations. The great task lies ahead and must be achieved.

Very sincerely yours,

CHARLES F. BOSS, Jr.,  
*Executive Secretary.*

P. S.—Within 10 days or 2 weeks we will send you a copy each of the United Nations Charter and summary of the report of Edward R. Stettinius, Jr., to the President.

#### THE CHURCHES AND THE CHARTER OF THE UNITED NATIONS

(A statement adopted by the Executive Committee of the Federal Council of the Churches of Christ in America, New York 10, N. Y., June 26, 1945)

We are grateful to God that the prayers of the Christian peoples of the world for the success of the San Francisco Conference have been answered in the agreement to establish the United Nations Organization.

The Charter of the United Nations offers mankind an important means for the achievement of a just and durable peace. The new Organization, projected after so great suffering and sacrifice of this World War, can help governments to join their moral and material resources in support of a system of world order and justice. The Churches of Christ in America have long held that nations can better serve God's purpose for the world as they are brought into organic relationship with one another for the common weal. The Charter signed at San Francisco marks a genuine advance toward this end. It remains for the peoples to make the promise of the Charter a living and growing reality.

We believe the overwhelming majority of the people of our churches desire to see our Nation join with other nations in a common effort to develop an international society free from the curse of war.

We believe it is the clear duty of our Government promptly to ratify the Charter and thus to assure cooperation by the United States in the task of making the Organization an effective agency for the maintenance of international peace and security.

At the time when the Dumbarton Oaks proposals were before the country for public discussion, the Federal Council of the Churches of Christ in America expressed the belief that "the proposed Organization, with such beneficial modifications as ought to result from further consideration by the prospective members, can be developed into one which will commend itself to the Christian conscience."

The Charter of the United Nations embodies many of the changes recommended by thoughtful Christians of different communions for the improvement of the Dumbarton Oaks proposals. The humanitarian aims set forth in the preamble, the greater importance and increased functions given to the General Assembly and the Economic and Social Council, the concern manifested for human rights and fundamental freedoms, the moral sanction given to the decisions of the International Court of Justice, and the purposes to be served by the Trusteeship Council, together with the declared policy regarding non-self-governing territories, tend to bring the organization more nearly into accord with Christian principles of world order.

We are aware of the need to develop the curative and creative functions of the Organization. The best hope for the Organization's success lies in building up as quickly as possible, during the period of relative military exhaustion, those methods of economic and social cooperation represented by the Economic and Social Council. Such cooperation over the years can prevent international tensions from becoming threats to the peace.

In many respects the Charter will need continued improvement after it has been ratified and has become operative. To these improvements the churches and all men of good will must dedicate themselves in the coming years.

However, the greatest obstacle to the Charter's potentialities for good lies in the tensions, misunderstandings, and still unbridged difficulties between the major powers upon whom the primary responsibility for maintaining peace at present devolves. There will be required of the peoples of the world and of our own Nation a very high sense of responsibility and a will to peace to overcome the obstacles which the world still faces in achieving genuinely mutual relationships. There needs to be developed a clearer recognition of the principle that there is a common concern of humanity which takes precedence over the narrow interests of any nation or group of nations. A new will to collaborate must be born in the hearts and minds of men if the Organization is to fulfill its purpose. Lacking such a will to make the machinery work, a better organization than that proposed in the Charter would fail. There is no substitute for the will to peace and justice.

Accordingly, we believe that a heavy responsibility rests upon Christians to help create an invincible determination to use fully the procedures provided by the Charter. The peoples and governments need to commit themselves to the long and difficult task of attaining the moral goals set forth in the Charter. Let the churches of Christ lead in making this commitment wholeheartedly.

The will to cooperate requires, as its foundation, a new international morality. Without this, the structure of the peace will rest on shifting sands. The building of a better world order under God's providence requires better men and women. Herein is to be found the principal challenge to the churches. To establish a strong core of world-minded Christians at the center of international life is the inescapable duty of the ecumenical church. To this end we need to intensify our efforts for Christian reconstruction and missions. We must increase our educational programs for training Christian citizens in their obligations in an interdependent world. We ought to help build the World Council of Churches into

the living expression of God's will for the Christian community. Let Christian fellowship pioneer in international understanding and reconciliation, so that all of the family of nations may work together in harmony.

The road to a better world order is long. The journey is arduous. Only God can assure its achievement. As we move forward we humbly seek His help.

PAMPA, TEX., June 29, 1945.

HON. TOM CONNALLY,  
Chairman, Senate Foreign Relations Committee,  
United States Senate, Washington, D. C.

MY DEAR SENATOR CONNALLY: I am writing in behalf of the General Federation of Women's Clubs—but especially I am writing in my own behalf and many average citizens who are my friends and neighbors.

Many times I wanted to write our dear late President to tell him the true sentiments of Mr. and Mrs. Average Citizen and their belief in his program and loyalty to him. Then I would think maybe I should not take up his precious time with things that he surely knew. Now, I am sorry that I did not follow my first impulse because it might have arrived at a time when he was wondering whether America and its people were worth such tremendous effort on the part of their leader. It might have given him comfort to know that at least some can see through the maze of politics and greed and selfishness to see the true issues at stake. So I'm writing you while the urge is upon me and since I have taken this much of your time I would like to say a number of things.

First, I want you to know that as president of the council of federated clubs of this city and representative of the many women of these clubs, I am, with them, wholeheartedly in favor of the ratification of the Charter of the United Nations, without undue delay.

We are women who study and think as individuals and honestly endeavor to know the pro and con of important issues and keep prejudice out of our thinking.

I, for one, try to be consistent in my reasoning and fair to both sides of an issue; consequently, I cannot urge you to give your support to the adoption of this Charter guaranteeing unity of nations while we are allowing editorials and news commentators to daily bring before the people of our own United States controversies that can only divide us in our endeavors.

I am speaking specifically of Mr. Fulton Lewis, Jr. His great plea for the "three little Swiss guys" is only his latest rampage. He has been equally mistaken about every other subject he has taken upon himself to disclose (?) to the American people. But to get back to his "three little Swiss guys"; even if Mr. Bowles had been wrong in his decisions (which I and many others think he is right about) the fact still remains that his, Mr. Lewis', "three little Swiss guys" made so much money in their "hole in the wall" that they were consumed with the idea to make much more to establish a bank account. So they conceived the idea of a much bigger and better place where bigger and better incomes could be made. The idea that comes first to the average citizen is why didn't they invest that money in war bonds and build when the war was over. Another is, how could they manage to get all the necessary materials to build such a fine establishment. It strikes me their attitude was not too patriotic, if they are true citizens of our beloved country.

As for Mr. Lewis himself, he is a rabble rouser, and some of the things he says are nothing short of treason. We surely have laws sufficient to take care of such citizens, and it is the duty of the Members of our Congress to take such a menace to national unity off the air. In my opinion, and I speak for others, he is a greater danger at this time than Harry Bridges, because Mr. Bridges was influencing only a few in comparison to the millions that Mr. Lewis is reaching. He is undermining the confidence of many who do not think for themselves, if at all, and if for no other reason it is not fair for honest citizens to have to be subjected to such tirades without a fair chance to fight back.

I will not take up more of your time but I want you to know that we appreciate the honest, fair-minded Congressmen of either party who has the interest of our country and its people on his heart and conscience. When it seems that only the disgruntled speak, be assured that there are many others with their feet on the ground who are wholeheartedly behind you.

Thanks for being so indulgent with your time. I hope I have not seemed to be just another ranting female but have made clear that I have the interest of the affairs of our country and its people on my heart and will endeavor to uphold its true principles as an American woman should.

Our older son Guilford, Junior, who was in the Navy, paid the supreme sacrifice on June 12, 1944. Our son John has been in the Army over 4 years, now at Grand Island, Nebr.

So I feel that it is my obligation and my privilege to do all that I can to assure the kind of peace and security that my children (I have a daughter 16 years old) and my grandchildren should have in the years to come.

Thank you again, I am  
Respectfully yours,

Mrs. GUILFORD FOX BRANSON.

DIocese of CENTRAL NEW YORK, *June 23, 1945.*

The Honorable TOM CONNALLY,  
*Senate Office Building, Washington, D. C.*

MY DEAR SENATOR CONNALLY: I wish to express to you my very deep-felt wish that the Charter about to emerge out of the United Nations Conference may be promptly brought to the floor of the Senate and passed by a large majority before the meeting of the Big Three. There is nothing which would show to the world more vividly than such an action the change of heart which has taken place in the country, as I believe, regarding our desire to promote peace and to pay whatever sacrifices are necessary in that great cause.

I believe that I speak for most Christians and many other people when I tell you that the eyes of America's millions will be fixed on the United States Senate in hope and in fear during the coming weeks. May success attend your leadership in securing an early adoption of the Charter without any conditioning amendments whatever.

Faithfully yours,

Rt. Rev. MALCOLM E. PEABODY, *Bishop.*

AMERICANS UNITED FOR WORLD ORGANIZATION, INC.,  
*Detroit, Mich., June 20, 1945.*

Señator TOM CONNALLY,  
*San Francisco, Calif.*

DEAR SIR: It is reported that the Senate will soon recess and that the approval of the Charter for a world organization will have to wait over until fall.

We urge you to use your influence on the Senate, asking it to remain in session until the ratification of the world Charter has been accomplished.

We believe the United States should lead the world and be the first to ratify the Charter. It would greatly increase the influence of this country and strengthen all the constructive forces which are seeking to prevent another world war.

Can we depend on you to finish the job?

Yours very truly,

Mrs. LORNA D. HUNTER,  
*Secretary, Americans United for World Organization, Inc.*

MASON COUNTY DISTRICT FEDERATION OF WOMEN'S CLUBS,  
*Shelton, Wash., June 28, 1945.*

HON. TOM CONNALLY,  
*Washington, D. C.*

DEAR SIR: The following-named presidents of our Mason County Federated Clubs wish me to express our united opinion in favor of the ratification of the Charter of the United Nations.

The acceptance of this Charter by Congress will be a seven-league step toward peace in the world.

This step is a beginning and we sincerely hope that it will continue to progress. Thank you.

Sincerely yours,

Mrs. ANNE PETERSON,

*Mason County District Federation of Women's Clubs, President.*

(Signed:) Mrs. Wilbur Reeves, Allyn, Wash.; Mrs. Myrtle Howell, Camp 3, Shelton, Wash.; Mrs. Chas. Runacres, Shelton, Wash.; Mrs. Grace Petty, Shelton, Wash.; Mrs. Helen Andersen, Union, Wash.; Mrs. Paul Hunter, Skokomish Valley, Wash.; Miss Mabel Wylie, Shelton, Wash.; Mrs. Ellis Wells, Shelton, Wash.; Mrs. M. Rathbone, Shelton, Wash.; Mrs. Lillian Portman, Matlock, Wash.; Mrs. Anne Peterson, Grapeview, Wash.

WASHINGTON, D. C., July 13, 1945.

In re Charter ratification.

FOREIGN RELATIONS COMMITTEE,

*Senate Office Building, Washington, D. C.*

GENTLEMEN: Typical assurance of the workableness of the Charter in an essential respect is afforded by the battle practice established for an era in ancient times before the modern possible advent of gangsters in control of some governments.

In that battle practice, current in an era when sword and shield were the weapons of war and defense, the commanders of the opposing forces met in "no mans land" and single-handed there fought the battle merely observed by their respective forces. This having been observed in that era despite the flame and fury of war hysteria seems most potent assurance of the workability of the Charter, by whose terms and provisions the same is further guaranteed, or coerced, by an immediately available superior force of arms in the vicinity of the danger point.

The Charter is such a universal beneficent forward step that it would practically be the crime of the ages not to adopt it and demonstrate its sufficiency and efficiency with such amendments as may from time to time be found advantageous.

This is the consensus of opinion and belief of this organization which is authorized to be hereby conveyed to you.

AVIATION LEAGUE OF THE UNITED STATES, INC.

By IRA CHASE KOEHNE,

*Attorney, National Headquarters, Washington (9), D. C.*

LIBERAL PARTY OF NEW YORK STATE,

*New York, N. Y., July 10, 1945.*

DEAR SENATOR: May we ask you to give earnest consideration to the enclosed statement of the Liberal Party of New York State on America and the United Nations Charter?

We urge the United States Senate to ratify the Charter and to help take hold of the many problems that confront our country and the United Nations, if a just and lasting peace is to be realized.

The Senators of our country have a great responsibility as they gather to discuss and act upon the United Nations Charter, but, by the same token, have an opportunity to render a great service to the people of this country and the world.

Respectfully yours,

JOHN I. CHILDS,

*State Chairman.*

ALEX ROSE,

*Chairman, Administrative Committee.*

"WE, THE PEOPLES OF THE UNITED NATIONS—"

AMERICA AND THE UNITED NATIONS CHARTER

(Liberal Party of New York State, New York, N. Y.)

STATEMENT OF THE LIBERAL PARTY ON THE UNITED NATIONS CHARTER

The Liberal Party welcomes the achievement of the United Nations Charter which resulted from the Conference of the Nations at San Francisco; and calls upon the Senate of the United States to ratify the Charter.

We believe it to be important that the Charter be ratified with as little delay as possible in order to serve notice on the world that the United States, with resources greater than those of any other nation, is fully behind the effort to organize a peaceful world.

The Liberal Party is gratified to note that the Charter has been improved in many respects over the original draft, made at Dumbarton Oaks. The General Assembly, which includes all the participating countries, has been given a more significant position in the United Nations Organization, and the Social and Economic Council has had its functions considerably enlarged. Unfortunately, the guaranties given dependent peoples are inadequate and the veto power of the great nations is not sufficiently qualified. The progressive forces of America together with forward-looking elements in all nations must therefore constantly press for the increasing democratization of the charter. It is, however, not advisable to suggest amendments at the present time. We must profit from the memory of the struggle to achieve an international order after the last war. At that time the participation of America was made impossible because isolationist forces exploited the device of suggested amendments to defeat American adhesion to the League of Nations.

We believe that the Charter offers the world minimal foundations for world cooperation and that its improvements will depend to a large degree upon the developing experience of the nations as they seek to solve common postwar problems.

While approving the Charter, the Liberal Party believes it important that the progressive and liberal forces of the nation remain aware of the very great peril in which the peace of the world still stands. It must be regretfully observed that the achievement of the Charter does not seem to have greatly mitigated the desire of most of the great powers to establish unilateral systems of security, through which the whole world may be divided into spheres of influence, and which would not finally arrest another world conflict.

While the Russian policy, seeking a vast system of strategic power and security in eastern Europe and indeed beyond eastern Europe, is more obvious than that of any other power, it must be recognized that all the great powers are involved in the vicious circle of mutual distrust and unilateral action which must be broken before genuine peace can be achieved.

The Liberal Party believes that the greatest contribution which our nation can make toward a peaceful solution of the problems of the world is to give whole-hearted support to the genuinely democratic and free labor forces in Europe and Asia. The temptation for America to support reactionary forces of these two continents will not only weaken the forces of democracy throughout the world but it will also make it more difficult for our country to lead in the organization of a genuine people's peace.

The Liberal Party pledges itself to do all in its power to make the United Nations Organization a first step toward democratic internationalism, and will also seek to mobilize American liberals for the constructive social and economic measures at home and abroad which must be taken before we can enjoy the kind of peace which will justify the untold sacrifices of this war.

Adopted by the State Executive Committee, July 2, 1945.

STATEMENT OF CATHOLIC ASSOCIATION FOR INTERNATIONAL PEACE,  
WASHINGTON 5, D. C.

THE UNITED NATIONS CHARTER

Senate ratification of the United Nations Charter, and work by the American people for its effective operation and improvement are recommended by the Post War World Committee of the Catholic Association for International Peace

In a report entitled "The San Francisco Conference". The report was prepared by Thomas H. Mahony of Boston, a vice president of the association and member of the committee.

Excerpts and summary of the report follow:

"The Senate should ratify the Charter of the United Nations, and on entering the Organization, the American people should work both for its success and for whatever amendments are necessary to make it a better instrument of world justice and peace.

"The earth can no longer live in anarchy; it must have a government and a law. For the earth is now a small neighborhood, and without government and law it has shown itself to be a neighborhood in which the neighbors feud among themselves with ten ton bombs or worse.

"A world organization is an imperative necessity, and there can be no effective world organization without the membership of the United States. That lesson and many others have been learned from the failures of the League of Nations. It is true that on several counts the Charter of the United Nations is unsatisfactory, but so too was our own Constitution when it was written. Many amendments, a war between the States, and changes in interpretation have marked the history of the United States Constitution. Amendments will surely mark its future. So, too, new interpretations and amendments will be natural to the Charter, which will be the Constitution of the United Nations—if the United Nations endures—and it must endure. The world must organize itself, however loosely and imperfectly at the beginning, for peace and justice.

"The Charter written through the joint efforts of 50 nations at San Francisco must be adopted because it has great strength in itself, because it can be amended and because there is no peaceful alternative available. However, it is not an automatic instrument of peace or of justice any more than is our own Constitution. The people of the United States, and the peoples of the world must breathe life into the words of this document. By its very limitations, the Charter presents to them an unparalleled opportunity and challenge for the effective exercise of responsive, informed, articulate public opinion."

The report calls attention to the fact that although major power and responsibility for the maintenance of peace still rests with the Big Powers, the numerous amendments to the Dumbarton Oaks proposals incorporated in the Charter at San Francisco practically all increase the participation of the 45 nations other than the Great Powers, in the proposed United Nations Organization.

The successes of the San Francisco Conference are enumerated under the following heads: 1. Justice as a Purpose and Principle. 2. Individual Rights. 3. International Law. 4. The International Court of Justice. 5. The General Assembly. 6. The Social and Economic Council. 7. Policy regarding Dependent Territories.

The shortcomings of the Conference listed by the Report deal mainly with the retention of the veto by the big powers and the failure to provide for adequate limitation on national sovereignty with respect to the good of the world community. The field for future effort to improve the Charter includes: (1) The recognition of the principle that no state is absolutely or unqualifiedly sovereign, that the moral law applies to the relations of states as it does to the relations of men; (2) the delegation to the General Assembly of power to legislate international law, if not upon all phases of international relations; (3) the establishment of compulsory jurisdiction in the International Court of Justice and the implementation of its decisions; (4) limitations of the veto power exercised by the Great Powers; (5) clarification of the relation of regional organization to the World Organization.

The report concludes:

"These three Great Powers—the United States, Russia, and Great Britain—in conjunction with France and China and other states, have been and are working to establish an international organization for the maintenance of peace and collective security. At the same time, however, they have been acting independently and unilaterally to provide for their own national security in the event that the international organization does not come into existence or, if it does, that it will not work. In order to persuade these states to give up such unilateral actions, it is necessary to convince them that the international organization will furnish effective national and collective security and will, if supported, maintain peace. To accomplish this requires a fair, just, but firm attitude on the part of the United States with reference to Russia, Great Britain, France, China, and the other states. It means setting up a high standard of international morality for every state to comply with, the utmost patience in the attempt to reconcile conflicting

views, the fostering of mutual confidence in the fairness and good faith of the member states, and above all the constant exercise of the virtues of justice and charity. Probably never since the first Christmas has that angelic salutation meant so much: "Peace on earth to men of good will."

E. A. CONWAY,  
*Chairman, Education Committee.*

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THE NATIONAL GRANGE,  
*Washington 6, D. C., July 16, 1945.*

HON. TOM CONNALLY,  
*Chairman, Foreign Relations Committee,*  
*Washington, D. C.*

DEAR SENATOR CONNALLY: We would like to file the following brief for the record of the hearings on the Charter of the United Nations:

The National Grange strongly recommends the approval of the proposed Charter of the United Nations without reservations. While there are some things we would like to see somewhat different, we recognize the impossibility of getting a complete agreement among so many nations. Since in the main the Charter contains the essential features which we believe are necessary to preserve peace, we do not believe we should risk disagreement by adding reservations. On the whole we believe an admirable job has been done meriting the highest commendation.

It is not our purpose to discuss the general provisions of the Charter, but we would like to call the attention of the committee to one provision the value of which has largely been overlooked. Heretofore, most proposals have been based upon the use of force of one kind or another to maintain peace. We believe for the first time in history an organization has been proposed where the nations of the world can meet and discuss their economic and social problems, and do so in consultation with nongovernmental groups directly representing the economic interests of the people concerned. Thus the field of diplomacy is brought close to the people and machinery is provided for working out the solution of the economic and social problems which underlie most wars, and doing so before international complications reach a serious stage. In our judgment, if adequately developed, the Economic and Social Council will probably eventually become far more effective in maintaining world peace than any other feature of the Organization. We have greater faith in maintaining peace through justice and fair dealing than through force.

Yours sincerely,

A. S. Goss,  
*Master, the National Grange.*

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STATEMENT OF ROBERT W. KENNY, PRESIDENT OF THE NATIONAL LAWYERS GUILD, IN SUPPORT OF THE CHARTER OF THE UNITED NATIONS ADOPTED AT SAN FRANCISCO, CALIF., SUBMITTED TO THE SENATE COMMITTEE ON FOREIGN RELATIONS

The National Lawyers Guild supports the San Francisco Charter of the United Nations and urges immediate ratification by the United States Senate without reservations or limitations.

The San Francisco Conference succeeded because it sustained and carried forward the principles established at Dumbarton Oaks and Yalta. The United Nations was forged in the victorious war against Nazi Germany, around the coalition of the United States, the Soviet Union, and Great Britain. This coalition which alone possesses the military, industrial, and moral resources to prevent aggression is the core of the United Nations. It must be maintained and strengthened as the indispensable prerequisite for a durable peace. If the United States, the Soviet Union, and Great Britain remain united, there is no danger of war. Division among these great powers would propel the small nations into competing regional power blocs and they would once again become pawns in the scramble for markets, spheres of influence and colonial exploitation.

The unanimity principle, or to use a less satisfactory phrase, the "veto power" is the practical formula for the functioning of the coalition. Because it means peace and economic stability the unanimity principle is in our national interest.



President Roosevelt understood this so clearly, that he made it the backbone of his war and peace policies.

As long as this principle is adhered to and practiced, the United Nations will succeed in the objectives of maintaining peace, economic stability and the advancement of human rights and fundamental freedom. If this principle is violated these objectives will become endangered.

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TENNESSEE CONGRESS OF PARENTS AND TEACHERS, INC.,  
Nashville, Tenn., July 16, 1945.

HON. TOM CONNALLY,  
Senator, Chairman, Senate Foreign Relations Committee,  
Washington, D. C.

DEAR SENATOR CONNALLY: The Tennessee Congress of Parents and Teachers, by a vote of 2,014 to 4, voted to support the United Nations Charter and to work for its prompt ratification without reservations or amendments. They directed me, as State chairman of legislation, to express to you their hope that the full weight of your influence will be given to securing this ratification. They feel that this is necessary if there is to be any hope that their children can live in a peaceful world.

Sincerely,

ORA PATTON MANN, *Chairman.*

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THE WASHINGTON COUNCIL OF CHURCH WOMEN,  
Washington, D. C., July 14, 1945.

HON. TOM CONNALLY,  
Senate Office Building, Washington, D. C.

MY DEAR SENATOR CONNALLY: May we call to your attention the following action taken by the executive board of the Washington Council of Church Women at a meeting July 6.

On recommendation of the world relations committee, the executive board of the Washington Council of Church Women endorses the United Nations Charter and urges its adoption by the United States Senate.

The Council also urges the endorsement of the Bretton Woods agreement without any crippling amendments.

Very sincerely yours,

MRS. IRVING W. KETCHUM,  
*President.*

MRS. CHARLES G. LUECK,  
*Corresponding Secretary.*

MRS. LAURENCE C. STAPLES,  
*Chairman, World Relations Committee.*

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GREATER NEW YORK CIO COUNCIL,  
New York, N. Y., July 13, 1945.

Senator TOM CONNALLY,  
Senate Office Building, Washington, D. C.

DEAR SENATOR CONNALLY: Enclosed please find resolution unanimously adopted by 1,000 shop stewards at the CIO Shop Stewards Conference on Reconversion and Postwar Planning, held at Town Hall, New York City, on July 11, 1945.

Sincerely,

SAUL MILLS, *Secretary.*

RESOLUTION OF UNITED NATIONS CHARTER

In the name of 600,000 CIO members and their families in New York City, this city-wide Shop Stewards Conference assembled at Town Hall on July 11 hails the United Nations Charter drafted and signed in San Francisco by delegates representing 50 nations.

We urge the United States Senate to ratify the charter with the speed called for by President Truman.

The United Nations Charter lays the practical basis for a world security organization that can, through continued unity of the Big Three nations, provide for the

peaceful settlement of international disputes, and the advancement of the economic and social interests of the democratic people of the world. If properly implemented by the determination of free people everywhere, the charter opens the way to an era of prosperity for all people, which is the most lasting guaranty against war.

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INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION,  
San Francisco, Calif., July 12, 1945.

HON. TOM CONNALLY,  
Chairman, Senate Foreign Affairs Committee,  
Senate Office Building, Washington, D. C.

DEAR SENATOR CONNALLY: The executive board of the International Longshoremen's and Warehousemen's Union in regular session adopted the enclosed statement of policy, urging the immediate ratification of the United Nations Charter.

We believe with you that the ratification of this charter, without amendments or alterations, is the prime essential for the creation of effective world peace machinery.

We join with the President in urging ratification at once by the United States Senate.

Sincerely yours,

LOUIS GOLDBLATT, *Secretary-Treasurer.*

STATEMENT OF POLICY ON THE UNITED NATIONS CHARTER

As one of the great powers of the world, the United States will be watched with hope by the people of the world with respect to its participation in and contribution to the United Nations Organization.

It is therefore important to the effectiveness of the organization that the United States Senate waste no time in ratifying the United Nations Charter.

We declare this matter to be the first political action concern of our union and call upon the members of the union to demand of their various United States Senators that they vote for ratification.

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NATIONAL ASSOCIATION OF WOMEN LAWYERS,  
Detroit, Mich., July 9, 1945.

The Honorable TOM CONNALLY,  
Chairman, Foreign Relations Committee,  
United States Senate, Washington, D. C.

MY DEAR SENATOR CONNALLY: I have the honor to submit to the Foreign Relations Committee the following resolution of the International Relations Committee of the National Association of Women Lawyers:

"Resolved, That this committee, by appropriate means urges that the Senate of the United States ratifies the Charter of the United Nations Organization, without any amendments, and promptly, before September first of 1945.

"This resolution is adopted in the firm belief that the peace of the world, and the safety of the United States and the enjoyment of peace requires that the United States be a member of the United Nations Organization."

Respectfully submitted.

LULA E. BACHMAN, *President.*

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THE AMERICAN COUNCIL OF CHRISTIAN CHURCHES,  
New York 19, N. Y., July 17, 1945.

To the Committee on Foreign Relations, Senate of the United States:

On behalf of the American Council of Christian Churches I desire to submit the following discussion of basic principles in the matter of the Charter of the United Nations:

First, the Bible clearly emphasizes that Christians should endeavor to live in this world with their neighbors, so far as possible, peaceably. We are told to seek peace and pursue it, and any honest effort to secure peace and to prevent war should have the endorsement and backing of the Lord's people. This does not mean intelligent Christians imagine that such an organization can permanently keep the peace. We have little sympathy with those who tell us

that the United Nations Charter will forever and eternally banish war from the earth. That it simply will not do it is clear from the sinful nature of fallen man, and the plain teaching of the Bible.

The appeal, however, of President Truman and others is that this is the best that can be devised at this time, the only hope on the horizon for an organization to attempt to keep the peace. In the presence of such an appeal little can be said. It is a start; it is a beginning; it is an honest effort. The League of Nations failed and we have tried to profit by the experience. Had the League of Nations succeeded, Japan, Germany, and Italy might have been kept in their places. For these reasons we feel that Christian people should earnestly help in the endeavor to keep the peace.

Second, in favoring the United Nations Charter, Christian people fully recognize its limitations. To emphasize this is exceedingly important. It is not a panacea and cure-all for all wars. It has very, very serious limitations. The most important, perhaps, is the arrangement in the Security Council where any one of the Big Five can prevent action—even action against itself. If one of the Big Five should decide to become an aggressor, nothing in the World Security Council could stop her, so far as legal action is concerned. If one of the nations in the Big Five should decide that it wants to set out to conquer the world, and it thinks it can do it, or, as the years pass by and it grows in strength and influence and thinks that world revolution can be accomplished, all it needs to do is to cast off the Charter and march to war—and it can do this without even being pronounced an aggressor.

Comparisons of the United Nations Charter with the Constitution of the United States of America are indeed odious. There is no real comparison. What would have happened to the United States, if, say, the three largest of the Thirteen Colonies had been given such "veto" power? Suppose Massachusetts, Virginia, and New York had each possessed such a veto power. How long would the Union have lasted? It is doubtful whether the Thirteen Colonies would have been able to hold together. The Federal Union of the United States is a different thing from this flimsy Charter, so dependent upon any one nation.

From the sheer logic of the situation, it is impossible to have an effective organization when one party to it can block all action. If it were possible from a logical standpoint to set up the United States of the World, with real world sovereignty and a relationship similar to that in the United States, it is conceivable that such a thing might work; but that surely is a far cry from that which we now have, or from what the world is at the present time able to produce. All that we have is the least common denominator upon which the nations could hold together, and that is not very much. But it may be effective in preventing smaller outbreaks from becoming general conflagrations, and also deter the larger ones from unprovoked action.

The second important limitation that Christian people recognize is that we still live in a power world, and for that matter, we will continue to live in such a world until Jesus Christ comes; and the conflict over the balance of power will continue. It works in and through the United Nations Organization, is operating constantly underneath it and will always do so. To attempt to say that we do not need to be prepared to defend ourselves because we have the Charter would be an illusion of the most disastrous proportions. Yet it is just here that a great deal of the propaganda of the pacifists in the country and the radical leaders who are pro-Russian in their ideology will put their emphasis. The Charter must not be an instrument to lead us to become soft and to rest in a false sense of security. In other words, the security offered the world by the United Nations Conference is limited by the imperfections and fallacies inherent in the set-up.

Another very serious limitation of the Charter is the incorporation of the Economic and Social Council into it. It is just here that the radical elements in this country hope to have an instrument which can be used for the Sovietizing of the entire world. Of course, that is not what is meant by it at this present moment, but it is an instrument which can be used to that end, and it will be if the forces advocating a "controlled economic" world have their way. We must, therefore, be aware of this limitation.

John Foster Dulles, the chairman of the Commission on a Just and Durable Peace of the Federal Council of Churches, announced to the Federal Council in December 1944 that the Dumbarton Oaks proposals did not meet the requirements of the six pillars of peace. In fact, only the first pillar was actually met by the Dumbarton Oaks proposals. This was exceedingly satisfactory to us. The last

five of the six pillars would give us a Soviet world! However, he has since announced, following the San Francisco Conference, that the Conference improved the Dumbarton Oaks proposals along the lines of the suggestions of the Federal Council and the six pillars of peace. In other words, gains were made by the radical elements in San Francisco, and the left wing and radical elements certainly did attend the San Francisco Conference.

In mentioning these limitations, of course, it should be recognized that in attempting to set up a United Nations organization to operate in the interests of peace, the very attempt itself involves the creation of other possibilities and contingencies. This is true of any act that any man takes. Let us beware; and be fully conscious of the limitations of the Council and not expect too much of it. We can trust it only so far as reason will permit.

Third, Christians will be alert to note attempts of any group to use the security organization for its own interests. There will be in it the same old jockeying for position and vying for strength and power that the old world has always known. Russia will attempt to use it to get gain, as she is doing; and for this reason we are of the feeling that America, being willing to join such an organization, must assume the responsibilities of leadership which someone must have. You cannot have an organization without having leadership.

America is in a powerful position at the present moment, and in going into such an organization we must fully face the responsibilities which are ours and determine to use our place of leadership in behalf of our American conception of freedom—the freedom of the individual embodied in our American way of life. There may be many practical compromises possible, but we cannot compromise with freedom and still keep it. That is why the conflict between American idealism and the Russian concept of “freedom” will be the great conflict in the postwar world and the mighty conflict underlying the United Nations Charter. America must be strong in an understanding of and the defense and maintenance of our system of freedom and private enterprise.

An example, however, of the way in which the Charter is already being selfishly used to advance certain interests, is given by the Federal Council. When it announced that it approved of this Charter, it declared that now the churches of the nations and the world should unite in an ecumenical movement to furnish a substantial backing for it in all countries. In other words, the United Nations Charter is to be used as a lever with which to build a radical, modernist World Council of Churches. Even the Federal Council wants to use it for its own selfish ends. In the general popular sentiment for the United Nations the Federal Council attempted to use the publicity it would receive by indorsing the Charter to direct the minds of people to its own inclusivist, modernistic, ecumenical movement. Even a supposedly “idealistic” church group could not resist the temptation to use the Charter as a vehicle for its own ends! If the church does it, how much more nations?

The attempt to keep the peace by war is bloody and costly, and this attempt of the United Nations to keep the peace according to this plan will also be costly and perilous; but it is these perils that Christian people must be fully aware of and our leaders in the Nation must be prepared to meet as a part of the price of keeping the peace.

That there are to be wars and rumors of war unto the end we have the word of our Lord Jesus Christ. Our hope is that we may have longer intervals between wars and that many may be avoided—not by appeasement or the sacrifice of principle, but by the use of judgment, discretion, and better understanding.

The final thought, of course, that needs to be emphasized is that in uniting and helping to promote world peace through such a Charter we must keep our eyes open and be aware of the radical program to push the Charter on to becoming the instrument for world revolution of the communist order.

Because of the smallness of our world, the instruments of invention, and the innate sinfulness of the human heart, we face the greatest crisis in all of our history. As the Christian faces it and endeavors to do his duty to God in the light of the teachings of the Bible and the commands of his Saviour, his heart and his eyes are lifted up to the heavens, and he yearns for the coming again of the Lord Jesus Christ. He alone can give this world the peace it cries for! “Even so, come, Lord Jesus.” This is truly, and will be more and more, the “blessed hope of the glorious appearing of our great God and Saviour Jesus Christ.”

H. McALLISTER GRIFFITHS,  
*General Secretary.*

(The following communications, opposing the Charter, were later received for the record:)

NEW YORK, N. Y., July 13, 1945.

Senator TOM CONNALLY:

Please read into the record that Senator Vandenberg is mistaken. The Federal Council of Churches of Christ in America does not speak for 20,000,000 Protestants. There are thousands of Protestants who oppose the political maneuvering of this so-called Federal Council of Churches, which is nothing but one of the Carnegie pressure groups.

DOROTHY T. FALES.

NEW YORK, N. Y., July 12, 1945.

Senator TOM CONNALLY,

*Foreign Affairs Committee, Washington, D. C.:*

I wish to have placed on the record my protest of the adoption of the San Francisco Charter because it violates the Constitution of the United States. You cannot legally place American boys under any world charter to be called at the discretion of five men appointed for life to be sent out for war or policing. You have no such authority under the Constitution. You have not been granted the power by the people to give away their money and substance. I demand that the Senators keep their oath of office and defend and protect the Constitution of the United States. We protest the false impression given by the highly financed pressure groups that the people are for this Charter. The wrath of the people is a rising tide and from coast to coast protest this the greatest betrayal of all time. I further demand this message be read in committee and on the floor.

DOROTHY G. FALES.

PATERSON, N. J., July 12, 1945.

*Senator Tom Connally and Members Senate Foreign Relations Committee,  
Washington, D. C.:*

As advocates since 1937 of universal federal democratic world government with enforcement directly on individuals rather than military coercion of member nations, we are naturally disappointed that the San Francisco Charter does not embody these principles. We believe that people the world over are anxiously ready to adopt these principles and deplore the hesitancy, shortsightedness, and selfishness of national leaders who have stood in the way. Thirty-five hundred people have signed our petition for a world legislature popularly controlled through elected representatives who would have power not only to talk but to decide questions of world-wide concern. These 3,500 people have also served notice through their signatures that nothing less than popularly controlled government on the world level will resolve the economic and political problems which menace us. This is what we want and this is what we will organize, and the sooner it happens the safer we will all be. Until it happens we are in constant danger because of forum under any name is incapable of protection the charters difficult amendment and veto provisions are so undemocratic as to amount to a national disgrace. The Senate may be satisfied with this pitiful gesture of international cooperation but we will continue to demand and work for something more adequate and more worthy of our democratic Federal heritage.

GEORGIA LLOYD,

*Director Campaign for World Government.*

KINGSTON, N. Y., July 15, 1945.

The Honorable Senator CONNALLY,

*Chairman, Senate Foreign Relations Committee,  
Washington, D. C.:*

Since 1920 I have exerted my every power to arrest the growing treason to our basic and traditional foreign policy, one indicted by the most famous names in American history—our Adamases, Jeffersons, Franklins, Jays, Marshalls, and a long line of envisioned statesmen. Years of research and writing, of service state and justice, entitle me, together with a tradition dating from the earliest royal governor and from Washington's staff to Pershing's, to be heard, and as of record

in final protest against the so-called United Nations Charter, a general treaty now before your committee. The engagements stipulated for are such as to implicate our foreign policy and treaty relations with those of Downing Street and the Kremlin in a manner either to compel to compromise upon what is basic in them, else to withdraw or fight. This Charter deprives war of its single honor, the defense of independence. It envisions a peace without independence, which is a peace with honor. It validates the monarchical principle of unanimity, and is utterly subversive of the principle of equality of states as between sovereign peoples, or such as should be free and independent.

The organization contemplated is in the familiar form of British Colonial administration. In its federative implications, and in the principles which it postulates, ratification of the United Nations Charter in my judgment is ultra vires the power or the Senate. The Constitution, said Marshall, established principles of perpetual and universal obligation which "relieve from clashing sovereignty and interfering powers." Nowhere does the Charter authenticate these principles or bind to their pursuit.

As a citizen of the United States and of this State of New York and as an integral part of the sovereignty of America (vide Kennett versus Chambers) I protest the ratification of the United Nations Charter and respectfully request that as one long versed in the law of nations and so recognized by the highest authorities here and abroad that this protest be read to your committee and made a part of the file in your committee's hearings.

The effort to link our free economy to Europe's collapsing cartelized capitalisms and bend our independent sovereignty before a monstrous world embracing Communism has gone all too far.

It is a threat to the future of America and a deadly treason to the Constitution which we both have sworn, Senator, to support and maintain. If the Administration must have this impious thing, reserve in favor of the principles Marshall affirmed to have been established for ages to come under our covenant with the world's liberties. This Charter is a treaty of alliance and confederation with imperialism and tyranny.

J. WHITLA NICHOLSON-EDEN STINSON.

NEW YORK, N. Y., July 13, 1945.

HON. TOM CONNALLY,  
*United States Senate:*

I am a Protestant. Please put on record I am not a member of Federal Council of Churches. Please see that 20,000,000 names of members for whom Bishop Oxnham speaks are properly filed on the record. Please check files of United States Naval and Military intelligence and FBI regarding this organization's unfriendly attitude toward private enterprise, our constitutional form of government, and national sovereignty.

E. FRENCH JOHNSTON.

THE AMERICAN SOCIETY FOR THE PRESERVATION OF  
SACRED, PATRIOTIC, AND OPERATIC MUSIC,  
*New York, N. Y., July 4, 1945.*

DEAR FRIEND: A careful perusal of the San Francisco Charter and its background along with world events during the past few years brings out the following facts:

1. The Charter is the fruit of anti-Christianism.
2. It attempts to bring the whole world into one big slave state dominated by anti-Christians.
3. In its logical conclusion it seeks to destroy Nationalism, Patriotism, and Christianity.
4. The treaty delegates power to the Security Council to declare war. Under our Constitution only Congress can declare war for the United States.
5. The Security Council would regulate the kind and size of armaments for our national defense.
6. Since we would have only one vote out of seven our sovereignty would be in the hands of European and Asiatic nations whose interests are hostile to those of the United States.
7. Our foreign policy would be in the hands of foreign nations.
8. It destroys the Monroe Doctrine and scuttles the Pan American Union by subjecting them to the approval of European and Asiatic nations.

That this diabolical plot aimed primarily at the destruction of Christianity and Nationalism, deceitfully disguised and misrepresented as a "charter for world peace" following in the wake of a war-torn world, and likely to be passed by the United States Senate, is one of those rare political phenomena that comes as a climax to a country that is bedeviled by subversives and anti-Christians, and whose leaders have chosen the path road of anti-Christianism.

The charlatans, fakers, humbugs, and crackpots who are sponsoring this so-called peace charter are the same old warmongering gang, who, before Pearl Harbor bent every energy to involve this country in world slaughter No. 2. And now we find these same scoundrels masquerading as humanitarians, peace lovers, "do-gooders," and world savers who "saved" us for slaughter No. 2 are now going "to save" us via the "peace charter" for world slaughter No. 3. The same monster who pushed us into the fire will now "save" us from (for) future fires.

Recently, I have talked with several Senators, who while not particularly outstanding because of any pro-Christian sentiment, but who could usually be relied upon in the past to follow a sound American course in matters of this sort told me very bluntly, and even belligerently, that they intend to vote for the Charter, and that it would surely be passed with but few minor reservations, if any. This to my mind is downright treason. Any Senator voting for this Charter should be driven from office and the public affairs of this Nation.

In view of this, one is compelled to ask: What influences produce such puppet-like capers on the part of our Senators? Have they been bullied or threatened by the subversives into accepting this hypocritical position? Or, have they sold out for a price? Whatever the answer, we Christians have failed miserably in our duties to both God and country by not asserting our rights, and by not being articulate enough.

It is reported that the loud-mouthed subversives and anti-Christians now resident in America, regardless of whether they are citizens or not, continually deluge Congress with petitions, letters, and telegrams, often using fictitious but American-sounding names in an effort to put across various schemes designed to de-Christianize and to de-Americanize our country. Will the general American public take any action to correct the conduct of these subversives?

Will you use your influence on any persons or groups whom you can affect and whom you believe to favor such a course being taken by our Senate? Impress upon them the sure and subsequent dangers to our country of so false an attitude. Write or wire a protest to the President, and your own Senators, letting them know in no uncertain terms that you are opposed to any participation in a world organization of this kind.

Do not be deceived by unprincipled men or traitors who cry they seek "unity among the nations" or "world peace". Ask them what are the elements which are to constitute "unity among the nations" and "world peace". Are they to flow from a truly American and Christian spirit? Are they to be kept free from the contagion of anti-Christian and anti-American subversives?

We are told that the war is being fought for the preservation of civilization. Are we not to presume that in a Christian country this means Christian civilization? Therefore, at home and abroad, win the war on Christian principles and in a Christian way, and make the peace a Christian peace.

The San Francisco Charter is the greatest fraud ever to be foisted upon the American public. It robs us of the very liberties for which we are supposed to be fighting. It makes the world safe for communism by preserving the status quo. The whole thing should be kicked into the sewer without further ado. Act now, for tomorrow may be too late.

Yours for a Christian peace,

CHARLES ALBERT McLAIN.

#### A SUGGESTION FOR FORM OF PROTEST TO SENATORS

Senator \_\_\_\_\_,  
Senate Office Building, Washington, D. C.

SIR: I hereby solemnly vow, that should your vote subordinate our sovereignty, or place the affairs of this Nation in the hands of any such world organization as provided in the fraudulent San Francisco Charter, to influence my relatives, friends, fellow Americans, and especially veterans, to vote and work against you until you have been driven from public office and the public affairs of this nation.

Very truly yours,

*Stand taken by various organizations concerning the United Nations Charter as shown in the Hearings of the Senate Foreign Relations Committee, July 9-15, 1945*

## ORGANIZATIONS FOR RATIFICATION: ORAL STATEMENTS

Name	Membership (approximate)
Alpha Kappa Alpha Sorority National Nonpartisan Council on Public Affairs.	6,000 university women.
American Association for the United Nations, Inc.	14 regional offices 65 local committees.
American Association of University Women	73,300 members.
American Farm Bureau Federation	1,500,000 members in 41 States.
American Federation of Labor	6,620,580 members.
American Legion	1,000,000 members, auxiliary of one-half million.
Americans United for World Organization	Includes membership of 6 former organizations which merged to form this one.
Association for Childhood Education	2,800 members.
Brotherhood of Railroad Trainmen	196,000 members.
Central Conference of American Rabbis	530 members—160 now serving as chaplains in armed forces.
Detroit Annual Conference of the Methodist Church	Represents eastern half of Michigan.
Educational Policies Commission	20 educational leaders.
Federal Council of the Churches of Christ in America	25,000,000 members.
General Federation of Women's Clubs	2,500,000 women in 16,500 clubs.
Girls' Friendly Society of the U. S. A.	26,000 members.
Independent Citizens' Committee of the Arts, Sciences, and Professions.	
National Board of Young Women's Christian Association	622,000 members.
National Congress of Parents and Teachers	3,054,950 members.
National Council of Jewish Women	65,000 members.
National Education Association	271,847 active members.
National Federation of Business and Professional Women's Clubs, Inc.	75,937 members.
National League of Women Voters	60,000 members.
National Service Star Legion	
National Women's Trade Union League of America	1,000,000 members and 14 organizations.
Research Institute of America	Program goes to more than 30,000 companies and various government agencies.
United Council of Church Women	
United Nations Council at Philadelphia	4,500 members.
United States Associates International Chamber of Commerce.	
United States Federation of Justice	Officials, workers, and students in law administration.
Women's Action Committee for Victory and Lasting Peace—District of Columbia chapter.	Affiliated with 7 national and 2 local organizations.

## ORGANIZATIONS FAVORING RATIFICATION BUT DESIRING MODIFICATIONS: ORAL STATEMENTS

National Association for the Advancement of Colored People.	350,000 members.
National Woman's Christian Temperance Union	500,000 members.
Postwar World Council	
Socialist Party	

## ORGANIZATIONS FOR RATIFICATION: WRITTEN STATEMENTS

American Jewish Committee	397 members.
American League for a Free Palestine	
Americans United for World Organization, Inc.	Includes membership of 6 former organizations which merged to form this one.
Aviation League of the United States, Inc.	
Catholic Association for International Peace	
Commission on World Peace of the Methodist Church	
Conference of Governors at Mackinac Island	
Congress of Industrial Organizations	5,500,000 members.
Federal Council of the Churches of Christ in America	25,000,000 members.
General Federation of Women's Clubs	2,500,000 women in 16,500 clubs.
National Association of Women Lawyers	
National Council of Farmer Cooperatives	2,500,000 farmers.
National Council of Jewish Women	65,000 members.
National Council of Women of the United States	20 national organizations.
National Federation of Business and Professional Women's Clubs, Inc.	75,937 members.
National Grange	



*Stand taken by various organizations concerning the United Nations Charter as shown in the Hearings of the Senate Foreign Relations Committee, July 9-15, 1945—Con. 1*

## ORGANIZATIONS FOR RATIFICATION: WRITTEN STATEMENTS—Continued

Name	Membership (approximate)
National Lawyers Guild.....	Affiliated with 7 national and 2 local organizations. 622,000 members.
Tennessee Congress of Parents and Teachers, Inc.....	
Washington Council of Church Women.....	
Women's Action Committee for Victory and Lasting Peace.....	
Young Women's Christian Association.....	

## ORGANIZATIONS FOR RATIFICATION: TELEGRAMS

American Bar Association.....	32,000 members.
American Legion.....	1,000,000 members, auxiliary ½ million.
Carnegie Endowment for International Peace.....	
Church Peace Union.....	
Commission to Study the Organization of Peace.....	Over 100 persons, experts in their respective fields.
Hadassah.....	
Marine Cooks and Stewards Association.....	4,000 members.
National Council of Jewish Women.....	65,000 members.
National Maritime Union.....	50,000 members.
National Peace Conference.....	40 Nation-wide organizations represented.
Women of America.....	
Woodrow Wilson Foundation.....	
World Government Association.....	
9 State organizations.....	
200 local organizations.....	
56 individuals.....	

## ORGANIZATIONS AGAINST RATIFICATION: ORAL STATEMENTS

America First Committee, Los Angeles.....	25 members.
America First Party.....	
American Mothers of Minnesota.....	
Americans United, Inc.....	
American Youths for Christ, St. Louis.....	
Buffalo Economics Club.....	
California Pastors Committee.....	
Catholic Mothers and Daughters of America.....	
Chicago and Cook County Federation of Women's Organizations.....	
Christian Action Committee of Baltimore.....	
Citizens' Forum, Third Congressional District (Chicago, Ill.).....	
Cleveland World Peace Forum.....	
Committee to Win World Peace Through a Peoples' Parliament.....	
Defenders of George Washington's Principles.....	
Fight for Total Peace, Inc.....	
Friends of the Constitution, Dayton.....	
League for Political Education from the Henry George Women's Club of Chicago.....	
Mothers of Sons Forum, Cincinnati, Ohio.....	
National Blue Star Mothers of America (not to be confused with Blue Star Mothers of America, membership of 200,000, who have approved the charter).....	
National Blue Star Mothers of Philadelphia.....	
National Citizens Committee of Utah, Salt Lake City.....	
National Council for Prevention of War.....	
National Economic Council, Inc.....	
National Farmers Guild.....	
Nationalist Veterans of World War II.....	
People's Church.....	
People's Mandate Committee for Inter-American Peace and Cooperation.....	
Truth and Liberty Committee of Minneapolis.....	
United Mothers of Cleveland.....	
Women's League for Political Education.....	
Youth for Christ Committee, Denver.....	

*Stand taken by various organizations concerning the United Nations Charter as shown in the Hearings of the Senate Foreign Relations Committee, July 9-15, 1945—Con.*

ORGANIZATIONS AGAINST RATIFICATION: WRITTEN STATEMENTS

Name	Membership (approximate)
American Coalition.....	
American Society for the Preservation of Sacred, Patriotic, and Operatic Music.....	
Campaign for World Government.....	
We the Mothers Mobilize for America, Inc.....	
3 local organizations.....	
8 individuals.....	

ORGANIZATIONS AGAINST RATIFICATION: TELEGRAMS

National Coalition Committeemen.....	
War Resisters League.....	
3 individuals.....	

PRIVATE INDIVIDUALS FOR RATIFICATION: ORAL STATEMENTS

Name	Remarks
Adams, Marshall.....	Washington radio commentator.
Dulles, John Foster.....	One of the chief official advisers to the United States delegation at San Francisco.
Lilienthal, Alfred M.....	G. I. consultant to the American delegation at San Francisco.
Owen, Hon. Robert L.....	Former Senator from Oklahoma.

PRIVATE INDIVIDUALS AGAINST RATIFICATION: ORAL STATEMENTS

Baldwin, Mrs. Catherine P.....	United Nations of Earth Association—one member.
Darrin, David.....	
Flynn, John T.....	Economist and journalist.
Jackson, Arthur Charles.....	
Jennings, E. P.....	Daughter purports to represent the younger generation.
Johnston, Mrs. Elise French.....	
Lohle, Mrs. Marie and daughter Irene.....	
Michelet, Paul D.....	
Reardon, Thomas J.....	
Somers, Mrs. Helen V.....	

INDIVIDUALS FAVORING RATIFICATION BUT DESIRING CERTAIN RESERVATIONS  
ORAL STATEMENTS

Danielson, John.....	
Gerken, Hubert J.....	
Kanee, Henry M.....	
Stephens, Royal C.....	
Wattley, David.....	
White, Hon. Compton I. (Idaho).....	

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