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Foreign
Relations
of the
United
States



1946

Volume I

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Department of State
Washington

Foreign Relations
of the
United States
1946

Volume I
General;
The United Nations



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PREFACE

This volume was prepared under the direct supervision of S. Everett Gleason, Chief of the Foreign Relations Division, with the assistance of Ralph R. Goodwin in its planning and direction.

All the documentation on the relations of the United States with the United Nations was compiled by Mr. Goodwin, except the compilation on United States policy at the United Nations with respect to the regulation of armaments and collective security which was the work of Neal H. Petersen. Mr. Petersen also compiled the documentation on United States national security policy and on the foreign policy aspects of United States development of atomic energy.

The compilations on foreign economic policy, relief and refugee problems, and international civil aviation policy were the responsibility of Mr. Goodwin.

Marvin W. Kranz, a former member of the staff, compiled the documentation on United States foreign financial policy, on the United States response to the world food shortage, and related problems.

The compilation on Antarctica was the work of William Slany.

The Publishing and Reproduction Services Division (Jerome H. Perlmutter, Chief) was responsible for the technical editing of this volume.

WILLIAM M. FRANKLIN
Director, Historical Office
Bureau of Public Affairs

FEBRUARY 18, 1971

PRINCIPLES FOR THE COMPILATION AND EDITING OF "FOREIGN RELATIONS"

The principles which guide the compilation and editing of *Foreign Relations* are stated in Department of State Regulation 2 FAM 1350 of June 15, 1961, a revision of the order approved on March 26, 1925, by Mr. Frank B. Kellogg, then Secretary of State. The text of the regulation, as further amended, is printed below:

1350 DOCUMENTARY RECORD OF AMERICAN DIPLOMACY

1351 *Scope of Documentation*

The publication *Foreign Relations of the United States* constitutes the official record of the foreign policy of the United States. These

volumes include, subject to necessary security considerations, all documents needed to give a comprehensive record of the major foreign policy decisions within the range of the Department of State's responsibilities, together with appropriate materials concerning the facts which contributed to the formulation of policies. When further material is needed to supplement the documentation in the Department's files for a proper understanding of the relevant policies of the United States, such papers should be obtained from other Government agencies.

1352 *Editorial Preparation*

The basic documentary diplomatic record to be printed in *Foreign Relations of the United States* is edited by the Historical Office, Bureau of Public Affairs of the Department of State. The editing of the record is guided by the principles of historical objectivity. There may be no alteration of the text, no deletions without indicating where in the text the deletion is made, and no omission of facts which were of major importance in reaching a decision. Nothing may be omitted for the purpose of concealing or glossing over what might be regarded by some as a defect of policy. However, certain omissions of documents are permissible for the following reasons:

- a. To avoid publication of matters which would tend to impede current diplomatic negotiations or other business.
- b. To condense the record and avoid repetition of needless details.
- c. To preserve the confidence reposed in the Department by individuals and by foreign governments.
- d. To avoid giving needless offense to other nationalities or individuals.
- e. To eliminate personal opinions presented in despatches and not acted upon by the Department. To this consideration there is one qualification—in connection with major decisions it is desirable, where possible, to show the alternatives presented to the Department before the decision was made.

1353 *Clearance*

To obtain appropriate clearances of material to be published in *Foreign Relations of the United States*, the Historical Office:

- a. Refers to the appropriate policy offices of the Department and of other agencies of the Government such papers as appear to require policy clearance.
- b. Refers to the appropriate foreign governments requests for permission to print as part of the diplomatic correspondence of the United States those previously unpublished documents which were originated by the foreign governments.

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INTRODUCTION

In accordance with the principles stated in the preface, the editors of this volume have attempted to document major areas of United States multilateral diplomacy. The United States, however, also participated in the work of many other international conferences and international organizations in the year covered herein. The record of such activity may be conveniently consulted in: *Participation of the United States Government in International Conferences: July 1, 1945-June 30, 1946*, Department of State Publication 2817, Conference Series 95; *Participation of the United States Government in International Conferences: July 1, 1946-June 30, 1947*, Department of State Publication 3031, International Organization and Conference Series I, 1; *International Agencies in which the United States Participates*, Department of State Publication 2699. Summaries of over-all United States participation in the various organs of the United Nations during the calendar year 1946 may be found in *The United States and the United Nations: Report by the President to the Congress for the Year 1946*, Department of State Publication 2735. A standard reference source is the weekly Department of State *Bulletin*.

LIST OF ABBREVIATIONS AND SYMBOLS

EDITOR'S NOTE.—This list does not include standard abbreviations in common usage; unusual abbreviations of rare occurrence which are clarified at appropriate points; and those abbreviations and contractions which, although uncommon, are understandable from the context.

- AAF**, Army Air Forces
ADA, Atomic Development Authority
ADP, Airport Development Program
AEC, (United Nations) Atomic Energy Commission
AF of L, American Federation of Labor
A-H, Office of Assistant Secretary of State for Occupied Areas, John R. Hilldring
Amdel, indicator for telegrams to the Permanent United States Delegation located at the seat of the United Nations, March 1946, ff.
AMG, Allied Military Government
ARA, Office of American Republic Affairs, Department of State
ATC, Air Transport Command
The Bank, The International Bank for Reconstruction and Development
BC, Division of British Commonwealth Affairs, Department of State
BOAC, British Overseas Airways Corporation
BOT, British Board of Trade
BW, Biological warfare
CAB, Civil Aeronautics Board
cirtel, circular telegram
CDT, Combined Development Trust
CFM, Council of Foreign Ministers
CFB, Combined Food Board
Con, Office of Controls, Department of State
Copre, indicator for telegrams from the United States Delegation to the meeting of the Preparatory Committee of the United Nations or its executive committee, London, August–December 1945
CPC, Combined Policy Committee
DA, Division of Dependent Area Affairs, Department of State
Delga, indicator for telegrams from the United States Delegation to the New York meeting of the General Assembly, October–December 1946
Delsec, indicator for telegrams from the United States Delegation to the Council of Foreign Ministers and the Paris Peace Conference, when headed by the Secretary of State
Delun, indicator for telegrams from the United States Delegation to the London meeting of the General Assembly, January–February 1946
Depcirtel, Department circular telegram
Deptel, Department telegram
ECEFP, Executive Committee on Economic Foreign Policy
ECITO, European Central Inland Transport Organization
ECOSOC, Economic and Social Council of the United Nations
EE, Division of Eastern European Affairs, Department of State
Embtel, Embassy telegram
ESC, Executive Secretariat of the Secretary of State's Staff Committee
EUR, Office of European Affairs, Department of State
Eximbank, Export-Import Bank of Washington
FAO, Food and Agriculture Organization
FCN Treaty, Treaty of Friendship, Commerce, and Navigation
FE, Office of Far Eastern Affairs, Department of State
FEA, Foreign Economic Administration

- FO**, Foreign Office
FoMin, Foreign Minister
FonOff, Foreign Office
ForOF, Foreign Office
The Fund, The International Monetary Fund
GA, General Assembly of the United Nations
Gadel, indicator for telegrams to the United States Delegation to the New York meeting of the General Assembly, October–December 1946
H.J. Res., House Joint Resolution
IA, Division of Special Inter-American Affairs, Department of State
ILO, International Labor Organization
IO, Bureau of International Organization Affairs, Department of State
IRO, International Refugee Organization
IS, Division of International Security Affairs, Department of State
ITO, International Trade Organization
ITP, Office of International Trade Policy, Department of State
JCS, Joint Chiefs of Staff
JSSC, Joint Strategic Survey Committee of the Joint Chiefs of Staff
Le, Office of the Legal Adviser, Department of State
MD, Munitions Division, Department of State
MPR, Mongolian People's Republic (Outer Mongolia)
MSC, Military Staff Committee of the United Nations Security Council
NAC, National Advisory Council on International Monetary and Financial Problems
NGO, Non-Governmental Organization
NE, Division of Near Eastern Affairs, Department of State
NEA, Office of Near Eastern and African Affairs, Department of State
NEI, Netherlands East Indies
Niact, communications indicator requiring attention by the recipient at any hour of the day or night
NOE, Division of Northern European Affairs, Department of State
OA, Division of International Organization Affairs, Department of State
ORI, presumably a reference to the research and intelligence function of the Department of State which was in the process of organization in the spring of 1946
PCA, Policy Committee on Arms and Armaments, Department of State
PD, Passport Division, Department of State
PICAO, Provisional International Civil Aviation Organization
Preco, indicator for telegrams to the United States Delegation to the meeting of the Preparatory Committee of the United Nations or its executive committee, London, August–December 1945
reDeptel, reference Department's telegram
reEmbs, reference Embassy's telegram
reftel, reference telegram
reLegtel, reference Legation's telegram
reurtel, reference your telegram
RL, Division of American Republics Analysis and Liaison, Department of State
RP, Division of Research and Publication, Department of State
RSC, Records Service Center, Department of State
SACMED, Supreme Allied Commander, Mediterranean
SC, Security Council of the United Nations
SC, Secretary's Staff Committee, Department of State
SEA, Division of Southeast Asian Affairs, Department of State
SEAC, South East Asia Command (British World War II Theater Command)
SEC, Securities and Exchange Commission
Secdel, indicator for telegrams to the United States Delegation to the Council of Foreign Ministers and the Paris Peace Conference, when headed by the Secretary of State
S.J. Res., Senate Joint Resolution
SPA, Office of Special Political Affairs, Department of State

- SSR**, Soviet Socialist Republic
- SWNCC**, State-War-Navy Coordinating Committee
- SYG**, Secretary-General of the United Nations
- TAC**, Interdepartmental Trade Agreements Committee
- TRC**, Office of Transport and Communications Policy, Department of State
- TrustCo**, Trusteeship Council of the United Nations
- TVA**, Tennessee Valley Authority
- TWA**, Trans World Airlines
- UE**, Office of the Under Secretary of State for Economic Affairs, William L. Clayton
- Undel**, indicator for telegrams to the U.S. Delegation to the London meeting of the General Assembly, January-February 1946
- UNESCO**, United Nations Educational, Scientific, and Cultural Organization
- UNLC**, United Nations Liaison Committee, Department of State
- UNO**, United Nations Organization
- UNRRA**, United Nations Relief and Rehabilitation Administration
- ur tel**, your telegram
- USA**, United States Army
- USDel**, United States Delegation
- USN**, United States Navy
- VD**, Visa Division, Department of State
- V-J Day**, the day of Japanese capitulation, September 2, 1945
- WE**, Division of Western European Affairs, Department of State
- WFTU**, World Federation of Trade Unions
- WHO**, World Health Organization

ORGANIZATION AND ARRANGEMENTS FOR THE CONDUCT OF UNITED STATES RELATIONS WITH THE UNITED NATIONS

Editorial Note

On December 19, 1945, action was completed by the Congress of the United States (79th Congress, 1st Session) on S. 1580, An Act "To Provide for the Appointment of Representatives of the United States in the Organs and Agencies of the United Nations, and To Make Other Provision With Respect to the Participation of the United States in Such Organization" (short title, the "United Nations Participation Act of 1945"); and the bill was approved by the President on December 20, 1945 (59 Stat. 619). This became the statutory basis for United States participation in the United Nations.

501.BB/12-2145

*President Truman to The Honorable Edward R. Stettinius, Jr.*¹

WASHINGTON, December 21, 1945.

MY DEAR MR. STETTINIUS: It gives me great pleasure to appoint you as the Representative of the United States to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary and as the Representative of the United States in the Security Council of the United Nations.²

¹ Mr. Stettinius was a former Secretary of State of the United States. As Secretary he had headed the United States Delegation at the United Nations Conference on International Organization, held at San Francisco, April 25-June 26, 1945 (see *Foreign Relations*, 1945, vol. 1, pp. 1 ff.); and had been the premier United States signatory of the Charter of the United Nations, signed at San Francisco, June 26, 1945 (see 59 Stat. (pt. 2) 1031, or Department of State Treaty Series 993). Although Mr. Stettinius at this time (December) held the position of United States Representative to the Preparatory Commission of the United Nations, which body was sitting in London (see *Foreign Relations*, 1945, vol. 1, pp. 1433 ff.), he was unable to attend the meetings of the Plenary Commission because of illness; this letter was addressed to him at The White House.

² Section 2(a) of the United Nations Participation Act provided that "The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States at the seat of the United Nations who shall have the rank and status of envoy extraordinary and ambassador plenipotentiary. . . . Such representative shall represent the United States in the Security Council of the United Nations and shall perform such other functions in connection with the participation of the United States in the United Nations as the President may from time to time direct." The nomination of Mr. Stettinius to these positions was communicated by President Truman to the Senate on December 19, 1945, and approved by the Senate on December 20; see Department of State *Bulletin*, December 23, 1945, p. 1018.

In carrying out the important duties of your office you will act in accordance with my instructions transmitted by the Secretary of State or in such other manner as I may direct, and in particular any and all votes which may be cast by you as the Representative of the United States in the Security Council will be in accordance with such instructions. You will also be guided by the provisions of applicable legislation, in particular the United Nations Participation Act of 1945.

The importance of the success of the United Nations organization cannot be overestimated and the responsibility which this Government bears for contributing to that success is a significant one. I am confident that you will discharge your duties in the same distinguished manner in which you have performed the functions of other high offices which you have held in our Government and that you can count upon the fullest cooperation of all officers of our Government.³

Sincerely yours,

[HARRY S. TRUMAN]

501.BB/12-2145

President Truman to The Honorable Edward R. Stettinius, Jr.

WASHINGTON, December 21, 1945.

MY DEAR MR. STETTINIUS: I am pleased to inform you that I have appointed you one of the representatives of the United States to the first part of the first session of the General Assembly of the United Nations to be held in London early in January 1946.⁴ A complete list of this Government's Delegation is enclosed herewith.⁵

³ It is of interest to note that the position of Representative of the United States at the Seat of the United Nations (short title to be used in this series: "United States Representative at the United Nations") was all but in abeyance during the organizing period of the United Nations at London; and it was not until March, 1946 that the office was fully activated. While at London Mr. Stettinius functioned almost exclusively as Representative of the United States in the Security Council, or as Representative of the United States to the General Assembly.

Attention is invited to the practice of this series in which the designation "United States Representative at the United Nations" is used for the principal United States officer at the Seat of the United Nations at all times regardless of the position in which he may be functioning at the time.

⁴ The organization of United States representation to the General Assembly of the United Nations was provided for in Section 2 (c) of the United Nations Participation Act which read in pertinent part: "The President, by and with the advice and consent of the Senate, shall designate from time to time to attend a specified session or specified sessions of the General Assembly of the United Nations not to exceed five representatives of the United States and such number of alternates as he may determine consistent with the rules of procedure of the General Assembly. One of the representatives shall be designated as the senior representative." On December 19, 1945 President Truman sent to the Senate the nominations of the following persons to be "Representatives of the United States of America to the first part of the First Session of the General Assembly of the United Nations to be held in London, January 1946": Edward R. Stettinius, Jr.;

Footnote 4 continued on following page.

⁵ See Delegation list, pp. 5-7.

The United States representation at the first meeting of the General Assembly will be headed by the Secretary of State as Senior Representative or by you in his absence.

In so far as the General Assembly will deal with matters covered by the report of the Preparatory Commission, the representatives of the United States will be expected to support the recommendations made therein unless the position of the United States on a particular recommendation is reserved, in which case the representatives will be guided by my special instructions. I am, however, authorizing the Senior Representative, after consultation with the other representatives, to agree to modifications of the Preparatory Commission's recommendations which in his opinion may be wise and necessary.

In so far as matters may arise which are not covered by the report of the Preparatory Commission, I shall transmit through the Senior Representative any further instructions as to the position which should be taken by the representatives of the United States.

I have instructed the Senior Representative to act as the principal spokesman for the United States in the General Assembly.

You, as a representative of the United States, will bear the grave responsibility of demonstrating the wholehearted support which this Government is pledged to give to the United Nations organization, to the end that the organization can become the means of preserving the

(Footnote 4 continued)

Senator Tom Connally, Chairman of the Senate Foreign Relations Committee; Senator Arthur H. Vandenberg, ranking minority member of the Senate Foreign Relations Committee; and Mrs. Anna Eleanor Roosevelt, widow of the late President Franklin D. Roosevelt. The nominations of Representative Sol Bloom, Chairman of the House of Representatives Committee on Foreign Affairs; Representative Charles A. Eaton, ranking minority member of the House Committee on Foreign Affairs; Mr. Frank C. Walker, ex-Postmaster General of the United States; Mr. John Foster Dulles, prominent international lawyer; and Mr. John G. Townsend, Jr., ex-United States Senator, as Alternate Representatives were submitted by President Truman to the Senate at the same time. All nominations were approved by the Senate on December 20. (Department of State *Bulletin*, December 23, 1945, pp. 1018 and 1019)

At the same time, on December 19, the President informed the Senate that "At my request the Secretary of State [James F. Byrnes] will, for at least a portion of the session, attend the initial session of the General Assembly" (Department of State *Bulletin*, December 23, 1945, p. 1018). This was done under provision of Section 2 (e) of the United Nations Participation Act which stated that "Nothing contained in this section shall preclude the President or the Secretary of State, at the direction of the President, from representing the United States at any meeting or session of any organ or agency of the United Nations." Because it was not necessary under Section 2 (e) for the President to nominate the Secretary of State as a representative to the General Assembly, only four names were submitted to the Senate for confirmation as "representatives" although five persons were nominated as "alternate representatives".

Letters of appointment dated December 21, 1945 were sent to all the representatives (including the Secretary of State) and alternates. The letters were virtually identical in all cases except for paragraphs 2 and 5 where changes were made appropriate to the position of the addressee in the Delegation structure. (501.BB/12-2145)

international peace and of creating conditions of mutual trust and economic and social well-being among all peoples of the world. I am confident that you will do your best to assist the United States to accomplish these purposes in the first meeting of the General Assembly.

Sincerely yours,

[HARRY S. TRUMAN]

501.BB/12-2145

*Memorandum by the Director of the Office of Special Political Affairs
(Hiss) to the Acting Secretary of State (Acheson)*

[WASHINGTON,] December 21, 1945.

Designation of Alternate Representatives to the General Assembly
to act in place of absent Representatives

Mr. Rothwell ⁶ thought that you wanted a supplemental letter to the letters of appointment covering the above subject. Miss Evans ⁷ was not certain just where you had left the matter. I hope that you will not feel that a supplemental letter is necessary.

It seems to me wiser and safer not to raise this question but to rely upon the order in which the Alternate Representatives' nominations were sent to the Senate as determining the order in which they will fill any vacancies that may occur among the five representatives. The order of the Alternate Representatives is: Messrs. Bloom, Eaton, Walker, Dulles and Townsend. This seems to be the general assumption and also the proper order of succession. I think that to raise the subject specifically in a letter is to magnify it unnecessarily.

The matter may prove to be academic anyway as we are trying to make arrangements for the American Alternate Representatives as well as Representatives to have the right to sit in the Assembly at the plenary sessions. In general we have tried to minimize the distinction between the Representatives and the Alternate Representatives and the letters of appointment were drafted with this in mind. We plan to have the Alternates as well as the Representatives at all delegation meetings and the terms of the letters of appointment give them equal voice in delegation discussions, even vis-à-vis the organization. The distinction will be minimized because the Assembly's rules of procedure permit persons other than the Representatives to attend committee sessions, which will be the principal activity during the period we are in London.⁸

⁶ C. Easton Rothwell, Assistant to Mr. Stettinius, and at this time designated to be Secretary General of the United States Delegation to the General Assembly.

⁷ Barbara Evans, Secretary to Mr. Acheson.

⁸ No other documentation has been found on this question, but it may be noted that the practice of the United States Delegation at London both within itself and in its external relationships was to draw no distinction between Representatives and Alternate Representatives.

IO Files⁹ : USSEC/5c

*United States Delegation*¹⁰ to the General Assembly and Staff¹¹
(January 17, 1946)¹²

1. *Delegates*¹³

Secretary James F. Byrnes¹⁴
Mr. Edward R. Stettinius, Jr.¹⁵
Senator Tom Connally
Senator Arthur H. Vandenberg
Mrs. Franklin D. Roosevelt

2. *Alternate Delegates*

Representative Sol Bloom
Representative Charles A. Eaton
Mr. Frank Walker
Mr. John Foster Dulles
Mr. John G. Townsend, Jr.

3. *Representative on the Economic and Social Council*

Ambassador John G. Winant

4. *Senior Advisers*

Mr. Benjamin V. Cohen
Mr. James Clement Dunn
Mr. Green H. Hackworth

⁹ Short title for the master files of the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

¹⁰ The United States Delegation with the exception of Secretary Byrnes and Representative Eaton sailed from New York on the *Queen Elizabeth* on December 30, 1945, arriving at Southampton and London on January 5, 1946; the first Delegation meeting at London (there were meetings en route) was held on January 7. Secretary Byrnes departed from Washington by air on January 7 and arrived in London on January 8; he remained with the Delegation until January 25 when he returned to Washington also by air. The presence of the Delegation in London was required until the end of the first part of the first session of the General Assembly on February 14.

¹¹ There was attached to the United States Delegation an advisory and expert staff and administrative support group, 10 of whom (on the advisory side) were officers from the armed forces and 9 were from other government agencies. The Department of State group was headed by 5 senior advisers, a principal adviser, and a secretary general.

¹² This is one of several such lists which were issued periodically, and is one of the most representative.

¹³ By law the members of the United States Delegation were styled "Representatives" and "Alternate Representatives". Much confusion existed from the beginning as to the nomenclature to be used in describing members of national delegations to the General Assembly. Although the term "Delegate" enjoyed widespread popularity among all delegations, including that of the United States, the official style for United States members was and remained "Representative".

¹⁴ Secretary Byrnes functioned as "Senior Representative" during the period when he was with the Delegation on an active basis which may be placed at January 8/9 through January 24, 1946.

¹⁵ Except for the period when Secretary Byrnes was in London, Mr. Stettinius was functioning in a three-fold capacity: as United States Representative at the United Nations, United States Representative in the Security Council, and Senior United States Representative to the General Assembly.

Mr. Leo Pasvolsky

Mr. Adlai E. Stevenson

5. *Special Advisers on Military Affairs*

General George C. Kenney, AAF

Admiral Richmond K. Turner, USN

Lieutenant General Matthew B. Ridgway, USA

Major General John R. Deane, USA

Brigadier General Charles P. Cabell, AAF

Captain Elliott B. Strauss, USN

Colonel Herbert V. Mitchell, USA

Colonel Charles G. Williamson, AAF

Commander Thomas H. Morton, USN

Secretary to the Special Advisers on Military Affairs

Captain Denys W. Knoll, USN

Administrative Assistant

Miss Mary McDonald

Military Aides and Assistants

Major John J. Buckley, USA

Major F. M. Brandstetter, USA

Captain Robert N. O'Donnell, USA

6. *Advisers*

Principal Adviser

Mr. Alger Hiss

Special Assistant

Mr. E. N. Thompson

Secretary General and Adviser

Mr. Easton Rothwell

Department of State

Mr. Theodore C. Achilles

Mr. Harding Bancroft

Mr. Charles E. Bohlen

Mr. Ralph J. Bunche

Mr. Philip M. Burnett

Mr. Cabot Coville

Mr. Gerald Drew

Mr. A. H. Feller

Mr. Wilder Foote

Miss Dorothy Fosdick

Mr. William Fowler

Mr. Benjamin Gerig

Mr. James Frederick Green

Mr. John Halderman

Mr. Raymond Hare

Mr. Robert Hartley
Mr. Louis Hyde
Mr. Joseph E. Johnson
Mr. William A. McRae
Mr. Otis Mulliken
Mr. Harley Notter
Mr. Walter Radius
Mr. Henry Reiff
Mr. Durward V. Sandifer
Mr. Rudolf Schoenfeld
Mr. Leroy D. Stinebower
Mr. Arthur Sweetser
Mr. Llewellyn Thompson
Mr. George Wadsworth
Mr. Eric Wendelin¹⁶

[Here follow the names of Advisers from other executive departments, Assistants to the Representatives and Alternate Representatives, press and liaison officers, and the secretariat of the Delegation.]

Editorial Note

For its diplomatic effort at London the United States Delegation had behind and in support of it the United States record established at the meetings of the Preparatory Commission of the United Nations at London in November–December, 1945 and the planning operation organized concurrently in Washington within the Department of State itself. The latter was centered chiefly within the Office of Special Political Affairs, where, under the direction of Mr. Alger Hiss, the Director of the Office, experts drafted and re-drafted background papers, briefing papers and position papers, all finally pared down to three “books” containing the full recommendations resulting from the meeting of the Preparatory Commission, annotated agenda for each of the organs of the United Nations, and twenty-nine position papers establishing the United States position on as many substantive issues; these briefing books are located in the IO files; certain of the papers are printed at appropriate places in these volumes.

¹⁶ Messrs. Achilles, Bohlen, Coville, Drew, Hare, Schoenfeld, Thompson, Wadsworth, and Wendelin were designated in a United States Delegation Secretariat document of January 10, 1946 as “Political Advisers” (IO Files, document USSEC/14). In a memorandum of January 12, 1946 to the Secretary of State the Principal Adviser (Hiss) described the political advisers as “assigned to necessary work in connection with the relations of the American Delegation with other Delegations” (501.BB/1–1246).

This relatively simple preparation was matched by the uncomplicated program which the United States Delegation took to the first part of the first session of the General Assembly at London. The overriding objective, as stated by Mr. Stettinius, was that "of bringing the United Nations into operation"; and it is not too much to say that the principal United States effort at London went into matters involving launching of the Organization itself. This is traced in other pages of this volume, and, in printing here and in the general volumes of subsequent years, the record of general United States relations with the United Nations as an international organization, the emphasis is and will be placed on documenting the United States position with regard to constitutional and organizational questions vitally affecting the membership, structure, and functioning of the United Nations itself as a political institution.

United States policy planners though hopeful of a quick (perhaps 3-week) organizational meeting of the General Assembly nevertheless went to London anticipating General Assembly or Security Council consideration of certain substantive (that is, non-organizational) problems, and with an established United States position on some twenty-nine such issues. The major question raised at London involving the maintenance of international peace and security, aside from the problem of the international control of atomic energy covered elsewhere in this volume, concerned Soviet-Iranian relations; United States policy at the United Nations regarding this issue is comprehensively documented in Volume VII, pages 289 ff. Likewise though with lesser and varying degrees of emphasis such problems as were raised at London regarding Greece, Indonesia, Spain, and Syria and Lebanon are treated in other volumes of *Foreign Relations* for 1946; and similarly in years following 1946 such issues will be located in the appropriate regional volumes. The degree of comprehensiveness with which a given regional problem at the United Nations is documented in this series is determined by the position occupied by the United States in the United Nations diplomacy of the question, with due regard to the relationship of that issue to a vital United States national interest.

The documentation created by the United States Delegation at the first part of the first session of the General Assembly is found in the IO files. It is a slim collection by any standard, whether judged by the momentousness of the occasion or by the great mass of paper previously issuing from United States delegations at the planning conferences at Dumbarton Oaks and San Francisco or from United States delegations at later sessions of the General Assembly.

501.BC/1-2846

*Draft of Proposed Memorandum From the Deputy Director of the Office of Special Political Affairs (Ross) to the Secretary of State*¹⁷

SECRET

[WASHINGTON,] January 28, 1946.

Placing of the Iranian, Greek and Indonesian cases¹⁸ upon the Security Council agenda by Iran; the Soviet Union and the Ukraine raises for the first time the question of responsibility within the Department for the initiation and execution of policy and action in such matters.

Before the Delegation sailed for London the possibility that Soviet-Iranian relations and the Indonesian situation would come before the Security Council was foreseen. As a consequence position papers on these two matters were prepared (USGA/Gen/21 and USGA/Gen/26).¹⁹ The Division of International Security Affairs initiated the drafting of these position papers and had the benefit of the collaboration of the several geographic offices in doing so.

The sharper focus of the problem resulted from the receipt on January 22 of a telephone call from Mr. Joseph E. Johnson²⁰ from London requesting a position paper on Greece and a supplement to that on Indonesia. In response to the requests of this office IS began the preparation of a position paper which could be transmitted to London. Because of the way in which the Greek situation and that of Indonesia were inter-related with the Iranian situation the draft paper necessarily dealt with all three matters. Before this telegram could be completed news was received of your departure from London for Washington and in that circumstance SPA notified Mr. Johnson that the material prepared in response to his request was being held pending your return.

¹⁷ Drafted by Donald C. Blaisdell, Associate Chief of the Division of International Security Affairs of the Office of Special Political Affairs.

From the time of the Departmental reorganization of December 1944 (see Department of State *Bulletin*, December 17, 1944, "Supplement", pp. 775 ff.), when the Office of Special Political Affairs was charged with the formulation and coordination of policy and action in matters relating to "the establishment of the proposed United Nations Organization and relations with that Organization" (*ibid.*, p. 784), that Office had been involved mainly in a planning-type operation. "Collaboration" with the geographic divisions, as required by the original Departmental order, and hitherto a somewhat academic question, now, in January 1946, with the United Nations actually in being, suddenly assumed an intensely practical and pressing character.

¹⁸ Documentation on these subjects is found in the appropriate area volumes.

¹⁹ For these two position papers (whose numbers were changed in a revision of the serialization of briefing book (III) in which they were located, to Nos. 24 and 29), see vol VII, p. 289 and vol. VIII, p. 787, respectively.

²⁰ Chief of the Division of International Security Affairs and member of the expert advisory staff attached to the Delegation.

The receipt on Saturday of Delun 141²¹ from Mr. Stettinius requesting the advice of the Department as to whether the position taken in the Indonesian position paper was unchanged further complicated the situation. The action copy of this telegram was referred to SPA and it in turn referred it to IS for the preparation of a draft reply. Such a reply was prepared in collaboration with officers of SEA, NOE, and EE. However, the instructions which it is understood Mr. Stettinius received from you before your departure made it unnecessary to dispatch this telegram, with the exception of the sentence stating that the position remained unchanged as developed Saturday evening.²²

It is the belief of this Office that the effective formulation of U.S. policy regarding substantive matters upon the agenda of the Security Council can be brought about by collaboration among the geographic offices concerned and the Office of Special Political Affairs and its several divisions. Formulation of proposed policy can be performed best when full information bearing upon the matter at issue is available. Since information vital to the formulation of the U.S. position is frequently available only in your office the question arises as to how to establish and maintain effective channels for the flow of that information in both directions.²³

501.BC/3-1446

*Memorandum by Charles E. Bohlen, Special Assistant to the Secretary of State*²⁴

[WASHINGTON,] March 14, 1946.

In order to assure that the cases appearing before the Security Council²⁵ are thoroughly worked out in advance from the point of

²¹ Telegram 927, January 25, from London. It read: "In view of Ukrainian action in drawing attention of Security Council to the situation in Indonesia, advice is requested from the Department as to whether there is any change proposed US policy as set forth in memorandum of December, 1945, prepared for incorporation in US Delegation UNO Book Three." (501.BB/1-2546).

²² Despatched as Department's secret telegram 913, Undel 125, January 26, to London. It read: "Instructions set forth in memorandum USGA/Gen/26[29] remain unchanged." (501.BB/1-2546).

²³ In a covering memorandum of January 29 to Mr. Ross and to Robert M. McClintock, Special Assistant to the Director of the Office, Mr. Blaisdell wrote: "The attached rough draft . . . is being forwarded to you for discussion purposes only. I will be in touch with you later . . . on the whole question raised by this draft memorandum." In a marginal notation directed to Mr. Ross, the Special Assistant (McClintock) wrote: "This raises a very basic issue which might better be handled orally. I agree with Mr. Blaisdell's view: my only query is as to method of approach." (501.BC/1-2846)

²⁴ Addressed to the Directors of Geographic Offices—European Affairs (Matthews), Near Eastern and African Affairs (Henderson), Far Eastern Affairs (Vincent), American Republics Affairs (Briggs)—and to the Director of the Office of Special Political Affairs (Hiss).

²⁵ The Security Council was scheduled to reconvene in New York on March 25.

view of the policies of the U.S., it is essential that some machinery of coordination be set up between the geographic offices and SPA which deals with specifically UNO matters.

I would suggest, therefore, that the Directors of geographic offices and of SPA designate some person in the office, possibly the Deputy Directors, to coordinate this work in relation to cases falling within their geographic areas so that when a given case is under preparation involving U.S. position with reference to one or the other of the geographic areas, the political aspect of the question as well as the specifically UNO aspect will be fully covered. I shall undertake to notify the geographic offices as far in advance as possible of cases which are to appear before the Security Council or which are likely to be brought up and will also be glad to assist any working groups which may be set up in regard to any specific case. If the Directors of the offices will notify me of the names of the persons they designate for this purpose, a meeting might be arranged in which to discuss the procedure.

501/3-1946

*Memorandum by the Director of the Office of Special Political Affairs
(Hiss) to Mr. Bohlen*

[WASHINGTON,] March 19, 1946.

As you know, we very strongly favor the type of coordinating group suggested in your memorandum of March 14 to the Directors of the geographic offices and to SPA. Our thinking has been running along the same lines and we have tentatively spelled out the coordinating process like this:

1. The desk officers in the geographic divisions and the appropriate officers in IS and OA will continually be analyzing possible situations which may develop into UNO matters. We assume these officers will keep constantly in touch with each other in this work and will communicate their thinking to their division chiefs and through them to the offices to which they are responsible.

2. The coordinating group suggested in your memorandum of March 14 I assume will want to appoint working teams on various specific cases, composed of officers from the appropriate geographic offices or divisions and from SPA and its divisions. The coordinating group may want to review the papers prepared by such teams, develop basic criteria for guiding the process of arriving at decisions on which matters are to be brought before the UNO and by whom, and also on the types of matters that are not considered appropriate for UNO. Your suggestion that a person be designated in each geographic office

and in SPA for this purpose is an excellent one, and either Jack Ross or I will be present at each meeting.

ALGER HISS

501/3-2046

Memorandum Prepared in the Office of Special Political Affairs

NOTE ON THE ARRANGEMENTS FOR THE U.S. DELEGATION²⁶ TO THE
UNITED NATIONS AS OF MARCH 20TH

(Provisional—For General Informational Purposes in SPA Only)

Schedule of Secretariat Operations

The Office of the Delegation at 250 West 57th Street (corner Broadway) fifth floor, was opened by Easton Rothwell, Executive Secretary on March 19, 1946. The office will be in full operation on Friday, March 22. Delegation staff problems and liaison with New York will be maintained in Room 165-S (Ext 2532) through Mr. Power²⁷ until 5:30 p.m. Friday, March 22. Thereafter, the Delegation offices may be reached via the telephone tie lines from the Department. Tie line connections may be made through the Chief Operator, Ext. 811.

Most of the Delegation advisers and staff will be quartered in the Pennsylvania Hotel and Henry Hudson Hotel.

Delegation Reporting

The following plans and arrangements for the exchange of information between the U.S. Delegation to UNO in New York and the Department have been agreed upon :

1. The New York group will have the status of a Mission. It will, therefore, as in the case of any of our Missions abroad, be kept informed through infotels of relevant information reaching the Department in cables. Security considerations do not permit the

²⁶ Note may be taken of the ambiguity in the official styles at this time, the same name, "Delegation", being used to describe both the periodic United States representation to the General Assembly of the United Nations and the permanent United States representation at the seat of the United Nations. It may be noted further that neither usage had any statutory basis but represented an *ad hoc* development. There was in effect only one "Delegation" at London, the delegation present for the meeting of the General Assembly, but after the establishment on March 19, 1946 of the Office of the United States Delegation to the United Nations there is a certain confusion at times, particularly during the period from June onwards, as to which "Delegation" is being referred to in United States documentation. This situation continued until April 1947 when the offices at New York were officially designated a "Mission".

²⁷ Thomas F. Power, Jr., Chief of the Reporting and Documents Division of the Delegation Secretariat.

transmission to the New York staff of copies, or the actual text, of cables received in the Department.

2. The Daily Top Secret Summary will be made available to Mr. Stettinius; the Daily Secret Summary to such members of the New York staff as have a status comparable to that of a Director in the Department; and the Weekly Review to the appropriate senior officers in New York. Arrangements have also been made for the New York staff to receive all the various press summaries, opinion analyses, etc., prepared in the Department.

3. Two series of information telegrams from New York are planned: (1) an unclassified series which will receive general distribution, including distribution to other interested Government agencies and will be transmitted to our Missions abroad via the Radio Bulletin; and (2) a classified series which will be distributed to the interested officers within the Department and to the War and Navy Departments and which will provide the material for the Secret Summaries and for the infotels to the field. There will be no direct communication between New York Mission and U.S. Missions abroad.²⁸

4. There will be daily courier service by air between Washington and New York, leaving Washington at 3 p.m. and New York at 9 p.m.²⁹ There will also be two direct telephone wires, equipped at both ends with automatic recorders and two teletype lines, one of which will have security safeguards.

5. Mr. John M. Patterson will be responsible for the information and reporting work in New York. Mr. Patterson was previously with PL and was a member of the United States Delegation Secretariat at the recent London meetings. He will have three assistants: Charles J. Merritt, Eugene Rosenfeld and Mrs. Sarah Hodgkinson.

The Information Officer of SPA³⁰ will be responsible for keeping both the New York staff and our Missions abroad informed of such developments as come within the jurisdiction of SPA. The whole question of the division of reporting work between SPA and the other

²⁸ On April 3, however, arrangements were established for teletype conferences (on a 12-hour notice) between the offices of the Delegation and the United States Embassies in London, Paris, and Moscow, and the Mission in Berlin (IO files, document US/ADM/2 (Rev. a)).

²⁹ It was within the framework of this procedure that the practice evolved of sending daily summary telegrams (in two series, classified and unclassified) to Washington "via Courier". It is not unusual to find imbedded within these summaries, general only in scope, the most detailed reporting on the tortuous course of the new "parliamentary" diplomacy on any issue of the day. Thus the 501.BB Summaries series in the Department's central indexed files (General Assembly affairs) and the 501.BC Summaries series (Security Council affairs), to mention the two most important, become prime sources of information.

³⁰ At this time the Acting Information Officer was Mrs. Virginia F. Hartley.

Offices of the Department is to be discussed at the Information Service³¹ Committee meeting on Thursday.

6. An annotated agenda of UNO meetings scheduled,³² together with topics to be discussed and personnel requirements will be kept current by the Delegation and transmitted regularly to the Department.

Documentation Exchange

International Secretariat documents as well as Delegation documents will be transmitted regularly to the documents section of SPA by the Delegation. Such documents and Delegation documents will be circulated to the interested officers of the Department and other government agencies by the documents section of SPA.

The documents symbols used for Delegation documents and SPA documents intended for transmittal to the Delegation will be similar.³³ Both will be similar to the numbering system used by the International Secretariat.

The Delegation and Department will refer private individuals and organizations to the International Secretariat for copies of UN documents.

³¹ For the Department's program at this time regarding "policy information services", see Department of State *Bulletin*, June 2, 1946, pp. 970 and 971.

³² The status of United Nations activities in New York at this time is interestingly described in a memorandum of "informal comments" drafted by Louis K. Hyde, Jr., of the Delegation. Pointing out that there were four main centers of United Nations activities in New York, one at the United States Delegation, Fisk Building, 250 West 57th Street, "near Columbus Circle", and the other three focused in United Nations Organization centers at Hunter College, at 610 Fifth Avenue at 49th Street, and at the RKO Building on the Avenue of the Americas, he wrote (for the information of Departmental officers) that "development of organization in the social and economic fields is almost non-existent. . . . By contrast, the political and security setup is much further advanced and promises to be so for some time to come. This is natural because of the imminent initiation of the Security Council session . . . members of the Secretariat seem to be arriving almost daily from London. . . . At Hunter College the general atmosphere was a blend of a windup of Naval training (Hunter College was a WAVE Center), civilian students coming and going, and carpenters, painters and telephone men miscellaneously circulating among confused-looking newly-arrived delegates and staff members of the United Nations." (IO files, document SD/INF/4) For documentation regarding the establishment of the temporary headquarters and permanent seat of the United Nations in the United States, see pp. 60 ff.

³³ Both the Delegation Secretariat and the Department (SPA) began early to issue what the Delegation named a "Key to Document Symbols" series (series US/ADM/ for the Delegation and series SD/ADM/ for the Department; these two series contained other administrative data also). In general, documents prepared in the Department or the Delegation (relating to United Nations affairs) were set up with symbols parallel to those established by the United Nations Secretariat, the United Nations Secretariat symbol being prefixed by "SD" (Departmental documents) or "US" (Delegation documents) as the case might be. Thus, with regard to a United Nations Secretariat paper concerned with the First Committee of the General Assembly, where the Secretariat symbol was "A/C.1", the symbols for comparable documentation in the Department and the Delegation would be respectively "SD/A/C.1" and "US/A/C.1".

501/3-2046

*Memorandum by the Associate Chief of the Division of International Security Affairs (Bancroft) to Certain Officers of the Division*³⁴

[WASHINGTON,] March 20, 1946.

Subject: Matters which may come before the Security Council

It has been determined that there shall be formed State Department teams on various matters to be brought before the Security Council. Mr. Charles E. Bohlen has been appointed Special Assistant to the Secretary to direct these teams. The Director of each geographical office and of SPA will appoint representatives to work on the various teams as necessary. Mr. Joseph E. Johnson has the responsibility of acting for Mr. Hiss in this connection. Each of the geographical offices has appointed a United Nations liaison officer.³⁵

Contact with the geographical offices on the following list of problems has been made by Mr. Kopper and work started. IS personnel should continue this work as follows. Please note that primary responsibility as between IS, OA and DA is also indicated.

1. The Iranian situation	IS	SKCK
2. Indonesia	IS	JS
3. Syria-Lebanon	IS	BGB
4. Greece	IS	BGB
5. Polish forces in northern Italy	IS	WA
6. Spain	IS	HJ
7. Manchuria	IS	SKCK
8. Turkish Straits	OA	DC
9. Turkish-Soviet frontier	OA	DC
10. Independent movements in Indochina	OA, DA	JS
11. India	OA	HJ
12. Indochina border dispute	OA	JS
13. British forces in Egypt	IS	DC
14. The Argentine situation	OA	WA
15. Admission of Albania	OA	WA
16. Soviet forces in Bornholm	IS	

These officers should check with Mr. Kopper immediately as to the status of the work on each problem. Mr. Kopper will turn over the

³⁴ Messrs. J. Wesley Adams, Jr., Bernhard G. Bechoefer, Daniel S. Cheever, Howard C. Johnson, Jr., Samuel K. C. Kopper, Warren A. Roberts and Joseph W. Scott, who made up the staff of the Non-Military Aspects of Security Branch of the Division of International Security Affairs.

³⁵ This group almost immediately acquired the name of United Nations Liaison Committee. Incomplete minutes of the meetings of this committee from its fourth meeting on April 17, 1946 are found in the Department's unindexed files in Lot File 55-D429, Box 9978. Although the dates of the second and third meetings are known to be March 29 and April 5 respectively, there is no record of the first meeting date.

necessary files. Work will be coordinated with other SPA Divisions as well as with geographical divisions, bearing constantly in mind IS responsibility as between IS and DA.

501/3-2046

*Memorandum Prepared in the Office of Special Political Affairs*³⁶

[WASHINGTON,] March 20, 1946.

DIVISION OF RESPONSIBILITY BETWEEN OA AND IS ON MATTERS WHICH
MAY COME BEFORE THE GENERAL ASSEMBLY AND THE SECURITY
COUNCIL

It is the primary responsibility of SPA within the Department to initiate, to schedule, to assign and to carry through to completion and approval or adoption positions on problems coming before the organs of the United Nations. It is desirable for each organ of the United Nations to be served by a single division of SPA which would be conversant with the problems and technically familiar with the procedures of the organ that it serves. Thus, IS should be equipped to handle all matters coming before the Security Council, OA to handle all matters coming before the General Assembly, and DA to handle Trusteeship Council matters.

In the normal case, there will be no overlapping in the work of IS and OA. There are some cases, however, where under the Charter the Security Council and the General Assembly are both necessarily concerned with the same subject matter.

In connection with the maintenance of international peace and security, the General Assembly, under articles 11 and 14 of the Charter, may make recommendations concerning the principles of cooperation in maintaining peace (including the principles governing disarmament and the regulation of armaments), concerning any question relating to the maintenance of peace and security, and concerning the peaceful adjustment of any situation likely to impair the general welfare or friendly international relations. These last two powers are subject to the provisions of article 12 which recognizes the primary responsibility of the Security Council for the maintenance of international peace and security in disputes and situations requiring prompt and effective action.

³⁶ Transmitted to the Director of the Office (Hiss) by the Chief of the Division of International Organization Affairs (Sandifer) under a covering memorandum of March 21 in which Mr. Sandifer wrote: "We have agreed with IS on the attached memorandum concerning the division of responsibility between OA and IS on matters which may come before the General Assembly and the Security Council. . . . Unless you have some objection, we will proceed on this basis." In a notation the Deputy Director of the Office (Ross) wrote "OK JCR".

The admission, suspension and expulsion of members is the responsibility of the General Assembly upon recommendation of the Security Council (Articles 4, 5 and 6).

Moreover, regional problems, arrangements and agencies, for which in general OA has primary responsibility, involve matters of interest to all the principal organs of the United Nations.

Accordingly, both OA and IS have an interest in such matters in order to be equipped to serve the United States representatives on the the two organs.

In order to minimize the duplication of effort between the staff of OA and IS and to provide the geographic desks and other offices in the Department with a single contact within SPA, the following procedure is proposed :

(1) *Matters relating to the Maintenance of International Peace and Security.*

On matters relating to the maintenance of international peace and security, primary responsibility for the coordination of the United States position will be assigned to IS in cases where it is anticipated that the matter will come before the Security Council and to OA where it is anticipated that the matter will be first discussed in the General Assembly or where general political conditions exist which if permitted to develop might create a situation or dispute before either organ.

Determination of the allocation of primary responsibility shall be made by agreement between the appropriate Associate Chiefs of the two divisions. Such determination should be made as soon as either division first becomes aware of the potential issue and SPA should be informed thereof.

The division having primary responsibility would be in close contact with geographic desks and other interested divisions of the Department. It would keep the division having secondary responsibility informed of the progress in the preparation of the case, and would in general consult with such division before taking any action. There should be close contact between the officers in the two divisions, so that in the event that a particular case is first brought up in the Security Council or the General Assembly contrary to prior expectation, the division serving that organ would be able to make effective preparation and presentation with the collaboration of the other division.

To the extent that it is possible, only one division, namely, the division to which primary responsibility is assigned, would be in contact with the geographic desks, ORI, and other interested divisions within the Department, although in general there should be prior agreement between OA and IS on specific assignments outside the

Office—ORI, for example. This may not always be possible as in cases where IS is concerned with a problem in a geographic area which may be brought before the Security Council and OA is making a study of the general overall political developments within that area. In such cases, the officers in OA and IS should be alert to make clear to the geographic desks the nature of and distinction between their respective lines of work.

(2) *Admission to Membership.*

OA shall have primary responsibility to coordinate the U. S. views on the question of admission to membership generally and with respect to the admission of each particular applicant.

IS will be kept informed of and collaborate in such coordination and, when the policy is formulated, will be responsible for its transmission to the U. S. Representative on the Security Council in the light of the procedures of the Security Council.

(3) *Suspension and Expulsion of a Member.*

The same division of responsibility shall apply as in the case of admission to membership.

(4) *Agreed Assignment of Matters relating to the Maintenance of International Peace and Security Presently in Prospect.*

In a conversation between officers of OA and IS, the assignment of primary responsibility was agreed to in respect of the following matters which may come before the United Nations:

1. The Iranian situation—IS
2. Indonesia—IS
3. Syria-Lebanon—IS
4. Greece—IS
5. Polish forces in northern Italy—IS
6. Spain—IS
7. Manchuria—IS
8. Turkish Straits—OA
9. Turkish-Soviet Frontier—OA
10. Independent [*Independence?*] movements in Indochina—OA, DA
11. India—OA
12. Indochina border dispute—OA
13. British forces in Egypt—IS
14. The Argentine situation—OA
15. Admission of Albania—OA
16. Soviet forces in Bornholm—IS
17. Korea—OA
18. Sarawak—OA
19. Transjordan—OA, DA

In addition, OA is preparing general papers on the broader aspects, historical and political, of the general situations of which the above specific cases are current manifestations. For example, papers are in

process of preparation on the political aspects of the presence of foreign troops in various areas throughout the world and on the political significance of the extension of Russian influence in the Middle East.

501.BC/3-2146

*Memorandum by the Director of the Office of Special Political Affairs
(Hiss) to the Secretary of State*

[WASHINGTON,] March 21, 1946.

In addition to your party which, I understand, will include yourself and two others, it is recommended that the following officers be authorized to proceed to New York to assist the United States Representative on the Security Council at the meetings commencing March 25, 1946:

IS	Harding Bancroft	Adviser on Rules of Procedure and general substantive items.
IS	Dean Rusk ³⁷	Liaison Officer for Military Staff Committee.
IS	Samuel Kopper	Assistant on Iranian case.
NE	George Allen and Clyde Dunn ³⁸	Advisers on Iranian case.

I hope to be able to attend for perhaps the first week of the meeting to give such assistance as may be necessary in a general advisory capacity and especially to help work out and coordinate relationships between the Stettinius mission and SPA. It is also recommended that Mr. Paul Taylor accompany the above-named group as an adviser on the problems of admitting new members, with special reference to the Albanian request,³⁹ and also to observe the operations of the Security Council and the Secretariat for purposes of assisting the work of SPA and its divisions.

The above personnel will furnish advice and technical assistance to the U.S. Representative on the Security Council and will serve in addition to the personnel permanently or temporarily assigned to Mr. Stettinius's staff. This is according to the basic working agreement on which the Stettinius staff is founded, namely, the staff in New York will regularly be supplemented by specialists from the Department of State. In this connection two officers from the Department who already have been assigned to the Mission are:

Charles E. Bohlen—General political advice.

Joseph E. Johnson—Chief of IS, general technical advice.

³⁷ Dean Rusk, Assistant Chief of the Division of International Security Affairs.

³⁸ George Allen was Deputy Director of the Office of Near Eastern and African Affairs; Clyde Dunn was an officer in the Division of Middle Eastern and Indian Affairs of that Office.

³⁹ For documentation regarding this subject, see pp. 357 ff.

It occurs to me that you may also wish to consider asking Mr. McDermott ⁴⁰ to be in New York during the period that you will remain there.

It is expected that certain of the group of personnel going from the Department will return to Washington at or before the completion of the Iranian case, and experts in other fields will attend the meetings for other matters coming before the Council.

ALGER HISS

501/3-2246

*Memorandum by the Director of the Office of Special Political Affairs
(Hiss) to the Secretary of State*

[WASHINGTON,] March 22, 1946.

Reference your memorandum of March 22 on the subject of personnel attending the Security Council.

Mr. Joseph E. Johnson, Chief of the Division of International Security Affairs, was sent to New York to attend the meetings of the Committee of Experts ⁴¹ which began on Wednesday, March 20. Mr. Stettinius has definitely counted on Mr. Johnson's being available in New York on indefinite detail from the Department for general responsibilities relating to Security Council meetings. I have just found I will not be able to go up on Sunday as I have made an appointment along the lines you and I discussed yesterday for Monday afternoon. For this reason, it seems all the more important that Mr. Johnson remain on in New York even though he may not be needed for direct assistance to you.

Mr. Rusk, who dealt with Joint Chiefs of Staff matters in the War Department during the war with the rank of Colonel, is our principal liaison officer with the Military Staff Committee members. ⁴² Mr. Stettinius has felt it important that he be in New York on a more or less regular basis for this liaison work so long as the Military Staff Committee is establishing its organization and dealing with the important question of the agreements for supplying of forces for the Security Council. ⁴³

A[LGER] H[ISS]

⁴⁰ Michael J. McDermott, Special Assistant to the Secretary of State for Press Relations.

⁴¹ For documentation on the work of the Security Council's Committee of Experts, with particular reference to the establishment of rules for voting in the Security Council, see pp. 251 ff.

⁴² For documentation on United States efforts to bring about the organization of the Security Council's Military Staff Committee and to further its work, see pp. 712 ff.

⁴³ Marginal notation by Secretary Byrnes: "O.K. J.F.B."

501/4-1146

*Memorandum by Charles E. Bohlen, Special Assistant to the Secretary of State*⁴⁴

[WASHINGTON,] April 11, 1946.

Subject: Information to U.S. Delegation in New York

The Policy Information Service is responsible for the sending of information telegrams to Mr. Stettinius in New York. This information is equivalent to the infotels which go to the principal missions abroad. However, in regard to cases actually pending or about to appear before the Security Council, it is believed that the geographic offices should be responsible for communicating any information bearing on such cases received in the Department to the U.S. Delegation in New York. This would apply particularly to telegrams which although referred to in infotels should be repeated in full to the U.S. Delegation because of their immediate bearing upon a case before the Security Council. The Code Room can repeat any incoming message from missions abroad to New York on notification from the appropriate desk officer.

CHARLES E. BOHLEN

501/4-1246

Memorandum of Conversation, by Howard C. Johnson, Jr., of the Division of International Security Affairs

[WASHINGTON,] April 12, 1946.

At Mr. Ross' suggestion I discussed the establishment and work of the United Nations Liaison Committee with Mr. Peurifoy.^{44a} I explained to him very briefly the objectives which we had in mind and the favorable reception of the Committee in the Department indicated by statements of Mr. George Allen and Mr. Hayden Raynor.⁴⁵

Mr. Peurifoy said that Mr. Acheson had expressed some concern as to whether or not we were doing enough work on questions which are likely to come before the Security Council. I replied that a number of teams were working on these questions and that each week the Committee goes over the work of the teams and decides which issues should be given a priority, adding new items and deleting items which no longer seem likely to come up.

⁴⁴ Addressed to the Directors of Geographic Offices—European Affairs (Mathews), Near Eastern and African Affairs (Henderson), Far Eastern Affairs (Vincent), American Republic Affairs (Briggs).

^{44a} John E. Peurifoy, Special Assistant to the Under Secretary of State (Acheson).

⁴⁵ G. Hayden Raynor, Special Assistant to the Director of the Office of European Affairs.

Mr. Peurifoy would like to receive notice of these meetings, agendas and minutes and expressed an interest in attending when possible.

Mr. Peurifoy stated that Mr. Acheson had indicated a need for a complete cross-indexing of Security Council Journals. Mr. Peurifoy had discussed this with Mr. Hiss and Mr. Ross and had asked Mr. Gange⁴⁶ to work up such an index in collaboration with indexes received from Mr. Rothwell⁴⁷ in New York. Mr. Peurifoy felt that such an index should not be part of the Under Secretary's office but should be on a Departmental basis.

I indicated that IS had already started work on indexing Security Council proceedings as they relate to the interpretation of various articles of the Charter,⁴⁸ and that IS is particularly interested in the type of index mentioned by Mr. Peurifoy.

It was left that IS would contact Mr. Gange or Mr. Rothwell on this question of indexing.

HOWARD JOHNSON

501/4-1546

*Memorandum by Calvin J. Nichols, Executive Officer of the Office of Special Political Affairs*⁴⁹

[WASHINGTON, undated.]⁵⁰

Weekly Progress Report to the Undersecretary. (This memo confirms discussions with representatives of the divisions of SPA.)

In accordance with these discussions, it is planned to have SPA issue a Weekly Progress Report for the use of the Undersecretary covering the major developments in the field of United Nations affairs. The report will include major accomplishments, discussion of new problems or activities which will require policy decisions by the Department, and a brief status report of pending problems or actions.

The report will cover activities of the United States Delegation, developments in SPA, and reports from the field.

Each division of SPA will designate one person who will be responsible for reviewing regularly the activities of his division and submitting a weekly report to the SPA Information Office (Mrs. Hartley). The report will be due by noon Friday of each week.

⁴⁶ John F. Gange, Acting Executive Secretary of the Central Secretariat of the Department.

⁴⁷ Mr. Rothwell at this time was Secretary General of the Permanent Delegation in New York.

⁴⁸ The "binder" completed by IS on this subject may be found in the IO files.

⁴⁹ Addressed to the Division Chiefs of SPA and to the Acting Policy Information Officer (Mrs. Hartley).

⁵⁰ Internal evidence suggests that this memorandum was written about mid-April but in any case before April 25.

Mrs. Hartley will assemble the material from the divisions, from the office of the Director, from the United States Delegation, and reports from the field and will compile the final report which will be ready for submission to the Undersecretary by the close of business on Monday of the week following. Arrangements will be made to make copies of the final report available to the divisions for their information.

501.BB/4-2046

Memorandum by the Secretary of State

CONFIDENTIAL

[WASHINGTON,] April 20, 1946.

ORGANIZATION AND OPERATION OF THE UNITED STATES MISSION (UNM)
TO THE UNITED NATIONS, NEW YORK ⁵¹

1. *Appointment of and Instructions to Representatives*

The "United Nations Participation Act of 1945" (Public Law 264) provides identical methods of appointment and instructions for (1) the U.S. [UN?] Representative of the United States at the seat of the United Nations and in the Security Council, (2) the Representatives of the United States in the Economic and Social Council, and (3) the Trusteeship Council.* Each is appointed by the President (Sec. 2). The Act also provides that each will receive instructions from "the President transmitted by the Secretary of State unless other means of transmission is designated by the President" (Sec. 3). It is anticipated that, as in the case of other chief diplomatic representatives of the United States, these Representatives will work on the general basis of instructions from the Department.

Instructions from the Department to the New York Mission will be distributed directly to the Representative for whom they are intended. To facilitate this procedure instructions ordinarily will be marked "For Stettinius" or "For Winant," as the case may be.

2. *Principal Responsibilities of the Respective Representatives and their Staffs*

It is assumed that the U.S. Representatives at the seat of the organization will work in close collaboration. Within this framework of collaboration each Representative has special responsibilities as contemplated in the Participation Act.

⁵¹ Drafted by the Director of the Office of Special Political Affairs (Hiss) at the request of the Secretary of State. Officially the draft became the Secretary's memorandum when he affixed his signature.

*In view of the special nature of the work of the Commission on Atomic Energy, relations with the U.S. Representative on the Commission are not covered in this memorandum. [Footnote in the original.]

The U.S. Representative at the seat and in the Security Council is primarily responsible for representing the United States in the work of the Security Council and sub-organs that it may create, and for appropriate relationships with U.S. representatives on the Military Staff Committee. As provided in the Act he will be assisted in these responsibilities by a Deputy Representative in the Security Council appointed by the President by and with the advice and consent of the Senate. The Deputy will sit for the Representative in the latter's absence. It is also anticipated that the political counsel of the Deputy may be found useful by the Representative on the Economic and Social Council and the Trusteeship Council and that this relationship will grow and strengthen itself in the course of time although the Representatives on these two Councils, as indicated below, each will have his own staff of advisers and technical assistants. The functions of the U.S. Representative to the Security Council in his capacity as U.S. Representative at the seat are discussed under point 3, below.

The Representative of the United States in the Economic and Social Council will have full responsibility for representing the United States in the work of the Economic and Social Council and sub-organs that it may create and for carrying on appropriate relationships with the work of specialized agencies related to the Economic and Social Council.

The Representative of the United States in the Trusteeship Council will have similar responsibilities with respect to the work of that Council.

It is expected that each of these Representatives will be responsible for the organization of his own staff of advisers and technical assistants and the direction of its work. The Department will consult with each of the Representatives in the selection and organization of their staffs. Most of these staffs will be provided by detail of officers, as needed, from the Department, the Foreign Service, or other government agencies inasmuch as the budget for the Mission is extremely limited insofar as advisers and technical assistants are concerned.

3. Additional Responsibilities of the U.S. Representative at the Seat

As provided in Public Law 264, the Representative of the United States at the seat not only serves in the Security Council but is expected to perform "such other functions in connection with the participation of the United States in the United Nations as the President may from time to time direct" (Sec. 2(a)). A number of these additional functions already have developed as indicated immediately below, and others will no doubt develop in the future.

a. Relationships with the United Nations and Its Secretariat on General and Administrative Problems

For example, there will arise questions concerning the budget of the United Nations, the organization of its Secretariat, requests from the Secretariat for assistance in employing United States personnel, matters concerning the temporary and permanent site of the United Nations, communications between the Department and the Secretariat which are not of primary interest to the Representative on the Economic and Social Council or on the Trusteeship Council, etc. All of these will be the daily business of the United States Representative at the seat, and his staff.

b. General Services of the Mission

It is also expected that the U.S. Representative at the seat will have responsibility for organizing and operating the Secretariat of the Mission. To facilitate the work of the Mission and assist the various U.S. Representatives to the United Nations, it will be helpful for the Secretariat to furnish all of them with the services ordinarily required by a United States Mission; if the other Representatives so desire, it should be possible for them to make mutually satisfactory arrangements along these lines with the U.S. Representative at the seat. These common services might include, for example, such services as press relations, office space, supplies and equipment, communications, transportation, administration of stenographic force, and the filing system.

c. Annual Budget of the Mission

It is expected also that the U.S. Representative will be responsible for preparing for submission to the Department the annual budget of the Mission. In this connection he will, of course, prepare estimates for his own staff on Security Council matters and such staff as he requires for work with the Military Staff Committee group, and also for the Secretariat of the Mission. He would receive from the Representatives on the Economic and Social Council and the Trusteeship Council their budget estimates so that they could be submitted as part of the budget of the Mission. A single common budget can then be submitted which will facilitate review as a whole by the Department, the Budget Bureau, and the Congress of the expenses of participation by the United States in the United Nations under the terms of the United Nations Participation Act of 1945.

4. Delegations to the General Assembly

The roles of the U.S. Representative at the seat and in the Security Council, his Deputy and the representatives in the Economic and Social Council and the Trusteeship Council, at meetings of the General Assembly, will need to be defined at the time of each session of the Assembly in light of the appointments by the President of the Delegations to those sessions. Irrespective of the makeup of the Delegation itself it may develop that the Deputy may usefully serve as

the chief political adviser to Assembly Delegations in order to ensure continuity of political contacts with those delegations which have permanent representation at the seat of the organization and to facilitate coordination of American policy in the Security Council and in the Assembly.

5. *General Administrative Provisions*

All budgetary and administrative matters of the United States Mission to the United Nations, New York, should, of course, be handled in conformity with policies and standards established by the Secretary of State in appropriate Departmental regulations. The policy and procedures with respect to the recruitment and employment of United States Nationals for service with the United Nations Secretariat, if any, should be established by mutual agreement between the Secretary of State and the Secretary General of the United Nations.

JAMES F. BYRNES

501/4-2246

Memorandum by the Associate Chief of the Division of International Security Affairs (Bancroft) to the Director of the Office of Special Political Affairs (Hiss) ⁵²

[WASHINGTON,] April 22, 1946.

Subject: Transmission of Material from Washington to the U.S. Representative on the Security Council

The several teams of the Department of State under the jurisdiction of the United Nations Liaison Committee are presently engaged in the preparation of background material and policy position papers on questions which, it is anticipated, may arise in the Security Council.

Before a question has actually been brought to the attention of the Security Council, the policy position is formulated only in general and indefinite terms. Most of the work at this stage consists of the assembly and organization of the relevant background material.

Questions arise accordingly not only as to at what stage of the preparation the United States Representative on the Security Council should be furnished with appropriate material by the Department but also of the manner in which this material should be prepared and cleared at various levels of authority in the Department.

⁵² Although the exact status of this memorandum is not clear, it throws considerable light on the thinking and practice of the Department at the time on the problem of documents liaison between the Department and the Permanent Delegation and on the status of background and position papers prepared in the Department for the use of the Delegation in New York.

It is obvious on the one hand that the U.S. Representative should be kept informed of the development of the situations which are potential Security Council cases as well as of the progress of the work being done in Washington.

On the other hand, events in some cases develop so rapidly that it would be dangerous for the State Department to crystallize its position and transmit it to New York when the underlying facts are fluid. Furthermore, in certain instances, it may be desirable for the U.S. Representative on the Council to be able to say simply that he does not have the necessary facts in his possession and must refer to his Government for instructions.

In the light of this discussion, the following general rules are submitted for the purpose of establishing working practice:

1. Until a case is actually brought to the attention of the Security Council, papers prepared for the benefit of the United States Representative should be designed primarily for background use.

2. While usually it will be advisable for such papers to state the United States position and policy applicable to the specific case and, in so far as is possible in advance, the initial position to be taken in the Security Council, such guidance should be couched in general terms and it should be indicated that it is subject to change in the light of the receipt of new information or in the light of conditions existing at the moment when the case is presented to the Council. When a case covered by a preliminary background memo becomes active in the Security Council the statements on U.S. position, policy guidance, and initial position to be taken in the Council contained in the background paper will be confirmed or amended by instructions.

3. The level at which such background papers should be cleared in the Department before transmission to New York should be decided on a case to case basis. Generally, it should be borne in mind that as the papers are primarily background in nature it may often be unnecessary to clear them in the Department initially at a level above that of Office Directors. On all cases, however, involving specific countries, papers either for background or action and instructions must be approved by the geographic divisions and the Director or Deputy Director of the Geographic Office or Offices concerned. The papers or the accompanying instructions should indicate in each case the level at which clearance has taken place.

4. Instructions either separate or accompanying the papers should indicate in each case to what extent, if any, our representative in the Security Council can disclose the United States position or policy contained in the paper to representatives of other Governments in informal preliminary discussions.

5. The weekly progress reports on the status of preparation of the potential Council cases should be regularly transmitted to New York.

501.BE/4-2046

The Secretary of State to the United States Representative at the United Nations (Stettinius)

WASHINGTON, April 22, 1946.

DEAR ED: I have been giving thought to the question of the organization and operation of our mission to the United Nations as a result of our various talks on this subject and conversations I have had recently with Mr. Winant.

It seems to me that it is important that this matter be clarified. Accordingly, I am sending you the attached memorandum on that subject as expressive of my views.⁵³ I would appreciate it if you would bring this study to Mr. Winant's attention when he arrives in New York.

I will of course be glad to have any comments which occur either to you or to Mr. Winant on this subject and I recognize that the whole question must be subject to developments as we gather experience in this field.

Sincerely yours,

[JAMES F. BYRNES]

501/5-1846

The United States Representative at the United Nations (Stettinius) to the Secretary of State

NEW YORK, May 18, 1946.

DEAR JIMMIE: I have given a great deal of thought to the memorandum which you sent me recently expressing your views on the organization and operation of the United States Mission to the United Nations. I regret that I am forced to the conclusion that the plan to set up several autonomous missions in New York without provision for central coordination has serious disadvantages.

From the standpoint of orderly administration and necessary correlation of policy and operations in the various fields, I believe the plan will prove unworkable. It will impair the strong, well integrated participation which our Government should assure to the United Nations. My judgment is based upon what I believe are fundamental requirements for the most effective representation of the United States in the United Nations and is without regard to any personal consideration of my own or to other personalities.

⁵³ Memorandum of April 20, p. 23.

I have always conceived of our representation as a unified mission to the United Nations of which the United States Representative would be the head. I believe this is necessary in the interest of efficient and effective operations. Such centralized responsibility is in line with the organization of our missions abroad. It is consistent with the fact that the activities of the United Nations and our participation in them cannot be separated into security matters, economic and social matters, trusteeship matters, etc. There are problems in the economic field that affect the Security Council and the Trusteeship Council. Similarly, there are problems involving the Security Council and the Trusteeship Council which affect the Economic and Social Council. The United Nations recognized this fact after long and serious consideration by establishing a single Secretariat for all organs, headed by a Secretary-General with over-all responsibility.

It seems clear to me that the intent of the Participation Act of 1945, as passed by Congress, is to establish a unified mission under the United States Representative at the seat of the United Nations with ambassadorial status. This is definitely indicated by the statutory title of the United States Representative and by the broad functions authorized for this office. I continue to believe that this conception is sound and necessary.

Furthermore, the concept of a unified mission was followed in setting up the original budget of the Delegation, which must carry it to July 1947. As developed in the Department and the Bureau of the Budget and as approved by Congress, this budget provides for a single servicing and administrative organization. It assumes that the United States Representative, after consultation with the other representatives, will see that their needs are cared for through the central organization. This assumption is workable only if the United States Representative is regarded as the chief of mission, with clear authority to make necessary administrative decisions. He could not do this on the basis of the proposal that "if the other representatives so desire, it should be possible for them to make mutually satisfactory arrangements along these lines with the United States Representative at the Seat".

In case the other representatives avail themselves of this principle to set up separate services and administrative arrangements, the result would be a wasteful duplication of effort which the United States Representative would be without authority to prevent. This result would seriously jeopardize Congressional approval of future budgets of the mission.

Equally important from a practical standpoint is the effect which may be produced in our relations with the United Nations by separate and uncoordinated representation in the various fields. I recognize that the determination and coordination of policy is in the first instance a

responsibility of the President and the Secretary of State. In order to give full effect at the seat of the United Nations to the basic coordination achieved in Washington, however, there must be comparable coordination in the day-to-day dealings of the United States representation in New York with the various organs of the United Nations.

While I cannot emphasize too strongly my conviction of the need for a unified mission headed by the United States Representative, I am fully aware that wide latitude must be accorded to the other representatives. As I visualize the relationships between the United States Representative and the other representatives, no question arises as to his interfering in any way with the carrying out of their responsibilities in their respective fields.

The United States Representative should facilitate in every way the activities of the other representatives—in the selection of their own professional staffs, and in their direct dealings with their colleagues, both in Washington and in the United Nations. His relationship to them should be primarily that of cooperation and collaboration. At the same time, I believe the principle of maximum freedom and mutual assistance must be accompanied by the vesting of authority in a responsible chief of mission to render basic administrative decisions and to coordinate major differences of view in order to assure the carrying out of the foreign policy of the United States as determined by the President and the Secretary of State.

This is the tested principle of sound organization which, after years of experience, the United States Government has found essential to the successful operation of all our missions to foreign countries.

With best wishes,

Sincerely yours,

EDWARD R. STETTINIUS, JR.

501/5-1846

The Secretary of State to The Honorable Edward R. Stettinius, Jr.

WASHINGTON, June 8, 1946.

DEAR ED: I was very glad to receive your letter of May 18 setting forth your comments on the memorandum I sent you recently concerning the organization of our United Nations mission in New York.

You have contributed so much to the United Nations that I know you will always be interested, and you must feel at liberty at all times to give us your advice. We will need it and we will want it.

Because I am sure that your interest and concern in the United Nations have not been affected by your resignation and because I

hope to continue to benefit from an exchange of views with you on this and other subjects, I am writing now in some detail in answer to your letter of May 18. My thought is that you may wish to submit this letter to Mr. Johnson with your comments. I have directed Department officials to continue their consideration of the several suggestions made by you.

It was certainly not my intention in the memorandum I sent you to set forth a plan for several autonomous missions in New York without provision for central coordination. The memorandum recognizes the need for collaboration among the various U.S. Representatives at the seat of the organization. Similarly, it recognizes the principle of central coordination to the extent that application of this principle seems feasible at the present stage in the evolution of the New York mission.

As I pointed out in my letter of April 22, this whole question "must be subject to developments as we gather experience in this field".

The Security Council first met in New York on March 25, the Economic and Social Council less than two weeks ago, the Trusteeship Council has not yet been organized. Little more than two months have passed since we first organized the Delegation in New York. I have thought, and still think, that it would be a mistake to attempt to lay down any hard and fast lines of organization at such an early stage in the evolution of our representation to the United Nations.

On the other hand, it occurred to me after our various talks on the subject that a useful purpose would be served by putting my views down in memorandum form with the object of evoking your comments and those of others concerned. In this way, we would be keeping abreast of the evolutionary process and in a position to make adjustments in the organization as we gathered experience and as developments might warrant.

The memorandum I sent you, therefore, set forth the bare facts of the provisions of the United Nations Participation Act with regard to the various United States Representatives provided for therein and the simple, basic responsibilities of each to the extent they can be envisaged at this time and in the present state of organization of the New York mission.

In his capacity as Representative in the Security Council, the basic responsibilities of the "representative of the United States at the seat of the United Nations" are clear. However, any additional responsibilities which he may have are not defined in the Act, either explicitly or, in my view, implicitly. As pointed out in my memorandum, the Act merely provides that the representative at the seat "shall perform such

other functions in connection with the participation of the United States in the United Nations as the President may from time to time direct." It is with particular reference to these "other functions" that I feel we must be guided by experience.

However, it seems to me that there are, even at the present time, a number of basic administrative responsibilities, including the budget and the provision of certain administrative services, which might well be coordinated under the United States Representative "at the seat." My suggestions in this regard were set forth in the last part of the memorandum I sent you. The memorandum clearly recognized that additional functions would, no doubt, develop in the future.

In this connection, I certainly agree with you that the activities of the Security Council, the Economic and Social Council, the Trusteeship Council, and of all the other United Nations organs and agencies are inter-related and that coordination of our participation in all these varied activities is essential. I also agree with you, first, that much of this coordination will take place in Washington, and, as you know, we have effective machinery for this purpose in the Department; and, second, that comparable coordination at the seat of the United Nations should be developed. I agree with you that there should be liaison between the Representative on the Security Council and such Committees as the Military Committee—in fact, with all Committees. However, I believe that our representation to the United Nations is not analogous in all respects to one of our missions abroad, primarily because the basic organization of the United Nations is not analogous to the basic organization of a foreign government with a single executive head. For this reason, and because of the fact that United Nations headquarters have been established in New York, it seems to me that it is going to be very difficult to define rigidly or precisely the degree of coordination of policy which will be required in Washington as compared with New York.

Bearing in mind the relationships to the President of the various United States Representatives as set forth in the United Nations Participation Act, I agree with you that relationships among them should be based primarily on cooperation and collaboration. In the last analysis, far more can be accomplished on this basis than by formal attempts to define authority which are more likely than not, in my opinion, to lead to organizational rigidities. In the process of cooperation and collaboration and as we learn by experience, a particularly large measure of responsibility for improved coordination at the policy level will fall upon the United States Representative at the seat.

Have been hoping to get time to write you a personal letter.

Sincerely yours,

[JAMES F. BYRNES]

P.S. Since you resigned subsequent to your letter of May 18, I am taking the liberty of sending a copy of this letter to Mr. Herschel Johnson who, because of his position as Deputy, is now acting as our representative to the Organization.

[On May 31 the White House released to the press the text of a letter from Mr. Stettinius to the President in which Mr. Stettinius submitted his resignation as United States Representative at the United Nations; President Truman's acceptance letter was released on June 3; for texts see Department of State *Bulletin*, June 9, 1946, pages 988 and 989. On June 5 it was announced that the President had named Senator Warren R. Austin, of Vermont, to replace Mr. Stettinius. Although the Congress was still in session on that date President Truman did not send Senator Austin's nomination to the Senate until January 8, 1947, it being necessary to await the expiry of the 79th Congress which had enacted the legislation establishing the office of the United States Representative at the Seat of the United Nations (and in the Security Council) and of which Congress Senator Austin had been a member (see Article I, Section 6, of the United States Constitution). The constitutional ban implicit in this situation did not extend to Senator Austin in his capacity as representing the United States at the second part of the first session of the General Assembly. Mr. Herschel V. Johnson, who had been functioning as Deputy United States Representative in the Security Council since May 8 (he had been nominated to the position on April 11 while United States Minister to Sweden), assumed charge of the United States Delegation to the United Nations ("the Permanent Delegation") almost immediately (June 6) after Mr. Stettinius' resignation, although there seems to have been no formal action taken by the Department in this regard.]

501.BB/7-2446

Memorandum by the Deputy Director of the Office of Special Political Affairs (Ross) to the Under Secretary of State (Acheson)

[WASHINGTON,] July 24, 1946.

I should appreciate your help in getting clearance from the Secretary before he leaves⁵⁴ on the following General Assembly matters⁵⁵

⁵⁴ Mr. Byrnes' departure to attend the Paris Peace Conference was imminent, as the conference was scheduled to convene on July 29 (see volumes III and IV).

⁵⁵ Department of State preparation for the second part of the first session of the General Assembly was in full swing by the end of May. For information on the Department's preparation of slates for election by the General Assembly, and the preparation of background books and position papers, see footnote 61, p. 37, and pp. 117 ff., respectively.

which I should like to discuss briefly with you before you take them up with the Secretary :

1. *Committee Assignments of Delegates and Alternates.*⁵⁶ We have worked out the following assignments (copy of agenda giving breakdown of work by committees is attached) :

<i>Committee</i>	<i>Delegate</i>	<i>Alternate</i>
General	Byrnes Austin	
Political and Security	Byrnes Austin Connally	(Stevenson)
Economic and Financial	Vandenberg	Douglas
Social and Humanitarian	Roosevelt	Eaton
Trusteeship	(Bloom)	Dulles
Legal	(Charles Fahy)	
Administrative & Budgetary	Bloom	Stevenson
League of Nations		Eaton
Headquarters	Austin (assisted by Fahy)	

2. *Size and Composition of Delegation.* We have very carefully worked out estimated minimum needs bearing fully in mind the Secretary's feeling that the Delegation to the London Assembly meeting was too large. Our estimate is based on the following principles:

(a) Representatives of other agencies will not be listed. The principal other agencies concerned are already represented as advisers to Mr. Winant with regard to the work of the Economic and Social Council with which they are primarily concerned. The Economic and Social Council will be meeting at the same time as the Assembly.

(b) United States representatives on the Security Council, the Economic and Social Council or other United Nations agencies will not be

⁵⁶ The composition of the United States Delegation to the General Assembly, nominations to which were approved by the Senate on July 25, was as follows: Representatives, Senator Warren R. Austin, Senator Tom Connally, Senator Arthur H. Vandenberg, Mrs. Anna Eleanor Roosevelt, and Representative Sol Bloom; Alternate Representatives, Congressman Charles A. Eaton, Congresswoman Helen Gahagan Douglas, Mr. John Foster Dulles, and Mr. Adlai E. Stevenson.

Departmental consideration of the composition of the United States Delegation began in early June, the situation being complicated by the absence of Secretary Byrnes from Washington. (He was in Paris attending a meeting of the Council of Foreign Ministers.) Relevant documentation in the Department's central indexed files relating to this phase of preparation is as follows: (1) memorandum, the Deputy Director of the Office of Special Political Affairs (Ross) to the Under (Acting) Secretary of State (Acheson), June 11 (501.BB/6-1146); (2) memorandum, Mr. Ross to the Counselor of the Department (Cohen), June 11 (501.BB/6-1146); (3) telegram 3099, Secdel 349, June 26, the Acting Secretary to Mr. Cohen at Paris, June 26 (740.00119 Council/6-2646); (4) telegram 3184, Delsec 640, Secretary Byrnes at Paris to Acting Secretary Acheson, June 28 (740.00119 Council/6-2846); and (5) telegram 3390, Secdel 462, the Acting Secretary to the Secretary at Paris, July 11 (740.00119 Council/7-1146).

The Secretary of State gave "tentative" approval to this committee setup before leaving for Paris for the peace conference. For the committee assignments finally settled upon, see p. 213.

listed. These people will be in New York for their regular assignments and available for consultation. No need is seen, therefore, to list them as members of the Assembly Delegation.

(c) We will rely to the fullest possible extent on existing facilities of the mission in New York. Our estimate of minimum needs includes:

Delegates and Alternates	10
Advisers	24
Political Liaison Officers	8
Secretary of Delegation and Delegation Assistants	8
	50

Taking into account secretarial and other supporting staff required we estimate a total of 100–120 which is very substantially less than the 172 we had in London. If the Secretary approves this general approach, we will work out the details with Mr. Russell's staff.⁵⁷

3. *Pennsylvania Hotel*. The administrative staff in New York proposes that arrangements be made with the Pennsylvania Hotel to provide in that hotel all living and office accommodations required by the entire United States Delegation. If the Secretary would signify his willingness to make his headquarters in the Pennsylvania we could then authorize our staff in New York to negotiate the necessary arrangements with the management. Given the present very difficult situation in New York, it is essential that these negotiations be initiated without delay.

501.BB/8-2746

Memorandum of Telephone Conversation, by the Deputy Director of the Office of Special Political Affairs (Ross)

[WASHINGTON,] August 27, 1946.

Subject: Plans and Preparations of Senator Austin for the General Assembly Meeting

Senator Austin telephoned from Vermont with regard to his personal plans and preparation for the General Assembly meeting in New York to ask if we had any information on the likelihood of postponement of this meeting. The Senator's original plan was to come to Washington for a period of intensive work the day after Labor Day. He still wanted to spend about the same amount of time in intensive preparation before the Assembly meeting but in view of reported uncertainties about the date of the meeting he was at a loss as to how to plan his schedule. He asked if we would try to find out something about this and let him know promptly. I told the Senator that we

⁵⁷ For information on the composition and functioning of the Delegation and its staff, see pp. 37–42.

would certainly inform him as promptly as we get any information ourselves; meanwhile, the only information we have is that Mr. Lie had sent Assistant Secretary General Sobolev to Paris to discuss this matter with the Foreign Ministers.⁵⁸

[Here follows discussion of travel arrangements.]

IO Files : SD/A/51 (Minutes 1)

Minutes of Meetings on General Assembly Preparations With Senator Warren R. Austin at the Department of State, September 1946

SECRET

Thursday, September 12 [5] 3:45 p. m.

Mr. Austin's Office

Present: Warren R. Austin
Dorothy Fosdick
John C. Ross
Durward V. Sandifer

A general discussion took place on plans for work in the Department prior to the convening of the full Assembly Delegation in New York.⁵⁹
Schedule of Meetings in Department

In particular a schedule for meetings in the Department on preparations for the Assembly was discussed and Mr. Austin suggested that the meetings be scheduled on Friday, September 6, and Monday, September 9 through Thursday noon, September 12, giving him an opportunity to return to Vermont on Thursday afternoon. A schedule was worked out as follows:⁶⁰

September 6—Friday

11:00 United Nations Liaison Committee
4:00 Economic and Financial

⁵⁸ A decision was made on September 8 by the Foreign Ministers at Paris that the General Assembly session would be postponed from September 23 to October 23; for documentation, see vol. III, pp. 313-321, 364-370, 383-390, and 398-404, *passim*. Regarding a first postponement (made in July) of the General Assembly meeting from September 3 to September 23, see Department of State *Bulletin*, August 4, 1946, pp. 220 and 221.

⁵⁹ As of this date Senator Austin had scheduled a meeting in New York on September 17 for the members of the United States Delegation to the General Assembly in the United States at that time (Senators Connally and Vandenberg were at the Paris Peace Conference). This meeting was postponed in light of the postponement of the General Assembly session, and subsequently arrangements were made for the convening of a similar meeting on October 17.

⁶⁰ The schedule seems to have been closely adhered to except that there is no record of the meeting scheduled on the United Nations Liaison Committee and the two meetings planned for September 11 were reversed in order. Minutes of the September 11 meeting on the veto problem are printed p. 293; minutes of the other meetings, not printed, are found in the IO files as a collective document, document SD/A/51 (Minutes 1-9).

- September 9—Monday
 11:00 Trusteeship
 4:00 Social, Humanitarian and Cultural
- September 10—Tuesday
 11:00 Administrative and Budgetary
 4:00 Headquarters
- September 11—Wednesday
 11:00 Political and Security
 4:00 Political and Security (veto)
- September 12—Thursday
 11:00 Legal

Documentation

Mr. Austin was given copies of the following two booklets prepared in SPA: *Preliminary Papers on Agenda and Organization of United States Delegation*, and *Preliminary Position Papers, Committee 2, Economic and Financial*. He was informed that he would be given similar books on each committee of the Assembly prior to the meetings with officers of the Department.⁶¹

IO Files: US/A/104

*Official List of United States Delegation to the Second Part of the First Session of the General Assembly of the United Nations*⁶²

Representatives

The Honorable Warren R. Austin, Senior Representative, Representative-Designate at the Seat of the United Nations, Ambassador

⁶¹ Documentation provided Senator Austin at this exploratory and subsequently scheduled meetings and all other documentation relating to the Department's preparation for the forthcoming session of the General Assembly may be found in the IO files. It may be noted parenthetically that this preparatory documentation is much more extensive and refined both in a general and specialized way than was that for the first General Assembly session at London. The two basic collections are the SD/A (General Assembly) series (1946) which is multisubject in character and the SD/A/Committees 1-6 series (1946) which contains background papers and position papers organized on a committee basis. Such documentation was supplied also to members of the Delegation to the General Assembly as appropriate (e.g., Mrs. Roosevelt would be given a "book" of background and position papers relating to issues concerning the General Assembly's Third Committee, the committee on which she was to serve).

Senator Austin was also furnished with "books" and collections of documents on issues of special interest to the General Assembly, such as the "Headquarters" or "Site" question, and on similarly important questions which were primarily Security Council matters jurisdictionally (such as the veto question and the membership question). These special books, frequently in the form of black binders, are cited in appropriate chapters that follow in this and other volumes.

⁶² This is one of four papers, constituting collectively one document, prepared in the Secretariat of the Delegation, on the organization and procedures of the United States Delegation to the General Assembly. It carries the date of November 5, 1946 but is being printed here for purposes of convenience; for a second paper of this document, see *infra*.

The Honorable Tom Connally, United States Senator, Chairman,
Committee on Foreign Relations
The Honorable Arthur H. Vandenberg, United States Senator,
Member Committee on Foreign Relations
The Honorable Mrs. Franklin D. Roosevelt
The Honorable Sol Bloom, Representative in Congress, Chairman,
Committee on Foreign Affairs

Alternate Representatives

The Honorable Charles A. Eaton, Representative in Congress,
Member Committee on Foreign Affairs
The Honorable Helen Gahagan Douglas, Representative in Con-
gress, Member Committee on Foreign Affairs
The Honorable John Foster Dulles
The Honorable Adlai E. Stevenson

Senior Advisers

Mr. Benjamin V. Cohen, Counselor, Department of State
Mr. Charles Fahy, Legal Adviser, Department of State
Mr. John C. Ross, Deputy Director, Office of Special Political
Affairs, Department of State

Advisers

The Honorable William Dawson, Ambassador of the United
States
The Honorable George Wadsworth, Minister of the United States
to Syria and Lebanon
Mr. Durward V. Sandifer, Principal Adviser, Chief, Division of
International Organization Affairs, Department of State
Mr. Ward Allen, Department of State
Mr. John M. Allison, Foreign Service Officer
Miss Elizabeth H. Armstrong, Department of State
Mr. Charles E. Bohlen, Foreign Service Officer, Assistant to
Secretary of State
Mr. Philip M. Burnett, Department of State
Mr. Harold Cleveland, Department of State
Mr. Samuel DePalma, Department of State
Miss Dorothy Fosdick, Department of State
Mr. Benjamin Gerig, Chief, Division of Dependent Area Affairs,
Department of State
Mr. Carlos Hall, Department of State
Mr. William Hall, Department of State
Mr. Randolph Harrison, Foreign Service Officer
Mr. James P. Hendrick, Department of State
Mr. John Maktos, Department of State
Mr. Carl Marcy, Department of State
Mr. Robert McClintock, Foreign Service Officer, Special Assistant
to the Director, Office of Special Political Affairs, Department
of State
Mr. Hayden Raynor, Special Assistant to the Director, Office of
European Affairs, Department of State
Mr. William Sanders, Department of State
Mr. I. N. P. Stokes, Department of State

Mr. Paul B. Taylor, Department of State
Mr. Henry S. Villard, Deputy Director, Office of Near Eastern
and African Affairs, Department of State
Mr. Bartlett Wells, Foreign Service Officer
Mr. Charles Yost, Foreign Service Officer

Advisers (Assigned from the Delegation to the Economic and Social
Council)

Mr. Leroy D. Stinebower, Deputy United States Representative
in the Economic and Social Council
Mr. William Fowler, Foreign Service Officer, Adviser to the
United States Representative in the Economic and Social
Council

Secretary-General

Mr. Richard S. Winslow, Permanent Delegation to the United
Nations

Deputy Secretary-General

Mr. Thomas F. Power, Jr., Permanent Delegation to the United
Nations

Special Assistants to the Secretary-General

Mr. Lee B. Blanchard, Permanent Delegation to the United
Nations
Mr. Calvin J. Nichols, Department of State

Director of Information

Mr. Wilder Foote, Permanent Delegation to the United Nations

Press Officers

Mr. Porter McKeever, Permanent Delegation to the United
Nations
Mr. Frank Standley, Department of State

Public Liaison Officers

Mr. Francis H. Russell, Director of Office of Public Affairs,
Department of State
Mr. Chester Williams, Permanent Delegation to the United
Nations

Assistants to the Delegation

Miss Vera Bloom
Mr. Boyd Crawford
Miss Betty Gough
Miss Lorena Hickok
Mr. William H. A. Mills
Benjamin Salzer, M.D.
Mr. Robert Shirley
Miss Florence Snell
Miss Josephine Thompson
Miss Louise White
Mr. Francis Wilcox

IO Files : US/A/104

*Organization and Procedures of the Delegation of the United States to the Second Part of the First Session of the General Assembly*⁶³

[This document is made up of four parts, described respectively as "A", "B", "C", and "D". For the substance of Part A, which detailed the composition of the delegation, see the official listing of the delegation, which is printed *supra*. In Part B, entitled "Organization", which follows, Section 1 is omitted.]

2. The *Senior Advisers* will assume such responsibilities as are assigned them by the Chairman of the Delegation.

3. The *Principal Executive Officer*, Mr. Sandifer, will be responsible for the coordination of the work of the Executive and Political Officers on all substantive matters, which shall include: (a) preparing the agenda for meetings of the United States Delegation and seeing that appropriate documentation is provided; (b) presenting to the Delegation at the morning Delegation meetings, in cooperation with the Delegates, Executive Officers and Political Officers concerned, matters requiring consideration by the Delegation; (c) keeping all officers of the Delegation informed of decisions taken by the Delegation; (d) seeing that decisions of the Delegation on substantive questions are carried out; (e) initialling telegrams to the Department as outlined in Annex 3 (attached).⁶⁴

4. The *Secretary-General*, Mr. Winslow, together with the Deputy Secretary-General, Mr. Power, will be responsible for the administrative services for the Delegation, including all matters relating to: (a) hotel and office accommodations; (b) stenographic and secretarial assistance; (c) supplies; (d) telephones; (e) transportation; (f) financial arrangements; (g) travel authorization; (h) telegraphic and courier communications with the Department; (i) handling of correspondence; (j) document services and preparation; (k) messenger service; (l) order of the day; (m) passes and tickets; and (n) security precautions.

The Secretary-General and Deputy Secretary-General will be responsible for coordinating the work of the Reporting Officers and transmitting to the Department plain and secret summaries and telegrams in accordance with the procedure outlined in Annex 3 (attached).

The Secretary-General will be responsible for seeing that decisions of the Delegation on administrative questions are carried out, and that administrative action required to implement decisions on substantive matters is taken.

⁶³ See footnote 62, p. 37.

⁶⁴ Not printed.

5. The *Political Officers*⁶⁵ shall have responsibility for: (a) developing through contact with members of other delegations within their particular area information for the use of the United States Delegation; (b) advising the Delegation on political questions affecting their particular area; (c) cooperating with the Delegates and other advisers in negotiations on questions before the plenary session and committees of the Assembly; (d) keeping the Executive Officers informed on developments on questions within the field of the committee to which they are assigned.

6. The *Executive Officer*⁶⁶ of each committee shall perform such work in connection with the committee as may be directed by the Delegates assigned to that committee. In particular he shall have responsibility for (a) accompanying the Delegates to meetings of the committee and, as requested by them, sitting on the committee or on sub-committees; (b) assisting the Delegates in the preparation of documentation relating to the work of the committee including the drafting of statements and resolutions; (c) informing Mr. Sandifer, after consultation with the Delegates concerned, of matters requiring consideration by the Delegation at its morning meeting and preparing the materials required for the consideration of the matter; (d) cooperating with the Delegates and other advisers in negotiations on questions before the plenary session and committees of the Assembly; (e) keeping in touch with the reporting staff and supplementing the daily summary reports to the Department by reports of problems requiring the special attention of the Department or new instructions from the Department; (f) after consultation with the Delegates concerned, convening group meetings of Delegates and Advisers assigned to the committee.

7. The *Assistant Executive Officer* for each committee shall assist the Executive Officer in carrying out his responsibilities as indicated above. In addition, he shall: (a) assist the reporting group as necessary by preparing summary records of sub-committee meetings for use in the daily summary reports to the Department; and (b) prepare a report on the field of work covered by the committee to which he is as-

⁶⁵ In section 1 the following were listed as Political Officers: Messrs. Allen, Allison, Bohlen, Carlos Hall, Harrison, McClintock, Popper, Raynor, Villard, Wells and Yost; also Ambassador William Dawson and Minister George Wadsworth. In still another paper these officers were classified as to area of expertness, substantially as follows: American Republics (Dawson, Allen, Wells, and Carlos Hall); Europe (Raynor, Yost, and Harrison); Far East (Allison); Near East and Africa (Wadsworth and Villard).

⁶⁶ Section 1 listed the Executive Officers as Messrs. Fowler, Gerig, William P. Hall, Hendrick, Maktos, Sanders, Sandifer, Stinebower, and Stokes. The Assistant Executive Officers were named as the Misses Armstrong and Fosdick and Messrs. Burnett, Cleveland, DePalma, Marcy, and Taylor. The committee assignments of these persons were: General Committee (Sandifer, Fosdick); First Committee (Sanders, Taylor); Second Committee (Fowler, Cleveland); Third Committee (Hendrick, Burnett); Fourth Committee (Gerig, Armstrong); Fifth Committee (William Hall, DePalma); Sixth Committee (Maktos, Marcy); Permanent Headquarters Committee (Stokes, Marcy).

signed as a basis for the Delegation Report on the work of the General Assembly.

8. The *Director of Information, Press and Public Liaison Officers* shall report to the Chairman of the Delegation on developments within their fields of responsibility, and shall keep the Principal Executive Officer and Secretary-General fully informed by daily written reports of all matters of general concern to the Delegation.

9. The *Assistants* shall perform such duties as may be given them by the Chairman of the Delegation and the persons to whom they are assigned.

C. *Participation in Committees*

Delegates and Advisers will serve on the committees of the Assembly in accordance with the assignments set forth in Annex 2.

D. *Delegation and Group Meetings*

1. A regular meeting of the Delegation will be held in Parlor No. 1, Mezzanine floor at the Pennsylvania Hotel daily, Monday through Friday, from 9:00 a. m. to 10:00 a. m.⁶⁷

2. Special meetings will be held by arrangement.

3. The following shall regularly attend the daily Delegation meetings: Delegates and Alternate Delegates; Mr. Fahy, Mr. Ross and Mr. Sandifer. In addition, others will be invited to attend as seems appropriate.

4. Group meetings of Delegates and Advisers assigned to a particular committee shall be held as necessary and shall be arranged by the Executive Officer of each committee in consultation with the Principal Delegate serving on the committee.

5. General meetings will be called of all Political and Executive Officers as necessary.

TO Files: US/A/M (Chr.)/1

Minutes of the First Meeting of the United States Delegation, Held at New York, Hotel Pennsylvania, October 17, 1946, 11 a. m.

SECRET

[Here follows list of names of persons (15) present.]⁶⁸

Nature of Delegation Minutes

Senator Austin, in opening the meeting, asked regarding the arrangements for a record of the Delegation meetings. He explained

⁶⁷ Extracts from the minutes of the first Delegation meeting, held on the morning of October 17, are printed *infra*; in this document are listed the Committee assignments of the Representatives and Alternate Representatives themselves.

⁶⁸ Secretary Byrnes and Senators Connally and Vandenberg were still at Paris.

that he did not want the meetings bound by the restrictions which would arise from a stenographic report. It was important that the Delegates have complete freedom of speech remaining free to change their positions as new facts arose from free discussion. The other members of the Delegation agreed that there should be no stenographic report made, but that an officer of the Delegation, in this case Mr. Power, should be designated to prepare minutes.⁶⁹

[Here follows a statement by Senator Austin to the effect that the basic nature of the Delegation's task was to show the world "that the United States believed in the 'United Nations' Charter". At the conclusion of the statement Senator Austin returned to a discussion of the Delegation's working procedures by observing "that he did not want to be arbitrary in his work with the Delegation, that all delegates should feel free to comment on any statements or positions he might take."]

Composition of Delegation's Committees

Senator Austin explained that great thought had been given to the appointment of delegates to work on particular committees, but that the door was not closed to changes. He urged any delegate who had a strong feeling that he should not serve on a particular committee, or that he should be named to another committee, should raise his voice, if he had a strong, abiding feeling on the subject. Senator Austin then read the following proposed list of committee assignments:

Committee 1	Political and Security	Senator Connally
Committee 2	Economic and Financial	Senator Vandenberg, ⁷⁰ Mrs. Douglas Mrs. Roosevelt
Committee 3	Social, Humanitarian and Cultural	Mr. Bloom, Mr. Dulles
Committee 4	Trusteeship	Senator Vandenberg, Mr. Bloom, Mr. Eaton
Committee 5	Budgetary	Mr. Fahy ⁷¹ Senator Austin, Mr. Stevenson, Mr. Fahy ⁷¹
Committee 6	Legal	Senator Austin
Headquarters Committee		
General Committee		

The above assignments were unanimously approved as a tentative list with the understanding that the absent members of the Delegation

⁶⁹ These minutes are found in the IO files, series US/A/M (Chr.)/1-32. Extracts from these minutes are printed as appropriate in the documentation of the chapters that follow in this volume.

⁷⁰ In the final organization Mr. Stevenson replaced Senator Vandenberg on the Second Committee.

⁷¹ Mr. Fahy served as Senior Adviser.

tion should be consulted on their committee assignments when they arrived.

[Here follows discussion of the problem of selecting the permanent site for the seat of the United Nations.]

Nature of Documentation and Delegation Instructions

Mr. Sandifer explained the nature of the position papers which had been circulated.⁷² He paid tribute to Miss Fosdick, who had been particularly responsible for the excellent preparatory work. The papers set forth the generally agreed position of the Department of State but were not necessarily the final position of the United States Government. They were, in brief, expert evidence, that is, recommendations to the Delegation which might have different conceptions and the position might be changed as circumstances demanded. In some cases, changes might have to be referred to Washington.

Senator Austin pointed out that the Statute providing for United States' participation in the United Nations protected the authority of the Chief Executive in matters of foreign relations. Therefore, any major change in the position of the United States should go to the President actually or nominally, that is, to the Department of State. He emphasized that the exclusive control of foreign policy lay with the Chief Executive.

Mr. Sandifer explained that the vital points had been approved by the President in the sense that they had been cleared with his representatives.

Mr. Bloom stated that his concept was that the Delegation Committees should report to the entire Delegation, at which time it should vote. In case there were serious disagreement among the Delegates, the matter would be referred to the President. He recalled that such a procedure at San Francisco had been highly satisfactory. Of course, he said the President would be informed of the differing views of the Delegates if need arose.

Mrs. Roosevelt observed that in actual practice there were times when matters might come up in a Committee and a Delegate would have to decide how to vote. Although a daily morning Delegation meeting might decide how a vote should be cast, and a Delegate would vote as closely as possible to the instructions, yet an unexpected vote might be taken in a Committee on a point for which a delegate lacked instruction. Then the Delegation might decide that it could not support the delegate's vote. She inquired what redress there might be for this contingency. If something new came up suddenly, in a Committee,

⁷² This refers to the documentation described in footnote 61, p. 37.

the Delegate must be trusted to take a stand in accordance with the recommendations in the current Delegation discussion which would provide the background.

Mr. Bloom remarked that the Delegation generally knew what was coming up each day. Each Delegate would receive his instructions on voting and if anything new came up, he could consult his experts who would be with him. Mrs. Roosevelt said that she was wondering whether the Delegation was to follow the Russian policy of not voting if a vote could possibly be avoided. Mr. Ross remarked that it was always possible to reserve the position of the United States if a Delegate was not free to vote. Mr. Sandifer remarked that it was, of course, clear that the President had selected Delegates in whom he had confidence.

Senator Austin pointed out that the Delegates were statutory officers. The United Nations Participation Act stated that the representatives of the United States in the General Assembly and the Security Council should cast votes directed by the President. If there developed within the Delegation a conflict with a Presidential policy as outlined in the papers presented to the Delegation, Senator Austin said he would have to inquire what the President's position was. He said he could not cast an independent vote nor could the Delegation have an independent position. All were subject to the authority of the constitutional officer, the President, who had charge of foreign policy.

Mr. Sandifer explained the functions of the Advisers to the Delegation, and emphasized the need for security for the documents which had been presented to the Delegates.⁷³

Press Policy

Mr. Bloom inquired what the Committee security arrangements were, inasmuch as he had read in the morning *Times*⁷⁴ the Committee assignments which had just been read to the Delegation by Senator Austin. He wanted to know who had released the story and whether it could be expected that everything which had been said in the morning Delegation meeting was to appear in the press. Mr. Foote⁷⁵ explained that the *Times* had run a speculation story, assuming the same

⁷³ Note may be made here of the documentation created by the Delegation itself, consisting of memoranda of conversations with representatives and staff members of other national Delegations, working papers drafted on a day to day basis, and formal position papers reflecting the consensus of the Delegation after Delegation discussion. The memoranda of conversations are found in the IO files, US/A/1 ff. series; the working and position papers are organized on a committee basis (as in the case of the parallel State Department "SD" series) and are found in the IO files, US/A/Committees 1[-6] series.

⁷⁴ i.e., *The New York Times*.

⁷⁵ Wilder Foote, Chief of the Office of Public Information in the Permanent United States Delegation to the United Nations.

committee assignments which had been in effect in London. No list had been released to the newspapers. Mr. Bloom suggested that if any news were to be given out, one member of the Delegation should be designated to handle the press.

At Senator Austin's request, Mr. Foote briefly reviewed the press policy of the United Nations, the United States Delegations in London, Paris and the permanent delegation in New York. He recalled that, largely at the instigation of the United States, the London Assembly meeting had adopted a set of principles regarding freedom of information. These principles had opened with the statement that the United Nations "cannot achieve its purposes unless the peoples of the world are fully informed of its activities." Mr. Foote pointed out that the Permanent Delegation had maintained an open press policy in order to secure the widest understanding and support of the Delegation positions. Full background briefing conferences had been held with accredited correspondents, and he recalled that no violations had ever resulted from these conferences, but on the contrary they had contributed greatly to obtaining sympathetic treatment in the press. It was not a matter of influencing the press but explaining the reasons which lay behind the facts and actions.

The Press officers, Mr. Foote explained, did not want to stand in the way of access of correspondents to the delegates. However, talks with the press should be arranged through the press office, whenever possible, or at least the press office should be informed, in order that statements to the press might not be at cross purposes. He pointed out that formal press conferences were not particularly needed, inasmuch as the General Assembly meetings were open. Occasionally, however, the Delegation might want to make statements in a press conference. Mr. Foote urged the extreme usefulness of background conferences on committee work, and said that he would like to be free to call on delegates for such conferences. He noted that the permanent representatives had adopted what he considered to be a wise policy of not giving exclusive statements to correspondents. The press office, he said, would be greatly aided if, when an important statement of policy is to be made, an advance press release could be prepared.⁷⁶

Speeches by delegates outside of the General Assembly should be arranged through the press office, which could handle any necessary

⁷⁶ Between the time of this meeting and the opening of the General Assembly on October 23, Senator Austin returned to Washington to hold last minute policy conferences with Under Secretary Acheson and the Counselor of the Department (Cohen) on Friday evening, October 18, and with President Truman on Saturday morning, October 19.

clearance, so that there could be full assurance that the policy of the Delegation was correctly represented in the speeches.

Mr. Foote reported that Mr. Russell and Mr. Williams were making arrangements with various private organizations for speeches and background conferences by the delegates and advisers.

Mr. Bloom stated that his thought was that following secret Delegation sessions no one but the chairman or press officer should give out public statements. Moreover, as many Delegates as possible should be present, in order to demonstrate harmony within the Delegation. He expected that only confusion would result if each delegate were to go out and make his own statement.

Mr. Foote asked if he would be free to give out the list of Committee assignments. Senator Austin replied that he had no objection, since the purpose of secrecy for the Delegation meeting was to protect freedom of consultation among the delegates.

[Here follow further discussion of press policy and brief remarks on another subject. Mr. Richard S. Winslow, Acting Secretary General of the Permanent United States Delegation to the United Nations, then "briefly explained the internal arrangements and functionings of the permanent staff of the Delegation and offered the services of himself and his staff for the convenience and operation of the Delegation." Senator Austin then made a concluding statement.]

[The functioning of the United States Delegation to the General Assembly, its internal procedures, liaison with the Department, and relations with other delegations, is revealed in the chapters that follow, documenting as they do in whole or in part the thrust of United States diplomacy at the second part of the first session of the General Assembly on those issues in which the United States was involved in major foreign policy decisions. Reference also should be made to the documentation on the question of relations with Franco Spain under "Spain" in volume V. The Secretary of State was preoccupied with the meeting of the Council of Foreign Ministers which was being held in New York at this same time; liaison between Mr. Byrnes and the Delegation and his role in the Delegation's diplomatic effort may best be deduced from the documentation on elections to the United Nations organs, the problem of voting in the Security Council, trusteeship, and regulation of armaments, all in this volume. Attention is invited to the immediately following telegram, which throws some light on the subject of relationships between the Delegation and the delegations of the other American Republics.]

501.BB/10-2646 : Telegram

Senator Warren R. Austin to the Acting Secretary of State

SECRET URGENT

NEW YORK, October 26, 1946—3 a. m.

[Received 6:59 a. m.]

710. Briggs⁷⁷ from Dawson. Meeting attended by representatives of most American Republic delegations, principally chief delegates, held this afternoon in writing room of General Assembly headquarters.⁷⁸ Uruguayan Ambassador Blanco presided informally. Senator Austin made brief appearance between two important engagements and after gracious opening remarks read prepared statement as amended by you.⁷⁹ After meeting Blanco expressed to me great satisfaction saying Austin's appearance had saved day for him since he had insisted on including United States delegate in invitation implying original proposal had been confine meeting to Latin American delegations. Castillo Najera later told Carlos Hall that Argentine delegate Arce had tried to exclude United States.

Meeting was brief and there was no discussion slates or any other problem before United Nations. Arce spoke briefly to effect that we should not be afraid use word bloc and that American Republics constitute in fact a bloc. He then retired since he was addressing General Assembly leaving Corominas as Argentine representative. Lopez, Colombia, suggested discussion procedure for future meetings but there was no immediate reaction. Nieto del Rio, Chile, spoke very briefly to effect that he disagreed with Arce's remarks regarding bloc which were not in line with Austin's statement. Velloso, Brazil, stressed that American Republics form system and not bloc and suggested that calling of future meetings be left to Blanco. Corominas, Argentina,

⁷⁷ Ellis O. Briggs, Director of the Office of American Republics Affairs.

⁷⁸ A detailed report of this meeting was made by Ambassador Dawson in a memorandum to Senator Austin dated October 25 (IO files, document US/A/60).

⁷⁹ Not printed: Senator Austin's statement was attached to Ambassador Dawson's memorandum. Senator Austin stated in pertinent part: "I feel and you feel that we can justly be proud of the splendid example of international cooperation on a basis of complete respect for sovereign equality offered to the world by our inter-American system. I am confident that the long tradition of harmonious collaboration which characterizes the relations of our countries will persist throughout our work together in the United Nations. The Delegation of the United States is most desirous of maintaining the closest liaison with the Delegations of our sister Republics. . . . However, we must recognize that on specific issues there are bound to be differences of opinion and, where such differences arise, it is of course understood that every American Republic will freely express its individual judgment—here in this General Assembly just as in our inter-American system. . . . I should like particularly to emphasize that we want to consult and exchange our views with you in the closest and most friendly manner, and that we believe that this can best be accomplished through the constant day-to-day contact between our delegations on matters of mutual interest. You know that arrangements have been made for maintaining liaison through Ambassador Dawson and the officers working with him, and we hope that you will make abundant use of these arrangements."

proposed designation four-man committee to handle future meetings. Padilla Nervo, Mexico, strongly opposed stating that meetings should have no formal character which was unnecessary and would arouse suspicions.⁸⁰

Several delegates have asked me for the English or Spanish text of Austin's statement. Please advise me urgently whether Department authorizes this.⁸¹ [Dawson.]

AUSTIN

501/12-3146

Memorandum by the Deputy Director of the Office of Special Political Affairs (Ross) to the Under Secretary of State (Acheson)

[WASHINGTON,] December 31, 1946.

Referring to your conversations with Senator Austin and Mr. Hiss last Friday the following are the principal points concerning the relationships among our various representatives to the United Nations.

1. So far as practicable these relationships should be based upon the United Nations Participation Act (copy attached).

2. The Act provides (Sec. 2(a)) for the appointment of "a representative of the United States at the Seat of the United Nations". This will be Senator Austin. It was intended when the Act was proposed by the Department that this person would be the principal representative to the United Nations and senior to all other representatives. This is definitely Senator Austin's interpretation of the Act and his understanding of what the President and Mr. Byrnes told him when he was asked to take the job last summer. This interpretation is borne out by the fact that the "Representative at the Seat" is given a higher rank and salary by the Act (Ambassador—\$20,000) than the deputy representative in the Security Council (Minister—\$12,000) and the representatives in the Economic and Trusteeship Councils who have no stated rank but a salary of \$12,000.

3. Under Sec. 2 of the Act, all of these representatives are appointed by the President, subject to confirmation by the Senate.

4. Sec. 3 of the Act provides that these representatives "shall, at all times, act in accordance with the instructions of the President trans-

⁸⁰ Several such informal meetings were held in the period leading up to the balloting in the General Assembly on November 19 for elections to membership on the several United Nations organs. As these were held at times when Senator Austin was occupied with prior appointments, usually meetings of the United States Delegation itself, he was represented by Ambassador Dawson (IO Files, documents US/A/79, 101, 103, 128, 132).

⁸¹ Marginal notation: "Mr. Briggs phoned 'yes' 10/26/46 a. m."

mitted by the Secretary of State unless other means of transmission is directed by the President”.

5. The Participation Act requires amendment in the light of experience during the past year and any ambiguities in the Act affecting relationships among our representatives to the United Nations can probably be clarified in this connection. However, for present purposes it should be enough to establish a few simple, basic principles, leaving details to be worked out in the light of future experience. The basic principles are as follows.

(a) The Department will, of course, continue to be responsible for the over-all formulation and direction of policy.

(b) Our representatives to the United Nations will participate in the formulation of policy in their respective fields. Their principal job, however, and most immediate responsibilities, as distinguished from the Department's job, will be in the execution or carrying out of policy.

(c) Given the close relationship between the work of the various Councils and other United Nations organs, coordination and unified direction at the headquarters in New York is essential as regards both the formulation and the carrying out of our policies.

(d) It is expected therefore that our representatives on the various Councils and other United Nations organs will look to Senator Austin as our “Representative at the Seat of the United Nations” for general guidance in regard to execution of their instructions.

(e) Similarly, in the interest of proper administrative organization Senator Austin should be considered as the administrative head of the mission in New York which has a consolidated budget and joint administrative services.

(f) Finally, it is expected that Senator Austin will be the principal contact for the United States with Trygve Lie, Secretary General of the United Nations, on all matters of mutual concern to the United States and the United Nations as a whole. Our other representatives will be the principal contacts with the Assistant Secretaries General in charge of the Secretariat Departments. It will, of course, also be entirely appropriate for them to have relations with Mr. Lie on matters relating to their particular duties.

GENERAL UNITED STATES POLICY TOWARD THE UNITED NATIONS

I. THE UNITED STATES AND THE UNITED NATIONS: GENERAL EXPRESSIONS OF THE UNITED STATES POSITION

Editorial Note

President Harry S. Truman on March 19, 1946, transmitted to the Congress of the United States the *Report of the United States Delegation to the First Part of the First Session of the General Assembly of the United Nations, London, England, January 10–February 14, 1946*, which had been submitted to the President by the Secretary of State, James F. Byrnes, on March 1. In his letter of transmittal to the Congress President Truman wrote in part:

“The participation of the American representatives in the actual establishment of the institutions provided in the Charter of the United Nations, and in the initial work of the General Assembly regarding the urgent problems confronting the 51 Members of the United Nations today is vital to all Americans.

“The United States supports the Charter. The United States supports the fullest implementation of the principles of the Charter. The United States seeks to achieve the purposes of the Charter. And the United States seeks to perfect the Charter as experience lights the way.”

This presidential statement of the intent of United States foreign policy and diplomacy in the new dimension of international relations involving the United Nations was one of several notable expressions of official United States views on general aspects of United States–United Nations relations during 1946. The following statements, messages and addresses may also be noted:

(1) Message from the Secretary of State to the Conference on Lecturers on International Affairs sponsored by the American Platform Guild and meeting at the Department of State on January 3, 1946, and released to the press January 3 (*Department of State Bulletin*, January 6 and 13, 1946, page 6; hereafter cited as the *Bulletin*);

(2) Excerpt from the President’s Message to the Congress on the State of the Union, dated January 14, 1946, and released to the press on the same date (*Bulletin*, February 3, 1946, pages 135 ff.);

(3) Address by the Secretary of State to the General Assembly, delivered on January 14, 1946, and released to the press on the same date (*Bulletin*, January 27, 1946, pages 87 ff.) ;

(4) Statement by Edward R. Stettinius, Jr., United States Representative at the United Nations, to the Security Council on the occasion of the first meeting of the Security Council, London, January 17, 1946 (United Nations, *Official Records of the Security Council, First Year, First Series, No. 1*, pages 7-8) ;

(5) Address by the Secretary of State to the Overseas Press Club in New York City, delivered on February 28, 1946, and released to the press on the same date (*Bulletin*, March 10, 1946, pages 355 ff.) ;

(6) Letter from the Secretary of State to the President, transmitting the *Report of the United States Delegation to the General Assembly* (*Bulletin*, March 31, 1946, pages 531 ff.). The complete report was printed as *The United States and the United Nations*, Department of State publication 2484, Conference Series 82 (Government Printing Office, 1946) ;

(7) Statement by the Honorable Cordell Hull, former Secretary of State, "in welcoming the United Nations Organization as its temporary headquarters are being established in New York. . . ." , released to the press on March 11, 1946 (*The New York Times*, March 12, 1946, page 5) ;

(8) Statements by the Secretary of State on March 18 and March 20, 1946, on the arrival in the United States and at Washington, D.C., of Mr. Trygve Lie, Secretary-General of the United Nations (*Bulletin*, March 31, 1946, page 529) ;

(9) Address by the Secretary of State delivered before the Society of the Friendly Sons of St. Patrick in New York City on March 16, 1946, and released to the press on the same date (*Bulletin*, March 24, 1946, pages 481 ff.) :

(10) Letter from the President to the Congress, transmitting the *Report of the United States Delegation to the General Assembly*, March 19, 1946 (*Bulletin*, March 31, 1946, page 530) ;

(11) Messages from the President of the United States and the Secretary of State to the opening meeting of the Security Council in New York City on March 25, 1946, and released to the press on the same date (*Bulletin*, April 7, 1946, pages 567 and 568) ;

(12) Letter from the Secretary of State to Mr. Frederic R. Coudert, President of the American Society of International Law, April 20, 1946 (*Bulletin*, May 5, 1946, pages 758 and 759) ;

(13) Address by the Appointed United States Representative at the United Nations, Senator Warren R. Austin, delivered before the Foreign Policy Association, New York City, on June 26, 1946, on the first anniversary of the signing of the United Nations Charter at San Francisco, and released to the press on the same date (*Bulletin*, July 7, 1946, pages 16 ff.) ;

(14) Address by President Truman to the General Assembly, delivered at the opening session of the Second Part of the First Session of the General Assembly in New York City on October 23, 1946, and released to the press by the White House on the same date (*Bulletin*, November 3, 1946, page 808).

II. ACCEPTANCE BY THE UNITED STATES OF THE COMPULSORY JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE

501.BF/10-545

Memorandum by the Legal Adviser (Hackworth) to the Acting Secretary of State (Acheson)

[WASHINGTON,] October 5, 1945.

As a result of discussions among interested officers of the Department, there appears to be general agreement that (1) this Government should make a Declaration under Article 36, paragraph 2 of the Statute of the International Court of Justice,¹ accepting the compulsory jurisdiction of the Court and to that end (2) the matter should be taken up promptly and informally with appropriate members of the Senate with a view to bringing about requisite Senatorial approval.

The matter is of immediate interest because (1) it is considered desirable, for its moral effect, that the United States should be able to deposit its Declaration either at the December or the April meeting of the General Assembly, and (2) because of the fact that a Senate Resolution has been filed (copy annexed)² recommending that the President take this action.

The particular Resolution which has been filed has been carefully examined in the Department and appears to carry out the ends which we desire. Certain modifications of form were suggested at a meeting of an unofficial group sponsored by Judge Manley O. Hudson, and we understand that Senator Morse intends to introduce a new Resolution incorporating these changes (annex 2).³

As you will observe from the annexed drafts, the Resolution follows very closely the text of paragraph 2 of Article 36 of the Statute. It thus carries out the intention of the framers of the Statute that states accepting this jurisdiction will be submitting only those carefully defined categories of cases which involve the determination of points of law, the facts necessary to such a determination, and the determination of the remedy in case the petitioner is upheld. In other words, the Resolution envisages the submission of the identical type of case which the United States has always been willing to refer to arbitration upon the failure of negotiations. The position of the United States is safeguarded, on the other hand by the reservation of cases previously arising, of cases which are essentially within the domestic jurisdiction

¹ For the Statute of the Court, see 59 Stat. (pt. 2) 1031, or Department of State Treaty Series 993.

² This resolution (p. 54) was introduced by Senator Wayne Morse on July 28, 1945 (S. Res. 160).

³ Not found attached to file copy; see footnote 4, p. 54.

of this country, and of cases which the parties may agree to submit to other procedures of settlement.

Signature of such a Declaration would thus appear to be in line with our policy, and will give evidence to the world that we are serious in our intention that the International Court of Justice shall play a significant role in the conduct of international relations.

In taking the matter up with appropriate Senators, it is suggested that this be done in terms of subject matter rather than of the particular Resolution that has been introduced. This is of special importance because of the political position of the sponsor of the Resolution.

A question requiring special attention is that of the effect of the Morse Resolution if adopted. The Resolution simply recommends that the President sign and deposit a Declaration. If a Resolution is adopted by two-thirds vote, and the President proceeds to carry out the recommendation, can anyone go behind this action and claim that it was done without the advice and consent of the Senate? It would of course be possible to amend the first line of the Morse Resolution to read: "The Senate hereby advises and consents that . . ." It seems to be agreed that if it is made clear on the floor of the Senate that its action by two-thirds vote is regarded as advice and consent, no further question could be raised. It would also be possible to transform the proposed Resolution into a Joint Resolution of both houses. You may wish to discuss with Senator Connally the Procedural question involved.⁴

GREEN H. HACKWORTH

[Annex]

THE MORSE RESOLUTION

Resolved, That the Senate hereby recommends that the President of the United States deposit with the Secretary General of the United

⁴ Senator Morse subsequently on November 28, 1945 introduced a revised resolution (S. Res. 196) which incorporated the following changes: one, the first lines were amended to read, "*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the deposit by the President of the United States with the Secretary General of the United Nations. . . ."; and two, the second section incorporating the provisos was re-cast to read:

"*Provided*, That such declaration should not apply to—

a. disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

b. disputes with regard to matters which are essentially within the domestic jurisdiction of the United States.

"*Provided further*, That such declaration should remain in force for a period of five years and thereafter until the expiration of six months after notice may be given to terminate the declaration."

Text found in *Compulsory Jurisdiction, International Court of Justice, Hearings before a subcommittee of the Committee on Foreign Relations, United States Senate, 79th Congress, 2nd Session, p. 1.*

Nations, whenever that official shall have been installed in office, a declaration under paragraph 2 of article 36 of the Statute of the International Court of Justice recognizing as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising 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 ; and
- d. The nature or extent of the reparation to be made for the breach of an international obligation.

Provided, That such declaration should be for a period of not to exceed 5 years, and should exclude for its operation :

- a. Disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of pacific settlement ; and
- b. Disputes with regard to questions which by international law fall exclusively within the jurisdiction of the United States.

Provided further, That the President be and hereby is requested to furnish the Senate for its information a copy of any declaration filed by him pursuant to this resolution.

501.BF/6-346

The Secretary of State to the Chairman of the Committee on Foreign Affairs of the United States House of Representatives (Bloom)

WASHINGTON, June 4, 1946.

MY DEAR MR. BLOOM: Referring to your letter of April 17, 1946,⁵ transmitting for the comment of the Department of State copies of H. J. Res. 291, a joint resolution "Authorizing the President, on behalf of the United States, to accept and recognize the jurisdiction of the International Court of Justice in certain categories of international legal disputes involving the United States",⁶ I take pleasure in transmitting to you the Department's views.

The action contemplated in the joint resolution would be in conformity with Article 36, paragraph 2 of the Statute of the International Court of Justice, which provides :

"2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agree-

⁵ Not printed.

⁶ Introduced by Congressman Christian A. Herter on December 17, 1945. The proposed action took the form of a joint resolution which "authorized and requested" the President to take action similar to that set forth in the revised Morse resolution. The Herter resolution in its operative part was identical, with minor exceptions, to the Morse resolution.

ment, 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."

It is noted in the first place that by making a declaration under this paragraph, the United States will be bound only with respect to those states accepting the same obligation. The joint resolution would exclude from the scope of the proposed declaration cases which arose in the past or which are essentially within the domestic jurisdiction of the United States, and would leave the parties free to seek some other form of settlement if they so agree. Each of these principles is already explicit in Article 2, paragraph 7, and Article 95 of the Charter of the United Nations.

I have had occasion to consult with the President regarding this important proposal and have consequently been able to reply to previous inquiries concerning the matter by stating that the President and the Department of State favor the making of a declaration accepting the Court's jurisdiction under the above-mentioned Article of the Statute. The Department has stated further that it considers that either H. J. Res. 291, which is the subject of your inquiry, or S. Res. 196 furnishes an appropriate legal basis for such a declaration. I enclose a statement recently issued by the Department on this subject.⁷

The Members of the United Nations have declared in the Preamble of the Charter their determination "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained." Among the purposes of the United Nations as set forth in Article 1, paragraph 1 of the Charter is the settlement of international disputes "in conformity with the principles of justice and international law."

The United Nations Conference on International Organization, which drafted the Charter, also approved a Recommendation that Members of the United Nations, as soon as possible, make declarations

⁷The position of President Truman and the Secretary of State, regarding the general question of making a declaration of acceptance of the Court's jurisdiction and the particular question of a choice of the legal form as raised by the Morse and Herter resolutions, was made public in letters of February 25 and February 23, by the President and Secretary Byrnes respectively, to Mr. Raymond Swing, Chairman of the Board of Directors of Americans United for World Organization, Incorporated. The President's letter was printed in the *New York Herald Tribune*, March 1, p. 1, and the Secretary's letter in the Department of State *Bulletin*, April 21, 1946, p. 633. These letters were entered in the legislative record by Senator Morse on July 11; see *Compulsory Jurisdiction*, Hearings, pp. 14 and 15.

recognizing the obligatory jurisdiction of the International Court of Justice according to the provisions of Article 36 of the Statute. The completion of the procedure initiated by H. J. Res. 291 would have as one result the carrying out, by the United States, of this recommendation.

The Department of State concurs in the views thus expressed by the United Nations, first that the establishment of the rule of law is an underlying element in the achievement of international order, and second, that the general acceptance of the Court's jurisdiction in proper (that is to say, legal) cases is an integral part of the accomplishment of this end.

It is, perhaps, desirable to make clear that the passage, above referred to, in Article 1 of the Charter is not to be interpreted as implying that all disputes between states which have accepted the Court's jurisdiction under Article 36, paragraph 2, are to be submitted to the Court for adjudication. It will be noted that the Resolution under consideration, and the provision of the Statute which it seeks to implement, are carefully drawn so as to include within their scope only those cases which are appropriate for judicial action, namely, cases involving legal disputes. Since this country has always supported respect for law, and has carried out this policy by submitting thousands of cases to arbitration, the proposed step has the effect of undertaking an obligation to do that which is already a well-established policy of this Government.

Substantial gains are to be anticipated from this proposed step. The law cannot play an effective role so long as states retain the right to decide for themselves what the law is, regardless of the degree of good faith by which they govern their actions. The appropriate remedy for this situation would appear to be general and genuine acceptance of an international judiciary with powers adequate to enable it to fulfill the elementary function of a judiciary to decide all disputes of law. It is particularly appropriate that the United States should take this action, both because it is a leading advocate of the international system embodied in the United Nations Charter, and because it is a country which has always placed a high value on the law and on the judiciary.

It is to be anticipated that the great majority of the Members of the United Nations will deposit declarations similar to that proposed in H. J. Res. 291. A similar option was provided in the Statute of the Permanent Court of International Justice, and was exercised by forty-four of the fifty-one states which were members of that Court at one time or another. The Statute of the present Court includes a provision by which unexpired declarations made under Article 36 of the old Statute are continued in force and made applicable to the jurisdiction of the present Court. This provision is, of course, appli-

cable only as among parties to the Statute of the Court. As a result of this provision, it is estimated that some nineteen declarations are continued in force. The probability that many other states will deposit declarations is indicated by the fact that the majority of the delegations at the San Francisco Conference favored incorporating in the Statute a general commitment by which all members would accept the jurisdiction of the Court as to the categories of cases referred to. (United Nations Conference on International Organization, Report of Committee IV/1, Doc. 913, IV/1/74(1), pp. 10-11). In the interest of achieving unanimous agreement, however, it was decided to leave such acceptance to the option of the various states.

In conclusion, I may note that there has been strong sentiment in favor of general compulsory jurisdiction among professional groups in the United States, as indicated by resolutions of such organizations as the American Bar Association, the Federal Bar Association, the Inter-American Bar Association and the American Society of International Law.⁸

⁸ In the legislative process S. Res. 196 was taken up by the Senate Committee on Foreign Relations where on June 12 the Chairman of the Committee, Senator Tom Connally, appointed a subcommittee to hold hearings. These took place on July 11, 12, and 15, with Acting Secretary of State Dean Acheson and the Legal Adviser of the Department (Fahy) as the principal public witnesses. A number of witnesses appeared for important private organizations and the following documents were placed in the record on July 11: a letter dated July 8, 1946 from Prof. D. F. Fleming of Vanderbilt University; a statement by Dr. Quincy Wright, well-known publicist; a letter dated July 3, 1946 from Dr. Pitman B. Potter, Secretary, The American Society of International Law, enclosing a resolution adopted at the annual meeting of the Society at Washington, D. C. on April 27, 1946; and a memorandum by Mr. John Foster Dulles (texts of these documents are to be found in *Compulsory Jurisdiction*, Hearings, pp. 41-45).

During the period July 17-24 the full Committee considered the findings of the subcommittee and it was at this time that a complete discussion of the legal and constitutional issues involved led to the decision that the revised Morse resolution provided a more appropriate legal basis of the proposed declaration, based as it was on the treaty-making process. Regarding this question, it was pointed out in the Committee's Report (*International Court of Justice*, Report of the Foreign Relations Committee, No. 1835, 79th Congress, 2nd Session, p. 10) that "Inasmuch as the declaration would involve important new obligations for the United States, the committee was of the opinion that it should be approved by the treaty process, with two-thirds of the Senators present concurring. The force and effect of the declaration is that of a treaty, binding the United States with respect to those states which have or which may in the future deposit similar declarations. Moreover, under our constitutional system the peaceful settlement of disputes through arbitration or judicial settlement has always been considered a proper subject for the use of the treaty procedure. . . ."

On July 24 the Committee reported the resolution to the Senate for favorable action.

For relevant documentation, see *Compulsory Jurisdiction*, Hearings; *International Court of Justice*, Committee Report No. 1835; *Congressional Record*, 79th Congress, 2nd Session, vol. 92, pt. 8, pp. 9938, 10553-10557, 10613-10618, 10621-10626, 10629-10632, 10683-10697, 10698-10704, 10706 (passage, text); S. Res. 160, 79th Congress, 1st Session, July 28, 1945; S. Res. 196, 79th Congress, 1st Session, November 28, 1945; H. J. Res. 291, 79th Congress, 1st Session, December 17, 1945; and Department of State *Bulletin*, July 28, 1946, pp. 154-161 (for statements made by Messrs. Acheson and Fahy before the subcommittee on July 15).

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this Report.

Sincerely yours,

JAMES F. BYRNES

501.BF/8-946

Resolution of the United States Senate

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES

Friday, August 2, 1946

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the deposit by the President of the United States with the Secretary General of the United Nations, of a declaration under paragraph 2 of article 36 of the Statute of the International Court of Justice recognizing as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising 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.

Provided, That such declaration shall not apply to—

a. disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future;

b. disputes with regard to matters which are essentially within the domestic jurisdiction of the United States as determined by the United States:⁹ or

c. disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States specially agrees to jurisdiction.¹⁰

Provided further, That such declaration shall remain in force for a

⁹ Section 2*b* of the Morse resolution read: "disputes with regard to matters which are essentially within the domestic jurisdiction of the United States. . . ." The words "as determined by the United States" had been inserted on the proposal of Senator Connally (*Cong. Rec.*, vol. 92, pt. 8, p. 10849).

¹⁰ This section did not appear in the Morse resolution. It was added at the request of Senator Vandenberg (*Cong. Rec.*, vol. 92, pt. 8, p. 10760).

period of five years and thereafter until the expiration of six months after notice may be given to terminate the declaration.¹¹

Attest:

LESLIE L. BIFFLE
Secretary, United States Senate

III. QUESTIONS RELATING TO THE ESTABLISHMENT OF THE TEMPORARY HEADQUARTERS AND PERMANENT SEAT OF THE UNITED NATIONS IN THE UNITED STATES; THE PROPOSED GENERAL CONVENTION ON PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

IO Files: ¹² USGA/Ia/LeCom./4

*United States Delegation*¹³ *Working Paper*

SECRET

[LONDON,] January 19, 1946.

PRIVILEGES AND IMMUNITIES PERTAINING TO UNO

Factual Background

Article 104 of the Charter provides that the Organization shall enjoy such legal capacity as it requires for the performance of the functions and the fulfillment of its purposes.

Article 105, paragraphs (1) and (2), provides that the Organization itself as well as its officials and the Representatives of Members shall enjoy such privileges and immunities as are necessary for the performance of their functions.

¹¹ The Declaration by the United States recognizing, in accordance with this resolution, the jurisdiction of the International Court of Justice as set forth under Article 36, paragraph 2, of the Statute of the Court, was signed by President Truman on August 14 and transmitted under cover of a note of August 16 by the Acting Secretary of State (Acheson) to the Secretary General of the United Nations for deposit with the Secretary General; for text of the declaration, see Department of State *Bulletin*, September 8, 1946, p. 452.

In a note transmitting the Acting Secretary's note to the Secretary General, the Acting United States Representative at the United Nations (Johnson) said:

"My action today in depositing this Declaration, accepting on behalf of the United States the compulsory jurisdiction of the International Court of Justice, is further testimony to the determination of my Government to do all in its power to assure that the United Nations will fulfill the role assigned to it, which is nothing less than the preservation of world peace.

"One of the most elemental functions of the United Nations in the preservation of world peace is the development of procedures of pacific settlement. In these procedures, the role and functions of law is clear. We feel that international law is already sufficiently developed to serve as a guide and basis in international relations. We feel further that the best way of assuring its further development, and the only way of enabling it to fulfill its function, is by referring to a responsible international tribunal all disputes properly justiciable by such a tribunal. "We accordingly look forward to a great development of the rule of law in international relations through a broad acceptance of the function of the Court in the spirit of the Charter." (*ibid.*, p. 452).

¹² Master files of the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

¹³ For information regarding the United States Delegation to the first part of the first session of the General Assembly which convened in London on January 10, 1946, see p. 4.

Article 105, paragraph (3) provides that the General Assembly may make recommendations with a view to determining the details of the applications of paragraphs (1) and (2) of the same article, or may propose conventions to the members of the United Nations for this purpose.

The Preparatory Commission, in its Report (p. 60), recommends "that the General Assembly, at its First Session, should make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of Article 105 of the Charter, or propose conventions to the Members of the United Nations for this purpose[?]."

The Preparatory Commission also transmits for the consideration of the General Assembly a Study on privileges and immunities and a draft multipartite convention on the same subject, which might be adhered to by all the members of the Organization.¹⁴

The Study has as its purpose the drawing of attention to the various problems involved.

The Convention undertakes to crystallize the various topics in the form of draft articles. It contains provisions which are not in accord with the existing law of the United States, both as to points of major importance and as to subsidiary details. The major points will be considered subsequently in this paper.

Status of the Draft Convention

There has never been a decision by the Preparatory Commission recommending that the Assembly propose such a general convention. The convention was proposed by Canada in a subcommittee of Committee 5, and was espoused by the United Kingdom. It appeared fairly clear to the United States Delegation that it was intended to be a factor in the question of the site of the Organization, then under debate. Various objections to the draft were made both in the subcommittee and in Committee 5, but it was insisted in reply that it was understood that everything was reserved and that this was merely a working paper.

Policy of the United States

It is therefore not a foregone conclusion that a general convention should be proceeded with. There are three particular reasons why it appears undesirable to do so, at least at this time.

1. It is difficult to know at this time just what is required. The situation varies from country to country, depending on the state of their existing law. The basic question still remains open, namely what is the proper method of approach to the problem. This in itself is a complex problem, and it is doubtful whether sufficient time is avail-

¹⁴ United Nations, *Report of the Preparatory Commission of the United Nations*, pp. 60 ff.

able at this session to give it the study which it requires. *A fortiori*, it appears impossible to negotiate the details of a convention at this session, should this course be decided upon.

2. Since any decisions taken on this subject should be consistent with any special agreements arrived at between the Organization and the Government of the United States with respect to the permanent headquarters, and since we consider that the latter negotiations will be carried out in the United States and after the site is selected, the detailed discussion of the general question appears premature at this time.

3. The Office of the Secretary-General has a direct and legitimate interest in this question, since it concerns the status of the Organization and its officials. The legal section of this office is probably in the best position to give this subject the detailed and concentrated study which it requires. Also it is our view that the special agreement on the site will be negotiated, on the side of the Organization, by the Secretary-General.

The United States Delegation should therefore endeavor, first, to have it understood that a general convention is only one of several possible methods of approaching the question, and second, to have the whole question referred to the Secretary-General for study and report.¹⁵

Major Points of Difficulty for the United States Contained in the Draft Convention on Privileges and Immunities Submitted With the Report of the Preparatory Commission (pp. 72-74)

Even though it favors postponing the substantive discussion of these problems, the Delegation of the United States may find itself under the necessity of going on record as to the following major points.

¹⁵ The experts of the Delegation had also prepared a draft statement (dated January 19) for use by the United States member on the Sixth Committee in advancing this position. It was contemplated in the statement that a motion would be made requesting the Secretary-General to undertake studies and formulate recommendations on the whole question in the light of privileges and immunities already available. (IO Files, document USGA/Ia/LeCom./3) Whether this view was ever presented is not clear from available records. The subject was referred by the Sixth Committee to a subcommittee on privileges and immunities on January 24 apparently without any discussion, and on January 28 was reported back by the subcommittee in a document which recommended that implementation of Article 105 should proceed with the formulation of a general convention. (United Nations, *Official Records of the General Assembly, First Session, First Part, Sixth Committee*, pp. 14, 16 and 44-45; hereafter cited as GA (I/1), *Sixth Committee*.) At the same meeting on January 28 the subcommittee was charged with the drafting of such a general convention.

Diplomatic Privileges and Immunities (Articles 5 and 6 of Draft Convention)

We agree that Representatives of Members and officials of the Organization shall enjoy immunity from legal process in respect of things done or omitted to be done in the course of the performance of official duties.

The question is whether Representatives and higher officials should be accorded *diplomatic* privileges and immunities. This would mean, in effect, immunity from *all* forms of legal process, civil and criminal, and inviolability of residential premises.

The Charter does not provide diplomatic status for such officials, but only requires that they be accorded such privileges and immunities as are necessary for the independent exercise of their functions. The Committee of the San Francisco Conference which drafted this article of the Charter (Committee IV/2) stated in its report that it considered this standard more "appropriate" than that of "diplomatic" status.

The United States takes the position that diplomatic privileges and immunities are not necessary to the independent exercise of functions in connection with the Organization. This is in line with H. R. 4469, recently enacted into law.¹⁶

The position of diplomatic envoys does not constitute a precedent for the Organization. The concept of diplomatic status derives from that of state sovereignty, and the privileged position of the sovereign. It has developed over a period of centuries, and has thus become sanctified in international law.

The situation with respect to the Organization is different. To concede diplomatic status to its officials and to Representatives of its Members would be to create a new privileged class in an age when the tendency is in the other direction. This tendency is exemplified by the decision of San Francisco, above referred to, and by making equal rights a basic principle of the Charter. Unless action of this kind is found to be necessary to the independent exercise of functions in connection with the Organization it would seem wisest to avoid it.

Diplomatic Status of Representatives of Members (Article 5 of Draft Convention)

If member states desire that their Representatives to UNO have diplomatic status, they may themselves make the necessary arrange-

¹⁶ Public Law 291, 79th Congress, 1st Session (December 29, 1945), "An Act to extend certain privileges, exemptions and immunities to international organizations and to the officers and employees thereof. . . ." (cited as the "International Organizations Immunities Act"), 59 Stat. 669. For documentation regarding the interest of the Department of State in the enactment of this legislation, see *Foreign Relations*, 1945, vol. 1, pp. 1557 ff.

ments by conferring on them an appropriate title and status vis-à-vis the host state.

If diplomatic status for Representatives is adopted despite our objections, the United States will then have to insist upon a clarification of the categories of officials so affected. (Paragraph 4 of Article 5). In any event it would appear that diplomatic status for delegates and alternate delegates would be sufficient.

Officials of the Organization (Article 6 of Draft Convention)

This article is divided into two parts. Paragraph 2, conferring diplomatic privileges and immunities on the higher officials, has been considered above. Paragraph 1, conferring certain privileges on all officials, is objectionable to the United States in so far as it would exempt American citizens from its own tax and national service legislation (paragraph 1(b) and (c)). It is known that several other countries take the same view.

Freedom from Judicial Process, Requisition and Expropriation (Article 2 (1) and (2) of Draft Convention)

The draft convention provides that the property and assets of the Organization shall enjoy immunity from every form of judicial process, unless waived. The United States law (H.R. 4489) contains a similar provision (sec. 2(b)).

The draft convention next provides that the property and assets shall be immune from "search, requisition, confiscation, expropriation and from any other form of seizure". The United States bill which relates to international organizations generally contained a similar provision in its original form, but the exemptions as to "requisition" and "expropriation" were deleted. The law now provides immunity from search and confiscation. The policy of the United States must therefore be deemed to be in opposition to immunity from requisition and expropriation for international organizations generally as distinguished from the United Nations specifically. (This must be regarded as applying to premises, and not to archives and similar property. There is a confusion of terminology involved, as "inviolability of archives", to which we agree, undoubtedly means that they are free from requisition or subpoena, while "inviolability of premises" means that the local authorities are to stay off, but not that they are immune from expropriation procedures.)

As to premises in general (i.e., of specialized agencies and branch offices of the United Nations Organization as distinguished from the permanent headquarters of the United Nations, which are to be dealt with in a separate agreement), a good case can be made if it is determined to adhere to the Congressional policy. The right of eminent

domain is a basic attribute of sovereignty and exists for the protection of the people of the locality in such matters as health, conflagration, communications, etc. It is not to be conceived that the Organization will have any wish to impede the needs of the local authorities in such matters, nor is it to be supposed that the local government will ever exercise its sovereign rights in these respects as regards property of the Organization. Should it not, therefore, refrain from any attempt to invade the local sovereignty in such a basic matter?

It is to be noted that even if the words "expropriation" and "requisition" are deleted in Article 2(2), there will still exist in Article 2(1) a general immunity from "every form of judicial process", which applies to property of the Organization. The same situation came about in our own legislation and is apparently not regarded as involving an inconsistency.

United Nations Passports (Article 7 of Draft Convention)

The United States does not favor United Nations passports. Such documents are regarded as superfluous, especially as most delegates will probably wish to carry their own national passports in addition.

Steps are being taken to obtain a policy directive from the Department. If this subject should come up in the meantime, we should reserve our position.¹⁷

501.BB/1-1946 : Telegram

The Secretary of State to the Acting Secretary of State (Acheson)

SECRET US URGENT

LONDON, January 19, 1946—11 a. m.
[Received January 19—9:22 a. m.]

665. Delun 104. For Ross from Hiss. Please consult Visa and Passport Divisions with object of furnishing us with policy statement on United Nations passports (reference draft convention on privileges and immunities, Preco¹⁸ report, page 74). We are inclined to regard them as superfluous especially as delegates and officials will probably wish to carry national passports in addition but as relatively harmless. Since there are other points in draft convention which we must oppose on clear policy grounds, we are less disposed to take strong position on this question. We hope that convention will be referred to SYG and that substantial debate on it will not develop this session. [Hiss.]

BYRNES

¹⁷ See telegram 665, January 19, 11 a. m., *infra*.

¹⁸ Preparatory Commission.

IO Files : USGA/Ia/Del. Min./4 (Chr)

Minutes of Meeting of the United States Delegation, Held at London, 20 Grosvenor Square, January 26, 1946, 9:30 a. m.

SECRET

[Here follow list of names of persons (62) present (see the United States Delegation list, page 5), and a discussion of certain procedural problems. Each member of the Delegation then proceeded to give a review of the activities and progress of the General Assembly Committee on which he was sitting.]

Senator Vandenberg noted that he was making progress in Committee 5 because he now had thirteen votes on his side. He stated that a very shocking action had been taken by Committee 5.¹⁹ He pointed out that the Committee admitted that it had no power to exempt the salary of American employees of the Organization from American income taxes. This could only be done by the Congress of the United States. Nevertheless, the Committee had voted to increase the amount of the United States contribution to the Organization by the amount that was collected in income taxes from the American employees of the Organization. Senator Vandenberg said he thought this was an unconscionable act and he would not submit to it in London or

¹⁹ On January 24 the Fifth Committee had received from a sub-committee, chaired by Senator Vandenberg, a report on the problem of tax equalization in respect of the salaries of United Nations officials. The report read:

"(1) The Sub-Committee believes there is no alternative to the proposition that tax exemption for United Nations Organization salaries is indispensable to equity among its Member nations and equality among its personnel;

"(2) It recommends that, pending this accomplishment, the budget should carry a contingent appropriation to equalize tax payments;

"(3) It recommends that all its files respecting staff contributions plans be referred to the Secretary-General for his information; and that further consideration of the matter be postponed pending his subsequent report and recommendation." (United Nations, *Official Records of the General Assembly, First Session, First Part, Fifth Committee*, p. 11 [hereafter cited as GA(I/2), *Fifth Committee*])

At the time that he submitted the report to the Fifth Committee for the sub-committee Senator Vandenberg was recorded as noting ". . . that this was a complex and controversial problem and that the report submitted was the best compromise possible taking into account the divergent views expressed in the sub-committee. The first paragraph had been approved unanimously, paragraphs (2) and (3) had been approved by 7 votes to 2 in each case the adverse votes being those of Australia and France with the United States of America abstaining." (*Ibid.*, p. 11)

Fifth Committee consideration of the sub-committee's report continued into a second day (January 25) at which time successive amendments were moved which changed paragraph (2) to read: "It [the Committee] recommends that, pending this accomplishment, the budget of the Organization should carry a contingent appropriation to refund tax payments and that an amount equivalent to such refunds to employees because of income tax, be added to the budget contributions of the Members whose nationals in the service of the United Nations were required to pay income tax on their salaries and allowances received from the Organization." (*Ibid.*, p. 17)

in Washington. He reported that he had spoken frankly in the Committee.²⁰ He thought it was an ominous act. . . .

[Here follows discussion of other agenda items.]

IO Files : USGA/Ia/Site/4

United States Delegation Working Paper

SECRET

FEBRUARY [7 or 8,] 1946.

POSITION OF THE UNITED STATES REGARDING THE CONVENTION ON THE
SITE

Committee 6 now has before it a draft convention to be concluded with the United States with regard to the site of the United Nations; and a draft resolution relating to the convention. Both of these documents have been referred to the subcommittee on privileges and immunities.²¹

I. THE DRAFT RESOLUTION

The Resolution constitutes an authorization by the General Assembly to the Secretary-General to negotiate with the competent authorities of the United States the arrangements required as a result of the establishment of the seat of the United Nations in the United States. The draft convention is transmitted by the Assembly to the Secretary-General for use in these negotiations as a basis of discussion. The Secretary-General is required to report the results of the negotiations to the General Assembly, which must approve any agreement with the competent authorities of the United States before being signed on behalf of the United Nations.

Recommended United States Position

The Resolution, with a few minor changes mentioned below, is satisfactory to the United States, and it is recommended that the delegation should vote in favor of it.

²⁰ In the debate on the amendments Senator Vandenberg "urged the Committee to accept the wording of paragraph (2) proposed by the Sub-Committee without the addition suggested by the delegate for Mexico regarding an extra assessment. This proposal was in effect an attempt to obtain national exemption of taxation by indirect means. Such an attempt would be likely to produce the opposite effect to that desired. Countries like the United States which had a deep-rooted prejudice against tax exemption would be best convinced of its rightness in this case by a simple and frank statement of the arguments." (GA (I/2), *Fifth Committee*, p. 17) The amendments were accepted by the Committee by 17 votes for, 11 against.

²¹ For the draft convention and the draft resolution, see United Nations, *Official Records of the General Assembly, First Session, First Part, Plenary Meetings*, p. 650, appendix II of annex 22 (hereafter cited as GA (I/1), *Plenary*). These drafts accompanied a report submitted by the sub-committee on privileges and immunities to the Sixth Committee on February 7 (GA (I/1), *Sixth Committee*, p. 45, annex 3a).

The United States is desirous of seeing to it that no draft convention on this subject is approved by the Assembly at this session, except as a basis of discussion in negotiations. The convention raises many difficult technical questions which cannot be determined at this time but must await the determination of a specific site and actual negotiations with the local state and municipal authorities. We therefore desire to see negotiations conducted by the Secretary-General in the United States after a site has been chosen. The Resolution accomplishes this purpose by authorizing the Secretary-General to negotiate, and transmitting the draft convention to him for use as a basis of discussion.*

It is the view of the United States that it will probably prove preferable not to have a single convention but a series of agreements with the federal, state and local authorities. We should make our position on this point a matter of record. The draftsmen of the convention have strongly adhered to the opinion that a single convention is better from the standpoint of the United Nations, but have been willing not to foreclose the question and have provided for an authorization to the Secretary-General to make "arrangements."

In order not to require every detailed local agreement to come before the Assembly for specific approval, we believe that it would be better if the last paragraph of the resolution were amended to read:

"The General Assembly will, after receiving the report, determine which documents resulting from the negotiations shall require specific approval by the General Assembly before being signed on behalf of the United Nations. Provided: that nothing in this Resolution shall prevent the Secretary-General from entering into any arrangements necessary for the establishment of a temporary headquarters in the United States."

II. THE DRAFT CONVENTION

The Draft Convention now before Committee 6 is more satisfactory to the United States than was the Draft transmitted by the Preparatory Commission.²² However, the present Draft is still unsatisfactory in a number of points. Three of the major unsatisfactory points are:

1. The Draft is unitary in character, i.e. it attempts to regulate all questions in a single agreement between the United States and the

*It would be preferable from the standpoint of the United States if the draft convention were not transmitted at all, since it would give us a freer hand in the negotiations, but the sentiment among other delegations in favor of a draft convention is so strong that there is no possibility of securing a different result. The argument made in favor of the convention is that the Secretary-General must have some guidance from the Assembly in his negotiations. [Footnote in the original.]

²² *Report of the Preparatory Commission*, p. 75.

United Nations. We believe this to be unsatisfactory both from our standpoint and that of the United Nations. It would mean that the federal government would have to presume to be able to speak for and to enter into detailed agreements with the State and local authorities with regard to numerous local matters such as acquisition of, price of and title to land, immunities from state tax legislation, police protection, public utility services, etc. Apart from serious constitutional objections which may be raised, we believe that this would result in cumbersome and complicated administration and would make minor adjustments difficult. We believe it would be much more expeditious and practical for the United Nations to enter into direct relations with the state and, if necessary, local authorities. In order that the state where the headquarters are located may be able to conclude an agreement with the United Nations, it may be necessary for Congress to give approval to the agreement in order to comply with the United States Constitution. If it appears that such approval is necessary, Congress should be asked to give it.

2. Throughout the convention there are proposals which are not likely to prove satisfactory either to the federal government or to the state government where the headquarters are located. For example, it is proposed that obligation be undertaken to supply additional land apart from the original headquarters site whenever the United Nations wants additional land to construct an airport, railroad station, radio telegraphic station or "other purposes." (Section 8)

Another provision calls for a "guarantee" of means of communication to and from the zone instead of providing there will be no impeding of methods of communication. (Section 19)

Still another provision guarantees the exercise of "all . . . powers" for supplying the headquarters zone with necessary public services which is to receive "an equal priority with the essential services of the United States Government itself" in these respects. Moreover, interruption of such services is to be prevented to the same extent that interruption would be prevented in the case of "services to the essential departments" of the United States Government. (Section 28)

Finally, differences of interpretation are to be referred "to the arbitration of an umpire appointed for the purpose by the President of the International Court of Justice." (Section 39)

3. Certain of the provisions of the Draft relating to the authority of the United States and the United Nations with respect to the zone where the headquarters are located, are unsatisfactory. Thus, one of the sections reads:

"The United Nations may enact regulations making provision of an administrative character for the zone. Any such regulation shall pre-

vail over any provisions in the law of the United States of America which are inconsistent with it. It is agreed that within the zone the protection afforded by the Constitution of the United States to the basic human freedoms of expression, worship and personal liberty shall not be lessened and no form of racial discrimination shall be permitted.”

In the draft transmitted by the Preparatory Commission, the United Nations were given a much more extensive power to enact regulations setting aside provisions of the law of the United States. This would obviously have been altogether unacceptable to the United States since it would, in effect, have given the United Nations a blank check to set aside constitutional provisions or the civil or criminal law of the United States. The present draft is less objectionable and its intention appears to be only to permit the United Nations to enact regulations relating to such matters as speed limits, use of streets and other matters of a police nature. Other problems of this type relate to immigration, police protection, use of headquarters zone as a refuge, etc.

4. The Draft has appended to it an Annex which contains provisions relating to the immunities of the Organization, its staff and representatives of Member governments. These provisions are to follow closely the parallel provisions of the Draft General Convention on Privileges and Immunities now under consideration by Committee 6. The most significant objection to these provisions from the standpoint of the United States is that they confer immunity from taxation and from national service obligations on citizens of the United States who are employed by the Secretariat. We object to these on the ground that we do not desire to see the creation of a privileged class of our citizens.

There are also other objections to some of the provisions, such as the extension of diplomatic immunities beyond the point provided in our own legislation and the provision of a United Nations passport.

Recommended United States Position on the Draft Convention

The United States should abstain from discussing or voting upon any of the provisions of the Draft Convention for the following reasons:

1. It would be inappropriate for the United States as one of the parties to the Convention to place itself in a dual position by participating in the framing of a draft as a United Nations member.

2. The United States would run a serious risk of committing itself to the draft in advance of negotiations if it took any part in the discussions. Any argument against unsatisfactory provisions might be

held to imply acceptance of provisions against which no objections were taken. No formal statement of reservation would be sufficient to dissipate this risk.

For these reasons, it is recommended that the United States representatives in Committee 6 and its subcommittee should, at the outset of discussion of the Draft, make a statement along the following lines:

“Since the proposed Convention will become the subject of negotiation between the United Nations and the United States, the delegation of the United States wishes it to be understood that it will take no part in the discussion of the provisions of this draft and will abstain from any voting with respect to it. This position is taken because it would clearly be inappropriate for the United States to occupy a dual position in these negotiations and attempt to sit on both sides of the table. It should also be clearly understood that in abstaining from discussion and voting, the United States does not commit itself to any provision of this draft or with respect to any provision to be contained in any agreement or agreements which may eventually be concluded with the authorities of the United States or of any state or municipality thereof.”²³

(It should be understood that this policy of abstention²⁴ with respect to the Draft Convention regarding the Site does not apply to the Draft General Convention on Privileges and Immunities. The United

²³ For the statement made by Mr. Abe Feller to the Sixth Committee on February 8 see GA (I/1), *Sixth Committee*, p. 30. Apparently no explicit reservation was made of the position of the United States vis-à-vis the provisions of the draft convention as proposed here.

²⁴ At this time there was frequent discussion within the United States Delegation whether the policy of neutrality should be continued (particularly in the Delegation's meetings on February 5, 6 and 8), the Delegation being considerably agitated over the high cost factor implicit in the report and recommendations of an interim inspection group that the permanent site be located in the North Stamford-Greenwich (Connecticut) district (for the report see United Nations, *Official Records of the General Assembly, First Session, First Part, I—Permanent Headquarters Committee; II—Interim Committee for the Selection of a Site for the Permanent Headquarters of the United Nations*, pp. 31 ff., annex 1 [hereafter cited as GA (I/1), *Headquarters Committee*]). Senator Vandenberg obliquely gave voice to the Delegation's feelings in a meeting of the Fifth Committee on February 7, when, during the Committee's consideration of the Organization's budget, he said in pertinent part: “When initiating policies, delegations should always think of the bill which would have to be paid. The United States had deliberately refrained from taking any part in the discussions as to the site, but when the Inspection Group returned [from the United States where it had been examining sites from January 5 to February 2] with the proposal that a site of 45 square miles should be acquired in a most expensive area, such an idea could only be described as fantastic.” (GA (I/1), *Fifth Committee*, p. 49) For the legislative history of the site question in the Interim Committee appointed by the Preparatory Commission on December 22, 1945 and the *ad hoc* Permanent Headquarters Committee established by the General Assembly on January 26, 1946, see GA (I/1), *Headquarters Committee*; see bracketed note, p. 76, for subsequent developments.

States position with respect to the latter is set forth in USGA/Ia/LECom/4.)²⁵

IO Files : USGA/Ia/Del. Min./Exec/14 (Chr)

Minutes of Meeting of the United States Delegation (Executive Session), Held at London, Claridge's Hotel, February 8, 1946, 9:30 a. m.

SECRET

[Here follow list of names of persons (18) present, and discussion of several agenda items.]

Privileges and Immunities

Mr. Walker said he would like to have instructions from the Delegation. Committee 6 was ready to send to the Assembly the rapporteur's report on the general draft convention on privileges and immunities. The French and British had spoken against Mr. Walker's reservation on the subject of tax exemption and military deferment.²⁶ The Russians also had reserved their position on military deferment. The French Delegation was determined that this convention, including the tax exemption and military deferment features, be made a provisional rule for the next session of the Assembly to bridge the time gap until the convention had been generally ratified. The British and French had said that in view of its obligations under the Charter the United States had no right to reserve its position on tax exemption and military deferment. They felt that United States citizens in the Secretariat should be thought of as UNO citizens and could not do military service.

Mr. Walker thought if the United States position was going to be

²⁵ United States Delegation working paper of January 19, p. 60.

²⁶ On February 7 the Sixth Committee received from its sub-committee on privileges and immunities a second report on the subject of privileges and immunities (the first having been submitted on January 28) with the text of a draft general convention: for the report, see GA (I/1), *Sixth Committee*, p. 45, annex 3a; for text of the draft general convention, see GA (I/1), *Plenary*, p. 642, annex 22. In the discussion of the draft text following its introduction into the Committee Mr. Walker was recorded as saying that he "reserved the position of his delegation with regard to paragraphs (b) and (c) of article V, section 18, concerning exemption from taxation on salaries and emoluments and immunity from national service obligations of [United Nations] officials as far as United States nationals were concerned. His reason was the right to exempt from taxation and exempt from national service obligations was a prerogative of Congress in the United States of America" (GA (I/1), *Sixth Committee*, p. 26).

consistent with its obligations under the Charter that the Senate would have to go along on tax exemption and deferment but he did not wish to tell the Senate what to do. Senator Vandenberg said those were rightly questions for the United States Senate and that before Mr. Walker's proposal was reached, Senator Vandenberg will have opposed the report of Committee 5 on the question of tax exemption. The Senator said he was going to call Committee 5's recommendations on tax refunds,²⁷ the nearest thing he had seen to "perpetual motion".

Mr. Pasvolsky observed that member states under the Charter each had to decide on the privileges and immunities question. Mr. Hiss thought it depended on the power of Assembly Delegates as to whether there was authority to bind members to Assembly decisions on privileges and immunities. Mr. Hiss thought there was not sufficient authority in the United States Delegation. Mr. Pasvolsky thought Mr. Walker's reservation was in order and Senator Connally said Mr. Walker would stand on it. Mr. Hiss cited Article 105 of the Charter, paragraphs 1, 2 and 3. Mr. Hiss said perhaps Delegates from countries with parliamentary governments might have authority to adopt the privileges and immunities convention as a provisional assembly rule but that the United States Delegates did not have such authority to bind the United States Government in that manner.

Senator Vandenberg thought Mr. Walker had to stand on his reservation and that probably Mr. Walker as well as himself would get licked in the Assembly. The Senator observed that his point, however, did not come up under this convention but that Committee 5 had tried indirectly to get around the tax exemption question as raised in the convention.

Mr. Hiss thought Mr. Walker's position with respect to a reserva-

²⁷ For the proceedings in the Fifth Committee on February 8 in which the Committee reversed its previous recommendations regarding tax refunds and extra assessments, see GA (I/1), *Fifth Committee*, pp. 50 and 51. In supporting a motion that would have this result Senator Vandenberg emphasized to the Committee that unless such a course were adopted the Committee would be endorsing a position "directly opposed, not only to the constitutional rights of the United States Congress, but also to Article 105 of the Charter which expressly asserted that on such questions the General Assembly could only make recommendations or submit conventions. If the present text [providing for tax refunds] were endorsed he would be forced to raise his objections in the General Assembly". The motion for amendment which was offered by the Netherlands delegate was approved by 13 votes for, 8 against. The new text then read: "In the case of any Member whose nationals in the service of the Organization are required to pay taxation on salaries and allowances received from the Organization, the Secretary-General should explore with the Member concerned methods of ensuring as soon as possible the application of the principle of equity amongst all Members" (*ibid.*, p. 50).

tion was strong and that Congress had covered the subjects dealt with in the convention on privileges and immunities satisfactorily.²⁸

[On February 13 the General Assembly took up the report of the Sixth Committee which included in pertinent part the recommendations and draft resolutions with accompanying texts of (1) a general convention relating to the privileges and immunities of the United Nations, and (2) a special convention between the United States and the United Nations regarding arrangements pertaining to the location of the seat of the United Nations in the United States; for the report of the Sixth Committee see GA (I/1), *Plenary*, pages 642 ff., annex 22. For the proceedings in the General Assembly relating to the adoption of the report and the two resolutions on February 13 see *ibid.*, pages 448 ff.; Senator Vandenberg's remarks at this time regarding the provisions in the general convention relating to exemptions from taxes and national service obligations have already been noted in footnote 28, below; regarding the special convention Senator Vandenberg confined his remarks to a statement that the United States would abstain from voting "because the special Convention is one to which the Government of the United States will be a party, and we consider it would be inappropriate for us to prejudge the case here" (*ibid.*, page 455). For texts of the resolution and accompanying draft general convention on privileges and immunities of the United Nations, see United Nations, *Official Records of the General Assembly, First Session, First Part, Resolutions Adopted by the General Assembly during*

²⁸ The United States reservation was entered into the Report of the Sixth Committee to the General Assembly (GA (I/1), *Plenary*, p. 642, annex 22) which the General Assembly considered and adopted on February 13. The United States position was reaffirmed by Senator Vandenberg during the relatively brief discussion on the floor, in which he said "I rise only to make the position of the delegation of the United States perfectly plain in regard to the reports of the Fifth and Sixth Committees. We have reserved our position in respect of tax immunities in regard to the reports of both Committees. [For text in pertinent part of the Fifth Committee's report to the General Assembly see GA (I/1), *Plenary*, pp. 607, 608, and 612.] The Constitution of the United States gives the American Congress sole power to exempt American citizens from taxation. . . . The delegation of the United States also reserves its position in respect of national service exemptions under the general Convention reported by the Sixth Committee. This again is due to the fact that the Constitution of the United States permits no authority other than the American Congress to deal with this matter, and we are not in a position to prejudge that ultimate consideration." (GA (I/1), *Plenary*, pp. 454, 455)

The position of the United States on the two issues of exemption of United States citizens in the service of the United Nations from national service and taxation in the United States was re-affirmed by the United States Government at the second part of the first session of the General Assembly (at New York, October-December, 1946); see United Nations, *Official Records of the General Assembly, First Session, Second Part, Fifth Committee*, p. 382, annex 11c, "Convention on the privileges and immunities of the United Nations: Categories of officials to which the provisions of articles V and VII shall apply: Report of the Joint Sub-Committee of the Fifth and Sixth Committees".

the First Part of the First Session, pages 25 ff. (hereafter referred to as GA (I/1), *Resolutions*) ; for texts of the resolution and accompanying draft special convention between the United States and the United Nations regarding arrangements for locating the seat of the United Nations in the United States, see *ibid.*, pages 28 ff. ; in the serialization of General Assembly resolutions established later in 1946 both resolutions were designated as two sections of the same resolution, Resolution 22 (I) ; other sections of this same resolution dealt with privileges and immunities of the International Court of Justice and the coordination of the privileges and immunities of the Organization itself and the Specialized Agencies.]

501.BB/1-1946 : Telegram

The Secretary of State to the United States Representative at the United Nations (Stettinius)

SECRET

WASHINGTON, February 14, 1946—1 p. m.

1512. Undel 208. For Hiss from Ross. Undel 157, Delun 104.²⁹ Following reactions to proposed UNO passport received from Passport and Visa Divisions:

(1) Passport Division considers it highly undesirable for US to consent to permit an international organization to decide who is or who is not a United States citizen or to document any person as a citizen of US. Passport Division notes that under existing US law only Secretary of State may issue and cause US passports to be issued. Passport Division considers that UNO officials should bear passports issued by countries to which they owe allegiance, when traveling internationally on United Nations or any other business but suggests that when UNO officials are traveling on UNO business they could in addition be issued credentials certifying to their official status in the organization and of the fact that they are traveling on business of the organization.

(2) Visa Division advises that it does not see how Dept can recognize passports issued by international organizations except as documents showing status of bearers as officers or employees of such organizations. Visa Division notes that a passport is a document of identity and nationality and therefore may properly be issued only by a gov-

²⁹ For telegram Delun 104, January 19, see p. 65. Telegram Undel 157 (telegram 1145 to London) was despatched to the United States Delegation on February 1 as an interim reply to the Delegation's 104 and read: "Question of UNO passport is under study by Visa and Passport Divisions and we hope to transmit their views next week. Preliminary talks indicate such passports would have to be supplemented by national passports for purposes of US immigration laws." (501.BB/1-1946)

ernment which recognizes and certifies bearer as one of its nationals with a right to return, even as a deportee, to the national territory.

Visa Division also finds objectionable provision of draft convention which appears to remove diplomatic or consular discretion in granting or refusing visas to aliens claiming to be officers or employees of UNO and gives them a priority over all other applicants at each office by prohibiting any delay in granting visas. Visa Division observes this would make granting of visas largely a ministerial function and there would be little reason for requiring visas in such cases. This does not mean however that Department should favor abolishing visa requirements.³⁰

In this connection however see Depts circular instruction of Jan. 24, 1946³¹ relating to special visa category established for international organizations officials by International Organizations Immunities Act. [Ross.]

BYRNES

[On February 14 the General Assembly received and adopted a report and draft resolution by the Sixth Committee that established the site of the permanent headquarters of the Organization "in Westchester (New York) and/or Fairfield (Connecticut) counties, i.e., near to New York City"; provided for a Headquarters Commission which was to "proceed as soon as possible to the region mentioned . . . with a view to carrying out an exhaustive study thereof and making recommendations to the General Assembly at the second part of its first session regarding the exact location to be selected within the aforementioned general region"; and located the interim headquarters of the Organization in New York City. For the report of the Sixth Committee see GA (I/1), *Plenary*, page 671, annex 29; and for proceedings of the General Assembly on February 14 see *ibid.*, pages 535 ff. For text of the resolution, Resolution 25 (I), see GA (I/1), *Resolutions*, page 37.

The warm feelings of the United States Government and the American people were conveyed to the United Nations Organization by spokesmen of the United States at this time and earlier on February 13 on the occasion of the adoption of the two resolutions relating to the

³⁰ The position established here by the Department was not set forth by the United States Delegation either in the Sixth Committee or the General Assembly in their deliberations on the draft general convention as the legislative process had been completed in the General Assembly on February 13.

³¹ Not printed.

(General) Convention on Privileges and Immunities and the (Special) Convention between the United States and the United Nations on the site. Senator Vandenberg had told the General Assembly on February 13 that "the purpose and the intention and the heartfelt desire, not only of the delegation of the United States, but of the American people . . . is to extend every consideration, and to give every possible cooperation, to the UNO as it proceeds upon the greatest and most hopeful adventure in the history of human kind" (GA (I/1), *Plenary*, page 455). The United States Representative at the United Nations (Stettinius) told the General Assembly on February 14, after adoption of the resolution formally locating the seat of the United Nations in the United States, "On behalf of the people and the Government of my country, I wish to express our appreciation for the great honor that is bestowed upon the United States of America" (*ibid.*, page 537).]

701.09/3-2046

The Secretary of State to the Secretary-General of the United Nations

WASHINGTON, March 20, 1946.

MY DEAR MR. LIE: I am transmitting to you herewith a copy of the International Organizations Immunities Act which grants certain privileges and immunities to international organizations designated by the President, together with a copy of the Executive Order of February 19, 1946 designating the United Nations as an international organization entitled to the privileges and immunities granted by the Act.³²

I wish to take this opportunity of assuring you that it is the policy of this Government to keep this Executive Order in effect with respect to the United Nations until it is superseded by such permanent arrangements as may be agreed to between the United Nations and this Government with respect to the legal status of the United Nations in this country.

Sincerely yours,

JAMES F. BYRNES

³² For the International Organizations Immunities Act, see footnote 16, p. 63. For Executive Order 9698, February 19, 1946 which designated the United Nations Organization, the Food and Agriculture Organization, the International Labor Organization, the Pan American Union and the United Nations Relief and Rehabilitation Administration as public international organizations under Public Law 291, see 11 *Federal Register* 1809.

501.AC/3-1146

*The Secretary of State to the Governor of the State of New York
(Dewey)*

WASHINGTON, March 20, 1946.

MY DEAR GOVERNOR DEWEY: In connection with the establishment of the temporary headquarters of the United Nations in New York City and the possible establishment of the permanent headquarters in Westchester County, New York, a number of questions will arise regarding the privileges and immunities of the United Nations, the members of its Secretariat and Delegates of the Member States.

The International Organization Immunities Act grants certain privileges and immunities which have been made applicable to the United Nations by the Executive Order of February 19, 1946. Copies of the Act and of the Order are enclosed. The Act applies, for the most part, only to relief from provisions of federal law. There will undoubtedly be some questions that will have to be considered regarding relief from the operation of state and local requirements. I would greatly appreciate it if you would authorize your Attorney General to discuss this matter with representatives of the Secretary General and officials of the Department.

Sincerely yours,

JAMES F. BYRNES

501.AC/4-946

*Memorandum of Conversation, by the Acting Assistant Chief of the
Division of International Organization Affairs (Halderman)*

[WASHINGTON,] April 9, 1946.

Participants: OA—Mr. Stokes
Mr. Maktos
Mr. Reiff
Mr. Halderman

Le—Miss Whiteman
RP—Mr. Bevans

The purpose of the meeting was to give preliminary consideration to action to be taken with respect to the General Convention on Privileges and Immunities approved by the General Assembly and opened for adherence.

It was pointed out that an instrument containing the same provisions as the General Convention is attached as an annex to the Draft Convention between the United Nations and the United States with reference to the permanent headquarters, and that this instrument was intended to take effect until the General Convention is concluded.

The possibility was suggested of having this annex come into force as a protocol, accompanied by legislation necessary to give it effect. It was suggested that Congress might be more amenable to the proposals if it were first presented as a provisional arrangement. On the other hand it was suggested that the General Convention does not contain measures of a drastic character, and that it should not necessarily be anticipated that Congress would find it objectionable.

The other principal proposal as to timing was that the General Convention should be proceeded with at once. It was thought that the psychological effect would be good if the United States adherence could be concluded by the September meeting of the Assembly. It was also suggested that final action on both the General and Special Conventions should be taken at once instead of going through the procedure twice. This question was left open.

It was agreed that whichever approach is followed, it will be necessary to prepare authoritative answers as to the extent to which the Convention involves a change in existing legislation. It was agreed to undertake a study of this in OA and RP, and also to consult with interested divisions in the Department. When these studies are concluded, they can furnish a basis of discussion for the next meeting. At that time other officials of the Department will be invited, with a view to arriving at recommendations for subsequent procedure. It was considered that that would also be the appropriate time for undertaking consultations with other interested departments and agencies of the Government.

501.AD/4-2946

Memorandum of Conversation, by Carl M. Marcy of the Division of International Organization Affairs

[WASHINGTON,] April 29, 1946.

Participants: SPA—Mr. Hiss and Mr. Ross
OA—Messrs. Maktos, Stokes, Halderman
Reiff and Marcy

The meeting was held to discuss the draft commentary prepared by OA on the Draft Site Convention. The following matters were discussed:

1. There was discussion as to whether a treaty could be concluded between the United States and the United Nations. It was generally agreed, in line with the conclusion reached by Mr. Halderman in a memorandum on the subject, that such a treaty could be concluded.

2. The question was raised as to whether the substance of the Site Convention should be incorporated in a treaty or in an executive agreement, concluded with the consent of Congress. It was pointed out that the United Nations apparently prefers a treaty. It was felt, however, that there would be many advantages to having the agreement an executive one approved by a joint resolution since that method would bring the House of Representatives into active participation and since supplementary legislation will be necessary. Furthermore, it would be much easier to amend a joint resolution, in the event that is necessary, than to negotiate a new treaty.

3. It was agreed that the comments on the Draft Convention should be revised so as to leave open the question of whether the agreement will be a treaty or an executive agreement.

4. The question was raised as to whether the legal effect of an executive agreement is the same as a treaty. This question has been examined from a number of points of view, but will need to be re-examined with the site agreement in mind. Thus, it may be necessary in this agreement for the United States to relinquish jurisdiction over United States territory—query whether an executive agreement, with or without state consent, can do this?

5. There was considerable discussion of the extent, if any, to which a state may need to be a party to any agreement between the United States and the United Nations in view of the likelihood that some jurisdiction may be relinquished. It was pointed out that the Constitution requires the federal government to have state consent before the federal government can take jurisdiction over land which it acquires by purchase or by condemnation, and that when the federal government transfers its title to a third party, jurisdiction over the land reverts to the state. The question was raised as to whether this was true in the field of foreign relations, since, under the doctrine of *United States v. Curtis-Wright Export Corp.*, the Supreme Court took the position that in the field of foreign relations the United States can do anything that a sovereign state can do. It was agreed that this question needs further examination.

6. Mr. Stokes outlined the inter- and intra-departmental conversations which have thus far taken place. He pointed out that in connection with the acquisition of land for the Organization, Mr. Flournoy³³ had suggested the possibility of creating a corporation to act for the benefit of the United Nations. It was observed that although the idea of a corporation might be difficult to “sell” to the United Nations,

³³ Richard W. Flournoy, Assistant to the Legal Adviser.

it presented possibilities which should be kept in mind as the negotiations proceed.³⁴

[Here follows examination of certain sections of the draft convention.]

501.AD/5-1346 : Telegram

*The United States Representative at the United Nations (Stettinius)
to President Truman*

SECRET URGENT

NEW YORK, May 13, 1946—5 p. m.

[Received May 13—4:48 p. m.]

171. In light of the intimate and private conversations you and I have had on the question of the site of the United Nations, I am bringing directly to your attention the critical situation that has now arisen. I am sending a copy of this telegram to Acheson in order that you may have the benefit of his views.

The uncertainty of some top delegates and high officials of the United Nations as to whether the United Nations will remain at its present temporary location in New York beyond September has created a very serious problem. The decision to come to New York for a 3- to 5-year interim period was reached, you will recall, at the General Assembly in London. Dissatisfaction with temporary arrangements in New York during the past weeks has given rise to increasing speculation by delegates and United Nations Officials that the decision will be reviewed in the September Assembly. There is talk of moving away from New York and even of returning to Geneva. Any move to leave this country would, in my judgment, have serious repercussions upon the United Nations and would seriously damage the prestige and influence of the United States.

New York authorities are prepared to spend more than 3 million dollars to help set up interim facilities for the United Nations. They

³⁴ During April, May, and June the Department engaged in an intensive study of the legal and constitutional problems pertaining to a site agreement between the United States and the United Nations which would spell out the conditions governing the acquisition and control of the permanent headquarters of the United Nations. Numerous working and position papers were drafted and a draft agreement was drawn to reflect United States thinking. Within the Department this activity tended to center in the Division of International Organization Affairs and in the Office of the Legal Adviser, while outside the Department close liaison was established with the Department of Justice where several papers were formulated on that aspect of the situation involving Federal-State relations. These papers are scattered throughout the Department's central indexed files, particularly the 501.AD file, and in the IO Files, specifically in series SD/Le/1-, SD/HQC/1-, and a 1947 background book entitled "Arrangements Respecting Permanent Headquarters of the United Nations" (hereafter cited as "Background Book"). Appropriate information from these papers and the United States draft of the convention itself were passed on to the United Nations Secretariat in the course of preliminary and informal exchanges in May.

Exchanges between the Department and the Secretariat resulted in an agreement by May 23 to start formal talks in Washington on June 10.

are ready to go all out to help solve housing, transportation, and other problems and to make the United Nations stay in New York a success during a 3- to 5-year interim period. For obvious reasons, they are reluctant to spend such a large sum or make long-term arrangements if the General Assembly decides in September to shift the temporary headquarters to another location. If New York withholds or curtails its support, plans for the September meeting will be imperiled. This result would greatly strengthen the present inclinations of some people to move the interim headquarters elsewhere.

I am firmly convinced that the time has now arrived when the Federal Government must give strong support and assistance to working out plans for remaining in New York throughout the 3- to 5-year interim period. When the decision to come to New York was reached in London, the United States offered to assist in every way possible. May I have authorization to inform Secretary General Lie and other delegations represented on the Security Council that the United States Government firmly supports Lie in arrangements for temporary headquarters in New York for the interim period 3 years. Support from the United States will strengthen Lie's hand in dealing with other delegations and with New York authorities. May I also be authorized to confirm to Lie and to other delegations that the Federal Government will give fullest possible assistance to the United Nations and to the City of New York in obtaining temporary housing facilities, transportation, and other essentials. New York authorities assure me that federal funds will not be needed, but it is clear that White House backing will be required to persuade federal agencies to make needed federal facilities available.

On the question of the permanent site of the United Nations, I believe we should continue to maintain the neutral position we have held thus far. The need for our full support and assistance on the interim location is so critical, however, that I am convinced we must act immediately in order to avoid a damaging situation in which several million dollars may be spent on interim facilities that would be used only for one meeting of the General Assembly.

STETTINIUS

501.AD/5-1446

Memorandum by the Acting Secretary of State to President Truman

WASHINGTON, May 14, 1946.

Subject: Mr. Stettinius' telegram of May 13 with respect to Interim Headquarters of the United Nations

The Department has followed with some care the problems which the United Nations has had to face in establishing its temporary

headquarters in New York. We agree that the only practical course, in order to ensure the success of the meeting of the General Assembly scheduled for September 3, is to continue in effect the decision reached by the General Assembly this past February to have the interim headquarters located in New York for a period of at least three years. It is understandable that the New York authorities will not be able to make the necessary considerable outlays which will be required to assure the success of the next Assembly meeting unless they can be confident that the United Nations will remain in the New York area for at least three years. Consequently we recommend that you authorize Mr. Stettinius to support the General Assembly decision and so inform Mr. Lie, the Secretary General, and the other Delegations to the Security Council whose support is desired.

We also recommend that you authorize Mr. Stettinius to confirm that this Government will give all appropriate assistance to the United Nations in connection with arrangements for temporary headquarters. This latter recommendation will involve action by this Government from time to time of no inconsiderable importance. We can anticipate that we will be asked to grant priorities for residential housing construction for members of the Secretariat, to make available surplus Army and Navy transport equipment, and the like. We feel it important in the interest of the United States in carrying out our policy of full support to the United Nations that the Federal Government be prepared to assist in such instances as these. In order to ascertain promptly the specific types of assistance which the Federal Government may be called upon to give, we recommend that Mr. Stettinius be asked to obtain from Mr. Lie a specification of contemplated requests for assistance.

A message from you to Mr. Stettinius in response to his telegram under reference, drafted along the foregoing lines, is attached for your approval.

DEAN ACHESON

[Annex]

SUGGESTED DRAFT TELEGRAM TO MR. STETTINIUS³⁵

In response to your telegram of May 13, I am very glad to authorize you to inform the Secretary General that the United States Government will firmly support him in his effort to carry out the General Assembly's decision to establish the temporary headquarters of the United Nations in New York for an interim period of three years.

³⁵ This draft, signed by President Truman, was dispatched to Mr. Stettinius at New York as telegram 59, May 14, 5 p. m.

You are also authorized to confirm to Lie and to other delegations that the Federal Government will give all appropriate assistance to the United Nations in connection with arrangements for temporary headquarters.

However, in order to enable the Federal Government to assist, it is essential to know in specific terms exactly what assistance the United Nations wants from the Federal Government. If you will discuss this also with Lie, we will be in a better position here in Washington to determine procedures in order to provide assistance with minimum delay.

HARRY S. TRUMAN

501.AD/5-2246

The Under Secretary of State (Acheson) to the Director of the Office of War Mobilization and Reconversion (Snyder)

WASHINGTON, May 22, 1946.

MY DEAR MR. SNYDER: I refer to the President's letter of May 18³⁶ asking you to assume a coordinating responsibility with respect to Federal assistance in the establishment of temporary headquarters of the United Nations in New York.

This is a critical situation accompanied by severe criticism of the alleged failure of the Federal Government to grant the assistance which, as the host State, it should have accorded.

I enclose a memorandum giving the necessary background on the situation and outlining some of the problems that may be anticipated. Immediate action is required with regard to:

1. Prompt approval of necessary construction projects and the granting of priorities for materials involved in reconversion of the

³⁶No letter dated May 18 has been found in the Department files. The carbon (blue) copy of a proposed letter dated May 17 is attached to a memorandum to the President from the Acting Secretary (Acheson) (also dated May 17) (501.AD/5-1746). Presumably the text of this copy is the same as that actually sent to Mr. Snyder on May 18. In it President Truman, after setting forth the text of his telegram of May 14 to Mr. Stettinius, informed Mr. Snyder: "These arrangements will include the granting of priorities for materials, the making available of physical facilities controlled by the Federal Government, and such other steps as may be necessary not only to provide the United Nations with adequate office space, conference rooms, assembly hall and other facilities to be used by it, but also to assure adequate housing and transportation for members of the Secretariat and the delegations of the Member Nations."

"In case of any differences of opinion as to the appropriate steps to be taken, I request you to exercise, by the issuance in your discretion of appropriate directives, the full powers which have been delegated to you under applicable statutes and executive orders. In any case where, in your opinion, action should be taken by any officials of the Federal Government in this matter which they are unwilling to take and which you are not authorized to direct, I would appreciate your bringing the matter to my attention for decision."

Relevant documentation regarding the implementation of this cooperative effort at different levels in Washington and New York is found in File No. 501.AD.

Sperry Gyroscope Plant at Lake Success, Nassau County, Long Island, the New York City Building at the World's Fair Grounds, Flushing Meadows, and construction of a 550 unit housing project at Jamaica, Long Island.

2. Making available to the United Nations for the purpose of temporary housing of members of the Secretariat between now and approximately May 1, 1947, Fort Totten at Bayside, Long Island, now occupied by an ATC unit.

3. Providing necessary equipment for the maintenance of adequate transportation facilities between residential centers, the Sperry Gyroscope Plant, and Flushing Meadows.

The other Federal agencies which seem to be involved in this matter are the War Department, Navy Department, Civilian Production Administration, National Housing Administration, Public Buildings Administration, War Assets Corporation, and the Reconstruction Finance Corporation.

I suggest that you designate a member of your staff to take general charge of this operation. Mr. John C. Ross and his associate, Mr. I. N. P. Stokes, have been given the responsibility in the Department for following all matters relating to the headquarters of the United Nations and they will be glad to furnish all possible assistance. I suggest that whoever is to act for you in this matter get in touch with them.

Sincerely yours,

[DEAN ACHESON]

[Annex]

MEMORANDUM

Subject: Assistance to United Nations—Temporary Headquarters

Background

1. The General Assembly of the United Nations voted on February 14, 1946 to establish the interim headquarters of the United Nations in New York City pending final decision concerning the location of permanent headquarters. At the same time it was determined that the permanent headquarters should be in Westchester County, New York, and/or Fairfield County, Connecticut, but this decision is subject to reconsideration as explained below in paragraph 9.

2. In view of the fact that the United Nations Security Council was scheduled to reconvene in New York on March 21, representatives of the Secretary General decided on March 6 that the facilities immediately available at Hunter College in the Bronx would best suit the needs of the United Nations for temporary headquarters. Construction was started immediately, Secretariat offices were installed at Hunter, and the Security Council held its first meeting as scheduled

on March 21. Since then the Security Council has continued to use these facilities, the Secretariat has expanded its staff to a total of approximately 800 and various commissions and committees have used the Hunter facilities for meeting purposes.

3. During the month of April it rapidly became apparent that the Hunter College facilities would be inadequate for the needs of the United Nations. The Secretary General, Mr. Trygve Lie, is the chief administrative officer of the United Nations and clearly has the responsibility and the authority to decide the best location within the New York City area for location of the temporary headquarters and to make all necessary physical arrangements. The Secretary General, after consultation with New York City authorities and other interested groups has now decided that the Secretariat offices, meeting rooms for the Security Council, Economic and Social Council, commissions and committees should be located at the Sperry Gyroscope Plant, Lake Success, Nassau County, Long Island, and that the United Nations Assembly should meet in the New York City Building at the World's Fair Grounds, Flushing Meadows, Long Island. The next meeting of the Assembly is scheduled for September 3; the Security Council will remain in continuous session; other Councils, commissions and committees will continue to meet periodically. It is intended that office space for the various delegations to the United Nations will also be provided as required at the Sperry Plant.

4. It would probably be generally agreed that the arrangement described in Paragraph 3 is not an ideal one. Both the Sperry Plant and the New York City Building are some miles distant from Manhattan and from each other, and transportation will be a very difficult problem particularly since many of the delegations will maintain their office and residence headquarters in Manhattan. There will also be a number of difficult operating problems resulting from the physical separation of parts of the whole United Nations organization. Housing for members of the Secretariat and of the delegations will also be a very difficult problem but this problem would exist regardless of location.

5. On the other hand there are substantial advantages in the selection of the Sperry-Flushing Meadows location. For one thing the Sperry Plant is very modern and readily adaptable to use for offices and meeting rooms with large possibilities for expansion as may be required. The New York City Building at Flushing Meadows lends itself very well for adaptation as a large Assembly meeting hall without substantial cost to the United Nations. On the whole, careful investigation indicates that the Secretary General's decision is the wisest one that could have been made in a very difficult situation.

6. This decision having been made, Secretariat and more particularly city authorities have been severely critical of the failure of the Federal Government to assist adequately in making this decision effective so that it would be possible to establish the United Nations in the new location on an operating basis before the Assembly meeting on September 3. The city authorities have obligated the city to spend more than \$2,000,000 in preparing the Flushing Meadows buildings for the General Assembly, and in many other ways, with particular reference to housing, they are making outstanding efforts to achieve the desired results. However, a week ago the city reached the conclusion that they simply could not undertake the obligations involved without assurance on two points: first, that the Federal Government would get behind the project and assist in every way possible and, second, that all parties concerned would agree that the arrangements contemplated would stand for a three-year interim period subject to renewal for an additional two years.

[Here follows summary of exchange between Mr. Stettinius and President Truman.]

501.AC/4-2446

The Secretary of State to the Chairman of the Committee on Foreign Affairs, House of Representatives (Bloom)

WASHINGTON, May 22, 1946.

MY DEAR MR. BLOOM: I am now in a position to reply more fully to your letter of April 24, 1946, transmitting for the comments of the Department of State copies of H. Con. Res. 143, a concurrent resolution "To provide for United Nations passports."³⁷

While I concur in the desirability of permitting travel in times of peace in all states Members of the United Nations or indeed in any portion of the world in which conditions are not abnormal, I consider that it is desirable that American citizens be documented by this Government. Moreover, Section 1 of the Act of July 3, 1926 provides that the Secretary of State may issue passports, or cause them to be issued by certain officials, under such rules as the President shall prescribe, for and on behalf of the United States "and no other person shall grant, issue, or verify such passports."

In the cases of persons who are officials or employees of the United Nations, a United Nations credential may be recognized as a certificate of the status of the bearer as such an official or employee, but a national

³⁷ Letter of April 24 and enclosure not printed; an interim reply had been sent on April 29, not printed.

passport may also be required in most instances, if obtainable, for the purpose of establishing the identity of the bearer as a national of the country to which he owes allegiance, there being no such status as that of a national of the United Nations.

The determination of American citizenship is at times a very difficult problem and should be made as far as practicable in the United States where evidence of citizenship is usually available. Without a passport issued by the Secretary of State or under his authority, an American national traveling abroad would be likely to have difficulty in establishing his identity and nationality for the purpose of obtaining protection or assistance from American diplomatic and consular officers.

Since the United Nations is not a government, it has no national territory to which bearers of its passports may be permitted to return after travelling in other countries. Deportation of an alien from the United States can generally be effected under our laws only to the country of which the alien is a citizen or subject or to the country from which the alien came to the United States, which latter country is usually unwilling to accept the alien as a deportee unless he is a citizen or subject of such country. So far as nonimmigrant travel is concerned, the Government of the United States could not accept into its territory the bearer of a United Nations passport who does not have definite assurance of being able to return to the country from which he came or to enter some third country after a temporary sojourn in the United States. It is not believed that the member states would consent to have the United Nations issue a travel document which required each member state to accept the bearer into its territory, as this would involve a question of interference in matters of purely domestic concern to each member state in connection with its immigration and nationality laws, a power specifically withheld from the United Nations by Article 2, Section 7 of the United Nations Charter.

If the proposed measures should be adopted United Nations passports might be obtained by nationals of one member state for the purpose of carrying on objectionable political activities in the territory of other member states, but, according to the provisions of the proposed Resolution, these passports would have to be "honored" by the latter states. In such a case, even if the objectionable activities were directed by the government of the bearer's country, it would be difficult to hold that government accountable, since the bearer would be traveling under the sanction of a document issued by the United Nations.

Since there is no apparent necessity for the United Nations to issue passports, and since there are valid and serious objections to such issuance, I am of the opinion that it would be highly undesirable for this Government to propose the course of action suggested in this bill.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,

JAMES F. BYRNES

501.AC/5-2846 : Telegram

*The United States Representative at the United Nations (Stettinius)
to the Secretary of State*

SECRET US URGENT

NEW YORK, May 28, 1946—6 p. m.

[Received 7:47 p. m.]

244. In a private conversation last evening, Dr. Quo³⁸ said that he and Sir Alexander Cadogan³⁹ had been discussing the question of diplomatic immunity for the representatives of the Security Council.

He said he realized, of course, that granting immunity to 3,000 people of the International Secretariat was a serious problem. He wondered whether it would not be possible for the top representatives on the Security Council to be granted diplomatic immunity immediately just as if they were attached to Embassies in Washington. Later, Sir Alexander Cadogan spoke to me about the same subject, saying that the present system was a great nuisance. I assured both Sir Alexander and Dr. Quo that I would take the matter up immediately.

I appreciate that this request raises a number of problems. Would you please let me know what I may reply to these requests?⁴⁰

STETTINIUS

Editorial Note

Formal negotiations for a site convention began in Washington on June 10 between representatives of the United States led by the Legal Adviser of the Department of State, Mr. Charles Fahy, and a United Nations team headed by the United Nations Assistant Secretary Gen-

³⁸ Dr. Quo Tai-chi, Chinese representative on the Security Council.

³⁹ United Kingdom representative on the Security Council.

⁴⁰ The Delegation was informed by telephone on June 18 that "serious consideration was being given to the possibility of amending the International Organizations Immunities Act to give full diplomatic privileges and immunities to principal representatives to the United Nations as well as certain high-ranking members of their missions. In view of the fluid status of the whole question of diplomatic privileges and immunities it was suggested . . . that an answer to telegram 244 be deferred until such time as the current negotiations regarding the site convention have been completed [see the editorial note, *infra*] and it is known whether or not an amendment will be sought to the International Organizations Immunities Act." The Delegation meanwhile was reminded that certain privileges and immunities were already accorded to principal representatives at the United Nations by the provisions of the International Organizations Immunities Act. (Memorandum of telephone conversation between Mr. C. M. Marcy of the Department and Mr. Samuel DePalma of the Delegation staff, June 18, 501.AC/5-2846)

eral for Legal Affairs, Dr. Ivan Kerno. One representative each from the State of New York and the State of Connecticut also attended. In a statement issued to the press on June 11 entitled "Negotiations on Legal Arrangements for United Nations Headquarters" the Department of State emphasized that the negotiations were confined to legal matters and did not concern the question of where the actual site would be located; see Department of State *Bulletin*, June 23, 1946, page 1078.

Seven meetings were held between June 10 and June 18 and resulted in a draft text described as a "convention/agreement". The exact form of the instrument was left undetermined pending a decision on the part of the United Nations officials as to whether an agreement authorized by a joint resolution of the United States Congress would be a satisfactory arrangement from their point of view. In this connection Mr. Fahy on June 13 handed to Dr. Kerno at the latter's request a memorandum indicating in what respects an executive agreement approved by joint resolution of the Congress would have the same constitutional validity as a treaty. Minutes of the meetings of June 12-18 and other relevant documentation including the June 20 draft text and the June 13 memorandum are found in the "Background Book"; the June 20 text is also printed as United Nations document A/67, September 1, 1946 (found in United Nations depository libraries).

Subsequently the Legal Adviser described the contents of the draft text as follows: "Stated broadly, the principal provisions of the draft Agreement are as follows:

"1. It provides that the United States will acquire land, by condemnation if necessary, for transfer to the United Nations, (Section 3);

"2. It authorizes the United Nations to establish its own communications system and to establish an airport, (Sections 7 and 8);

"3. It provides that the area owned by the United Nations shall be inviolable, i.e. the area shall not be entered by federal, state, or local officials of the United States in performance of their duties except with the consent of the Secretary-General of the United Nations, (Section 10);

"4. It provides that federal, state, and local law of the United States is to apply within the zone except as otherwise provided in the agreement, (Section 15);

"5. It provides that regulations made by the United Nations for the purpose of establishing conditions within its area appropriate for the execution of its functions shall be operative within the United Nations area, and that any federal, state, or local law of the United States inconsistent with such regulations shall to that extent be inapplicable within the United Nations area (Section 16);

"6. Except as otherwise provided in the Agreement, the federal, state and local courts are to have jurisdiction over acts done and transactions taking place within the United Nations area (Section 17)." (Memorandum, the Legal Adviser to Mr. George T. Washington, As-

sistant Solicitor General, Department of Justice, August 15, 1946, document 6a in "Background Book")

Letters regarding the negotiations with accompanying draft text were submitted for comment during July and August to the Chairman of the Senate Foreign Relations Committee, the Attorney General, the Secretary of the Navy, the Secretary of War and the Administrator of Civil Aeronautics; the texts of these letters and the replies are found in Section 5 of the "Background Book". This step was taken in preparation for the final negotiations for a site agreement between the United States and the United Nations, when a firm decision had been made on the location of the site for the permanent headquarters.

501.AC/6-1046

The Acting Secretary of State to the Acting Secretary General of the United Nations (Sobolev)

WASHINGTON, July 30, 1946.

EXCELLENCY: I have the honor to refer to the letter dated June 10, 1946 from the Secretary-General⁴¹ with which he enclosed five copies of the English and French texts of the Convention on the Privileges and Immunities of the United Nations. The Secretary-General asked what steps the Government of the United States of America has taken or intends to take in order to give effect to this Convention and expressed the hope that pending accession to the Convention, the American authorities will take into account the provisions of the Convention in their relations with the United Nations.

I am pleased to inform you that the Government of the United States of America now has the Convention on Privileges and Immunities of the United Nations under study. I shall communicate with you in the near future regarding the specific steps being taken with reference to the Convention.

Your Excellency's attention is invited to the International Organizations Immunities Act, approved December 29, 1945 (Public Law 291, 79th Congress 1st Session), two copies of which are enclosed. This legislation, as applied to the United Nations by Executive Order No. 9698, February 19, 1946 (11 *Federal Register* 1809), extends to the United Nations and its personnel many of the privileges, exemptions, and immunities for which provision is made in the Convention on Privileges and Immunities of the United Nations.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:

DEAN ACHESON

⁴¹ Not printed.

501.AD/7-3046

The Legal Adviser (Fahy) to the United Nations Assistant Secretary-General for Legal Affairs (Kerno)

WASHINGTON, July 30, 1946.

MY DEAR MR. KERNO: This will confirm the understanding of the State Department regarding the proposed agreement between the United Nations and the United States with respect to the establishment of the permanent headquarters of the United Nations.⁴²

The attached draft⁴³ embodies the changes in the document originally submitted to the Secretary-General by the General Assembly which have resulted from the extremely helpful and friendly negotiations recently held between representatives of the United Nations and the Department of State, in which representatives of the States of Connecticut and New York also participated.

An effort was made in these negotiations to reach a form of agreement which would be suitable regardless of the location and size of the headquarters, on the theory that, before the agreement is actually executed, the details which must be worked out after determination of the location and size would be incorporated in an annex. Very satisfactory progress has been made in this respect, but it seems unwise, for two reasons, to approve this document definitely now as representing agreement between the Secretary-General and the Department of State.

In the first place, the significance of several provisions of the proposed agreement cannot be adequately determined except in the light of specific locations which may be under consideration and with the benefit of consultation with representatives of the particular communities affected. This is especially true with respect to such matters as loss of local tax revenues and the effect on land values of the proposed option to acquire additional land in the defined "zone".

In the second place, although the Committee named by the General Assembly to assist in the negotiation of the agreement is no longer in session, the Headquarters Commission is continuing to explore with various local officials many of the legal problems which may be involved. These discussions are almost sure to shed new light on various matters which are covered by the proposed agreement and to result in suggestions for mutually agreeable modifications.

It is understood that the attached draft agreement will be included in the report of the Secretary-General to the General Assembly as

⁴² Earlier exchanges had occurred between officials in the Department and the Secretariat on the working level; this documentation, found in the 501.AD file, is not printed.

⁴³ Not printed; see United Nations document A/67, September 1, 1946.

representing the result of the negotiations to date; that it is to be regarded as an unfinished draft, with respect to which both parties remain free to request modifications in the light of various factors which may be developed as particular locations come up for specific consideration; that the Secretary-General's report including this document will be made public; but that all copies of the draft agreement which are released either by the United Nations or by this Department will be plainly marked so as to indicate that it is an unfinished or working draft only and has not been finally approved by either party.

Allow me to express once more my appreciation of the friendly spirit, devotion to the ideals of the United Nations, and keen understanding of the many problems involved, which have been shown by you and your associates and the members of the Negotiating Committee in the course of our discussions of this subject.

Sincerely yours,

CHARLES FAHY

501.AC/5-2846

The Acting Secretary of State (Acheson) to the Acting United States Representative at the United Nations (Johnson)

No. 27

[WASHINGTON,] July 31, 1946.

The Acting Secretary of State refers to telegram No. 244, dated May 28, 1946, concerning a conversation with Dr. Quo and Sir Alexander Cadogan during which the question of diplomatic immunities for representatives to the Security Council was discussed.

There are enclosed for the information of the Acting United States Representative five copies of Senate Bill No. 2472 (79th Congress, 2d Session),⁴⁴ to amend Public Law 291, the International Organizations Immunities Act. It will be observed that the proposed amendment is designed to give the Secretary General and the Assistant Secretaries General of the United Nations and principal resident representatives of Members and certain of their staffs the same privileges, exemptions, and immunities as are accorded diplomatic envoys of foreign governments. This amendment will, if enacted, give effect to Section 19 of the General Convention on Privileges and Immunities of the United Nations, and to Section 27 of the June 20, 1946 draft Convention/Agreement between the United Nations and the United States of America (SD/A/NC/8).⁴⁴

It would be appreciated if the Acting United States Representative would bring this legislation to the attention of the Assistant Secre-

⁴⁴ Not printed.

tary General for Legal Affairs of the United Nations as well as to the attention of such resident representatives of Members as may be interested.

There are also enclosed five copies of Public Law 291, which, as implemented by Executive Order 9698, February 19, 1946, but without the proposed amendment, confers many privileges, exemptions, and immunities upon alien officers and employees of international organizations, upon aliens designated by foreign governments to serve as their representatives in or to such organizations, and upon the families and servants of such persons. Among other privileges, exemptions, and immunities are exemption from federal income tax upon salaries earned in the United States, customs courtesies upon initial arrival, and immunity from suit and legal process relating to acts performed in official capacities. Persons of the above categories are also entitled to the same privileges, exemptions and immunities as are accorded under similar circumstances to officers and employees of foreign governments and members of their families so far as alien registration, fingerprinting, and registration of foreign agents, are concerned.

The privileges and immunities given by the International Organizations Immunities Act are not of course "diplomatic" privileges and immunities, but until such time as the proposed amendment becomes law it appears that representatives of Members must rely on Public Law 291 for such privileges, exemptions, and immunities as they may claim. The Acting United States Representative is authorized to use the information in this instruction in any way he deems appropriate.

501.AC/8-146

Memorandum of Conversation, by Carl M. Marcy, of the Division of International Organization Affairs

[WASHINGTON,] August 1, 1946.

Participants: Mr. Fahy—Le
Miss Whiteman—Le
Mr. Halderman—OA
Mr. Marcy—OA

At Mr. Fahy's request, the meeting was held in his office to discuss steps which the Department of State should take in connection with the Convention on Privileges and Immunities of the United Nations.

After some discussion, there was agreement that it would be proper to submit the Convention to Congress for its approval by a joint

resolution. There was also agreement that the Department of State should submit the Convention to the Bureau of the Budget for clearance prior to submitting it to the Congress. It was agreed that OA would, in consultation with Le and RP, prepare the necessary communications.

501.AD/8-246

*The United Nations Assistant Secretary-General for Legal Affairs.
(Kerno) to the Legal Adviser (Fahy)*

NEW YORK, 2nd August 1946.

MY DEAR MR. FAHY: I acknowledge with thanks the receipt of your letter of July 30th, and the enclosed copy of the draft instrument relating to the establishment of the permanent headquarters of the United Nations.

It is also my understanding that the draft instrument does not, at this stage, represent a definitive agreement between the Secretary-General and the Secretary of State, and that further discussions may be needed when a specific location is chosen as the site of the permanent headquarters. I am certain that you share my hope that it will be possible to hold these further discussions during the forthcoming session of the General Assembly, with a view to submitting a definitive text before the Assembly adjourns.

It is the intention of the Secretary-General to report on this matter to the General Assembly and to transmit the present text with the explanation that it represents the results of negotiations to date and that a definitive text will be prepared at a later date, probably during the course of the session.⁴⁵

In publishing the text, the Secretariat will use the following caption: "Working Draft—Not as yet finally approved by either party". I would suggest that a similar caption might be used on any text released by the Department of State.

May I thank you again for the close and helpful co-operation which we have had from you and your associates, and in particular the broad comprehension of the needs of the United Nations which you have shown in our negotiations.

Sincerely yours,

IVAN KERNO

⁴⁵ For joint report by the Secretary-General and the Negotiating Committee on the negotiations with the authorities of the United States concerning the arrangements required as a result of the establishment of the seat of the United Nations in the United States, see United Nations document A/67, 1 September, 1946.

501.AC/8-646

*The United Nations Assistant Secretary-General for Legal Affairs
(Kerno) to the Legal Adviser (Fahy)*

NEW YORK, 6 August, 1946.

MY DEAR MR. FAHY: The United Nations Secretariat is receiving an increasing number of questions from Delegations accredited to the United Nations with regard to privileges and immunities accorded in the United States. These questions, which are of growing concern to us, will be disposed of when the general convention on privileges and immunities and the convention on the site come into force. However, it is apparent that a considerable interval will elapse before these instruments can be made effective. In the meantime, the convening of the General Assembly will most probably cause increasing difficulties in this regard. While the United States legislation has proved helpful, experience has shown that it is incomplete, and that some further regulation is necessary.

I should like to propose to you that consideration be given in the very near future to the conclusion of an interim agreement on privileges and immunities which might contain certain of the provisions in the general convention, and in the draft convention on the site. Such an interim agreement might have a duration of six months to a year.

I should very much appreciate having your views on this proposal.
Sincerely yours,

IVAN KERNO

501.AC/8-646

The Legal Adviser (Fahy) to the United Nations Assistant Secretary-General for Legal Affairs (Kerno)

WASHINGTON, August 16, 1946.

MY DEAR MR. KERNO: I have received your letter of August 6 proposing that consideration be given to the conclusion of an interim agreement on privileges and immunities to contain certain of the provisions of the general convention on privileges and immunities of the United Nations and of the convention on the site, pending their coming into force.

In reply, I am pleased to state that should the United Nations Secretariat indicate to this Department the specific privileges and immunities which are desired, and which may not now be obtained under the "International Organizations Immunities Act", Public Law 291, 79th Cong., 1st sess., approved December 29, 1945, sympathetic consideration will be given by the Department to the matter.

Sincerely yours,

CHARLES FAHY

[For an opinion furnished to the Secretary of State by the Acting Attorney General (McGranery) at the request of representatives of the United Nations as to whether an agreement (regarding a site convention) would have the same binding effect as a treaty in superseding inconsistent State and local laws, see text of letter from Mr. McGranery, dated August 20, in Department of State *Bulletin*, December 8, 1946, pages 1068 ff.

The Acting Attorney General stated, in conclusion, “. . . there can be no doubt that the proposed agreement, if executed pursuant to congressional authority, will supersede incompatible State and local laws. As the Supreme Court stated . . . ‘It is inconceivable’ that State constitutions, State laws, and State policies ‘can be interposed as an obstacle to the effective operation of a federal constitutional power. . . .’”

The Legal Adviser forwarded a copy of this opinion to Mr. Kernon in a letter of August 26, with the observation that, “In view of the Acting Attorney General’s definite opinion that an executive agreement executed pursuant to authorization by a joint resolution of Congress would have the same force as a treaty, I assume that the United Nations will regard the choice between an executive agreement and a treaty as a matter for determination by the United States in accordance with its own constitutional requirements and governmental policies.” (501.AD/8-2646).]

501.AC/9-346

*Memorandum by the Director of the Office of Special Political Affairs
(Hiss) to the Acting Secretary of State (Clayton)*

[WASHINGTON,] September 3-9, 1946.

There is attached a draft letter to the Director of the Bureau of the Budget ⁴⁶ requesting the usual clearance for sending to the Congress a letter concerning our accession to the Convention on Privileges and Immunities of the United Nations which was adopted by the General Assembly of the United Nations in February 1946. This Convention is open for accession by all states members of the United Nations. It is designed to implement the provisions of Articles 104 and 105 of the Charter of the United Nations which provide that the Organization and its employees and representatives to the Organization are to enjoy such privileges and immunities as are necessary for the fulfillment of the purposes of the United Nations.

We have discussed this matter with Mr. Fahy and he is in agreement that, even though Congress is in adjournment, the Convention

⁴⁶ Not found attached to file copy.

should be transmitted to Congress. This will protect us when the General Assembly meets in late September against any charges of delay in taking steps looking toward United States accession to the Convention. The matter is especially important in view of the fact that the United States is host to the United Nations.

The draft letters to the President *pro tempore* of the Senate and the Speaker of the House review our problems in connection with granting privileges and immunities not only to the United Nations but to other public international organizations.⁴⁷

Attention is particularly invited to Article VII of the Convention which grants the United Nations authority to issue a *laissez-passer* (let pass). The Passport and Visa Divisions have indicated some doubts as to the wisdom of this Article and have suggested that the article be omitted or that we take a reservation. Copies of their memoranda on this matter are in the underlying file.⁴⁸ The Legal Adviser's Office (as indicated by underlying memoranda⁴⁸) concur with our view that it would be unwise for this Government to take a reservation on Article VII of the General Convention. Such a reservation would defeat the purpose of the provision which is to enable travel on necessary business by officials who because of special circumstances are unable to obtain passports. It should also be noted that the United States is the host state and that the United States Delegation did not make any reservation on this point in voting for this Convention, although it did make reservations on tax exemption and military service. Legal objections to permitting the United Nations to issue a *laissez-passer* to an American citizen would, of course, be taken care of by passage of the joint resolution attached to the draft letters to the Congress.

A[LGER] H[ISS]

501.AC/9-646

Mr. A. H. Feller, General Counsel and Director of the Legal Department, Secretariat of the United Nations, to the Legal Adviser (Fahy)

NEW YORK, 6 September 1946.

DEAR MR. FAHY: I have received your letter of August 16th and am very pleased to hear that the Department of State would give

⁴⁷ The draft letters are not attached to this memorandum and have not been found. A second draft dated October 10 and addressed to Senator McKellar, President *pro tempore* of the Senate, is not printed. A third draft dated November 1, not found in Department's files, was transmitted by the Secretary of State to the Director of the Bureau of the Budget on November 1 for comment by interested departments of the Executive Branch, but no definitive action had been taken by the end of the year.

⁴⁸ Not found attached to file copy.

sympathetic consideration to the conclusion of an interim agreement on certain privileges and immunities of the United Nations.

The most urgent questions in this subject have to do with personal immunities. Consequently, it would seem to us most suitable for an interim agreement, such as we have suggested, to include the substance of the following:

Article IV, Section 19 of Article V, and Article VI of the General Convention on Privileges and Immunities, and Article V of the proposed special Convention/Agreement between the United Nations and the United States.⁴⁹

It would appear to be desirable to put these provisions into effect by way of an executive agreement. As suggested in Dr. Kern's letter of August 6th, the duration of such an agreement might be from six months to a year, or perhaps it might remain in force until the coming into effect of the general and special Conventions.

If you find the above proposals agreeable, we would be prepared to submit a draft incorporating these provisions.⁵⁰

Sincerely yours,

A. H. FELLER

⁴⁹ The contents of the enumerated articles of the general convention may be described in brief as follows: Article IV provided, among other things, for extending full diplomatic privileges and immunities to the principal resident members of Member States and such resident members of their staffs as might be agreed upon between the Secretary General, the United States, and the Member concerned. Amongst officials of the Organization full diplomatic privileges and immunities were extended also to the Secretary-General and the Assistant Secretaries General (Article V). Diplomatic privileges and immunities were extended to lesser officials of the Organization and experts on missions for the Organization only while they were performing their official functions (Articles V and VI).

Article V of the special convention, entitled "Resident Representatives to the United Nations", based on the draft of June 20, read: "Every person accredited to the United Nations by a Member as the principal resident representative of such Member or as a resident representative with the rank of ambassador or minister plenipotentiary, and such resident members of their staffs as may be agreed upon between the Secretary-General, the United States of America and the Government of the Member concerned, shall whether residing inside or outside the zone, be entitled in the territory of the United States to the same privileges and immunities as it accords to diplomatic envoys accredited to it. In the case of Members whose governments are not recognized by the United States of America, such privileges and immunities need be extended to their representatives, or persons on the staffs of such representatives, only within the zone, at their residences and offices outside the zone, in transit between the zone and such residences and offices, and in transit on official business to or from foreign countries."

⁵⁰ In a letter of September 20 Mr. Fahy responded to Mr. Feller: "In so far as immunities and privileges contemplated by the provisions referred to are not covered by authorization of law, the Department would not be in a position to commit this Government to extend them. However, in specific cases relating to official acts, not covered by existing law, the Department will be pleased in appropriate instances, at the request of the Secretary General of the United Nations, pending the coming into force of the agreements referred to, to commend the request to the sympathetic consideration of the appropriate authorities." (501.AC/9-646)

501.AC/9-346

Memorandum by the Director of the Office of Controls (Lyon) to Joseph A. Panuch, Deputy to the Assistant Secretary for Administration (Russell)

[WASHINGTON,] September 17, 1946.

[Subject:] Convention on Privileges and Immunities of the United Nations with Particular Reference to Issuance of "*Laissez-Passer*"—Let Pass

With reference to our conversation this morning, I submit the following as the reactions of PD, VD, and CON to the proposed letters drafted by OA and addressed to Senator McKellar and Representative Rayburn.

I refer to the attached memoranda of Mr. Hiss (SPA) dated September 3-9, 1946 and that of Mrs. Shipley (PD) dated September 10 and other communications.⁵¹

I agree heartily with the opinion expressed by Mrs. Shipley in her memorandum relative to the issuance of a *laissez-passer* by UN. Also, I wonder whether the proposed authority would not create an undesirable precedent. In these days of international organization isn't it quite possible that we may find ourselves faced with other international organizations desiring to have the same authority; i.e., International Monetary Funds and Bank; the International Labor Office; and possibly the World Federation of Trade Unions? This authority granted by the proposed Convention might well become a rallying point for other international groups to obtain the same privileges.

My ignorance of the operations of the defunct League of Nations doesn't permit me to state categorically that their experience didn't lend itself to requesting its member nations to seek such authority. If such a *laissez-passer* were unnecessary for the officers of that organization, I cannot perceive of the necessity existing today with UN.

With specific reference to the last paragraph of Mr. Hiss's memorandum of September 3, I admit readily that I lack the imagination to perceive in what manner a reservation concerning the proposed use of authority by the Secretary-General of UN to issue a *laissez-passer* would defeat the purpose of the provision which is to enable UN officials to travel where, because of "special circumstances" and "unusual situations", they are not able to obtain passports. "Special circum-

⁵¹ The PD memorandum is not found in the files. Mr. Lyon had before him an internal memorandum of the Office of Controls dated September 12 which called attention to the fact that no reservations had been made at London by the United States Delegation with respect to the issuance of *laissez-passer* by the United Nations, and which urged that "The least the Department can do in submitting the proposed Convention through the Bureau of the Budget to the Senate would be to call specific attention to the ramifications arising from the proposals" (501.AC/9-1246).

stances" and "unusual situations" are apt to be misleading or, at least, difficult to interpret. To the best of my knowledge all member nations have passport issuing authorities, and I don't understand the necessity for the proposed *laissez-passer*. At least until such a time as the UN is a going concern in a practical sense I see no reason why we should abrogate any of our laws or regulations, particularly when by so doing no real advantage is gained and abuses may arise. I see no reason for superimposing a new travel document issuing authority on the already established and accepted international procedure. Perhaps if PD, VD, and CON were aware of the problem that this proposal is supposed to solve, and understood the "special circumstances" which prove the inadequacy of the existing procedure, we might have no logical reason to advance in opposition to this proposed concession. We do not feel, however, that merely because no reservations were made formally at the time of its original consideration by UN that the proposed convention should be labeled *fait accompli*.

We believe that the least the Department can do in submitting the proposed Convention, through the Bureau of the Budget to the Senate and the House, would be to call specific attention to the ramifications arising from the proposals.

IO Files : US/A/M (Chr.)/3

Minutes of the Third Meeting of the United States Delegation, Held at New York, Hotel Pennsylvania, October 18, 1946, 10 a. m.

SECRET

[Here follows list of names of persons (24) present.⁵²]

PERMANENT HEADQUARTERS CONVENTION

Senator Austin introduced Mr. Fahy, who opened the discussion of problems in connection with the establishment of the permanent headquarters of the United Nations in the United States. Mr. Fahy said that there were two problems involved: First, the question of the precise location of the permanent headquarters; and second, the legal arrangements which would be necessary in connection with the location of the headquarters. So far as the legal arrangements are concerned, Mr. Fahy said that an agreement had been negotiated between the United Nations and the United States which was as complete as it was possible to make it without knowledge of the specific whereabouts of the headquarters area. This agreement was a working draft and subject to change by both parties, depending upon the precise loca-

⁵² For the composition and structure of the United States Delegation to the Second Part of the First Session of the General Assembly, see pp. 37-42.

tion of the headquarters. He said that the agreement, after completion, would, of course, be referred to Congress for its approval.

Mr. Fahy said that representatives of the States of Connecticut and New York had participated in negotiating the agreement and that when the working draft was completed there was substantial agreement among all parties. Subsequently certain local officials in Westchester County had objected to some provisions of the agreement. Representatives of the State of California have indicated, however, that the agreement is acceptable to them without change. Connecticut representatives also indicated approval of the agreement. Local Westchester objections centered on such matters as the problem of tax reimbursements, options to buy, the supplying of public services, and similar matters. Mr. Fahy said that the United States would want to suggest certain minor changes in the agreement on the basis of comments which have been received from other government agencies. Copies of the draft agreement, during various stages of development, have been sent to the Chairmen and ranking minority members of the Senate and House Committees on Foreign Relations and Foreign Affairs. Representative Bloom said that he had never received a copy.

Mr. Fahy said that the position which the State Department had taken in negotiating the agreement, was that the United States should be generous to the United Nations, making them welcome, giving them the freedom necessary for the accomplishment of their functions, and not to try to restrict their activities by unnecessarily rigid, restrictive provisions in the agreement.

Mr. Fahy pointed out that the advisers hoped it would be possible early in the meeting of the General Assembly to select the permanent headquarters and thereafter, while the General Assembly was still in session, to put the draft working document into a form which could be approved by the General Assembly before its adjourns. The document, with supporting legislation, would then be submitted to the United States Congress.

Representative Bloom asked how long it would take to select the site. Mr. Fahy said that he hoped the selection could be made this session of the General Assembly and that the negotiations regarding the site agreement could be completed this session. He added that it would undoubtedly be several years before actual construction of the headquarters would begin.

TERMS OF REFERENCE OF HEADQUARTERS COMMISSION

Representative Bloom remarked that the terms of reference of the Headquarters Commission confined its activities to Westchester and Fairfield counties. He asked if the Federal Government was going to take land by condemnation. Mr. Fahy said that the condemnation

question involved the consideration of where the site should be, that is, whether or not the site should be in an area where it might be necessary to condemn land.

Mrs. Roosevelt suggested that the problems would be considerably simplified if publicly owned land could be taken for the permanent headquarters. She suggested that consideration be given to the former Odgen Mills, Vanderbilt and Rogers estates in the vicinity of Hyde Park, and also to the Harriman Section of the Palisades Interstate Park and the Pound Ridge Reservation. She felt that dispossession and tax problems were serious and valid objections which would be obviated by the selection of public lands or private estates.

Mr. Fahy said that the State Department felt it was unfortunate that the terms of reference of the Headquarters Commission were confined to Westchester and Fairfield counties, but that in view of the position of neutrality which had been taken in London on the entire site question, it had not been possible to intervene to broaden the terms. He said that the Department now felt that the terms of reference should be broadened and that the Delegation should take an active part in giving guidance and help where necessary in the selection of the permanent headquarters.

UNITED STATES ATTITUDE TOWARD SITE SELECTION

Mr. Dulles said that he felt our trouble on the headquarters matter could be traced to our policy of neutrality, that this policy had given the United Nations the feeling that it could take any place in the United States it wanted for the Headquarters. He said this, of course, was not possible because only the United States Government could take property for the use of the United Nations. Mr. Dulles said that this Government must take the responsibility for telling the United Nations where it would fit in best. He felt that it was necessary for the United States to take an active part and tell the Organization when and where we will be willing to exercise the power of eminent domain.

Mr. Fahy agreed with Mr. Dulles and said that was the position we propose be taken. He said that the advisers proposed that the Headquarters Committee of the General Assembly be asked to create a subcommittee, with United States representation, and to make the terms of reference of the subcommittee broad enough so that the United States Delegation, in its assistance to the committee, would not be confined to the Westchester area.

[Here follows extended discussion of the problem.]

Mr. Ross said he thought it would be useful to have in mind the type of procedure which it was thought advisable for the Delegation to adopt in the Headquarters Committee of the General Assembly on this question. In order to do this he suggested that it may be appropri-

ate to distinguish between the bodies concerned. He referred in this connection to the Headquarters Commission and the Headquarters Committee. The Headquarters Committee was a proposed committee to be composed of representatives of the 51 nations and it was in this committee that the question would be considered in the forthcoming session. The procedure which the advisers have had in mind would avoid a general debate in a plenary session or in the 51 nation committee. He thought that it might be possible to get started on this problem without a long debate and discussion. What the advisers proposed was that as soon as the Headquarters Commission Report was presented to the Headquarters Committee, the Delegation should immediately suggest the creation of a subcommittee composed of representatives from the original member states represented on the Headquarters Commission, plus the United States and two to five additional members. That subcommittee should:

- (a) Study between four and six possible locations.
- (b) Determine which of the possible locations the subcommittee should recommend back to the Headquarters Committee.

Mr. Ross felt that it will probably be necessary, in view of the work which the Headquarters Commission had done, to consider seriously whether or not it was possible to find a site in Westchester. He pointed out that it must also be remembered that New York City was extremely interested in the possibility of locating the United Nations permanently at Flushing Meadows. There was also, he said, the problem of the intensified interest of Governor Warren and other Californians in the possibility of locating the permanent site in the San Francisco area. Mr. Ross said that he believes the delegation must give full consideration to four to six possible sites and that these sites alone should be used as a basis for discussion.

[Further discussion followed.]

ATTITUDES OF UN MEMBERS TO SITE LOCATION

There was brief discussion of the position of the various countries with respect to the location of the United Nations in Europe or in the United States.⁵³ Reference was made to a circular telegram in which

⁵³ The Department was very much concerned at this time at what was described by Mr. Nelson Rockefeller as "great bitterness in United Nations circles against New York and Federal Government because of our failure to make available necessary office space in accordance with what they claim to be Federal Government's assurances to all delegations three months ago that space would be provided. . . ." (telegram 4992, October 5, from Paris, (501.BB/10-546)). The Director of the Office of Special Political Affairs (Hiss) had already on October 3 written a memorandum on the subject to the Acting Secretary of State (Acheson) in which he referred to "the international implications of failure of this Government to fulfill its commitment, and . . . the extremely critical situation in New York. . . ." (501.AD/10-346)

the Department of State inquired of American missions abroad the reaction of the various countries to this question.⁵⁴

The replies indicated a majority of the members favor location in the United States, although it was not clear that all of those favoring some part of the United States would favor any other section as against a site in Europe.

IO Files: US/A/M (Chr.)/13

Minutes of the Thirteenth Meeting of the United States Delegation, Held at New York, Hotel Pennsylvania, November 1, 1946, 9:00 a. m.

TOP SECRET

[Here follow list of names of persons (32) present and discussion of other items on the agenda.]

Headquarters Problem

Mr. Ross reported that on the preceding afternoon the Secretary had sent a message expressing his view that in opening the site question consideration should be limited to the Metropolitan New York area and the San Francisco Bay area.

Senator Austin noted that the press had been begging for a position statement by the United States Delegation. He stated that he proposed to give them a statement that would point out the grief involved in removing people from their home. Emphasizing this, he would urge the expansion of the Committee's authority and an enlargement of the Commission's personnel so that examination could be made of other locations around New York. Specifically to be mentioned should be the Flushing and San Francisco sites. He would further advocate that the sites to be considered should be modest in cost. He asked for the Delegation's views on this proposed statement.

Senator Vandenberg inquired whether it was intended to postpone the decision beyond this session of the Assembly.

Mr. Stokes replied that Senator Austin's statement should emphasize the importance of speed.

Mr. Bloom said that he thought the press statement should make clear that sites could be examined within one hundred miles of New York City because in that area were a number of parks which would provide free land.

Senator Austin said he thought it perfectly possible to include these areas and had no intention of doing otherwise.

⁵⁴ Telegram to chiefs of mission accredited to governments of Member States of the United Nations, September 19, 9 a. m., not printed.

Mr. Ross agreed that this was the case and said that there were a number of parks within fifty or one hundred miles of New York which should be examined.

Senator Vandenberg pointed out that in the opening of the proposed statement mention was made only of the New York area.

Senator Austin agreed that it would be desirable to leave out the word "metropolitan", and this was agreed to by the Delegation.

Mr. Dulles stated that he understood the essence of the position was that the United States was going to take an active part in the Headquarters Commission's [*Committee's*] work and join the Headquarters Commission. Mr. Stokes pointed out that the United States suggestion would be submitted as an amendment under Article [*item*] 15.

Senator Austin polled the Delegation on supporting the enlargement of the agenda item in the sense of his above statement and it was unanimously agreed that this should be done.⁵⁵

⁵⁵ In a United States Delegation press release (#62) on November 1 Senator Austin announced that the United States Government now planned to "take an active part in assisting the United Nations to reach a final decision on its permanent home at this session of the General Assembly", "in response to what we find to be the desire of other member nations. . . ." With the Report of the Headquarters Commission (United Nations document A/69) in the hands of the Permanent Headquarters Committee on October 31, the U.S. Delegation on November 2 submitted a request to the General Committee that the General Committee recommend to the General Assembly that the item on the agenda of the General Assembly dealing with the selection of a site for the permanent headquarters (item 15) be amended as follows: "Item 15 of the agenda, 'Report of the Headquarters Commission and Appointment of a Planning Commission of Experts (Resolution of 14 February 1946)', is hereby amended to read, 'Report of the Headquarters Commission and consideration of possible alternative sites for permanent headquarters in the New York area and in the San Francisco Bay area which may be available without cost or at reasonable cost; and appointment of a Planning Commission of Experts (Resolution of 14 February 1946)'".

In support of this proposal Senator Austin said in part before the General Committee on November 5, ". . . that, though the United States delegation had formerly believed it should maintain a neutral position on the question, the development of complications and difficulties in the acquisition of a site, and the fact that Congress would probably have to intervene in order to obtain a site, made it impossible for his delegation to stand by as simple observers.

"The report of the Headquarters Commission had been limited to two counties in the State of New York. However, the offer of the City of New York to donate the site used at present for the General Assembly also deserved serious consideration, as did the City of San Francisco's offer of a site, up to three square miles in size in the San Francisco Bay area. Those offers accounted for the phrase 'without cost or at reasonable cost' in the amendment." (GA (I/2), *General Committee*, p. 84)

For the debate in the General Committee on this U.S. proposal, see *ibid.*, pp. 84-86.

A decision was made on November 7 in a meeting of the executive and political officers of the U.S. delegation that this proposal should be vigorously pushed in the General Assembly plenary debate (10 Files, document US/A/M/8).

The General Assembly adopted the proposal on November 9 with a United Kingdom amendment that widened the area under consideration to include "other parts of the United States of America" besides the New York and San Francisco areas, the United States being in stated opposition to the United Kingdom amendment (GA (I/2), *Plenary*, pp. 944-952).

Concurrently, the United States (Senator Austin) had on November 7 proposed

501.AD/11-2546 : Telegram

Senator Austin to the Acting Secretary of State (Acheson)

CONFIDENTIAL

NEW YORK, November 25, 1946—7 p. m.

US URGENT

[Received 7:23 p. m.]

854. Report from US representative on committee inspecting alternative sites for permanent headquarters of UN indicates that committee feels Presidio⁵⁶ is best possible site in San Francisco area. Many members of committee feel Presidio is best possible site in US.

Following meeting of committee in San Francisco Sunday morning at which Presidio was fully discussed, the chairman, Zuleta Angel of Colombia, made formal request in name of committee to US representative to ascertain if at all possible before November 30 whether Federal Government is prepared to offer the Presidio. I should greatly appreciate it, therefore, if you would take this matter up with the Secretary of War and the President also if you deem it advisable.

I consider it very important that we make this offer. As you know I have taken a very strong stand in support of keeping the permanent headquarters in the US and of reaching a definitive decision on a specific site at this session of Assembly. In view of our strong position on these points and our policy of active participation in this matter, I feel that the Federal Government should be no less generous than the many American communities and individuals who have made very generous offers of large and valuable tracts of land.

An offer of the Presidio, whether or not the Assembly finally decides to accept it, would also help dispel for once and all the still lingering criticism that the Federal Government has not done all in its power to assist the United Nations in getting settled in the US despite our protestations in favor of keeping the permanent headquarters here. It would also help avert any last move by Russian bloc, in light of Stadnik affair,⁵⁷ for example, to establish headquarters in Europe rather than in US.

in the Headquarters Committee the establishment of a sub-committee which would, first, consider the Report of the Headquarters Commission, and, secondly, after appropriate action by the General Assembly, then proceed to a consideration of alternative sites in the New York and San Francisco Bay areas (United Nations, *Official Records of the General Assembly, First Session, Second Part, Permanent Headquarters Committee*, p. 107; hereafter cited as GA (I/2), *Headquarters Committee*). After debate on November 7, 11, 13 and 14 the Committee on November 14 adopted the U.S. resolution as amended by a United Kingdom proposal to include specifically the Boston and Philadelphia areas in the sites to be investigated (GA (I/2), *Headquarters Committee*, pp. 107-119); for text of the amended resolution, see *ibid.*, pp. 170 and 171, annex 5.

⁵⁶ The Presidio of San Francisco, an United States Government military reservation immediately adjacent to the city of San Francisco, California, and overlooking the entrance to San Francisco harbor (the Golden Gate) and the Pacific Ocean, with an area of about 2½ square miles.

⁵⁷ This refers to the wounding by gun-fire of one of the Ukrainian delegates who happened to be present in a New York City delicatessen store at the time of an armed robbery.

Such an offer would also be consistent with the views expressed by the President and the Secretary [of] State when we discussed this matter in White House as to desirability of making public lands available to UN.

I understand that Charles Fahy has had a study made indicating it would be possible legally to make the Presidio available.⁶⁸

AUSTIN

IO Files : US/A/Site/6

*Memorandum by Mr. I. N. P. Stokes of the Staff of the United States
Delegation to Senator Austin*

[NEW YORK,] November 29, 1946.

Subject: Permanent Headquarters

SUMMARY OF PRESENT SITUATION

The Subcommittee of the Committee on Headquarters is expected to complete its inspection of sites on Saturday, November 30, and to meet on Monday, December 2, or the following day to consider its recommendations to the full Committee as to the site or sites which it deems best. As far as I have been able to sense the feelings of the Subcommittee, the prevailing opinion in the Subcommittee is as follows:

(1) The best site, considering local conditions only and without reference to distance from Europe, is the Presidio in San Francisco.

(2) The next best site is the Belmont Plateau and nearby lands offered as a gift by the City of Philadelphia and the Commonwealth of Pennsylvania.

(3) There are attractive sites in the neighborhood of New York, but they are expensive, not immediately adjacent to the City and the local opposition has created serious complications. No one seems to like the Flushing Meadows site which is offered as a gift by New York City.

(4) The sites offered in the neighborhood of Boston are not very suitable for building purposes.

(5) Most of the members of the Subcommittee would rather live in New York or Boston than in Philadelphia, but the beauty and convenience of the site offered in Philadelphia and the generous and clear-cut nature of the offer outweigh this factor.

(6) Our best information is that out of the 54 Member Nations 16 favor San Francisco, 15 favor the East Coast and the remaining 22 either have not decided or do not particularly care and would follow the lead of the United States. Of those favoring the East Coast six would follow our lead in either event. In all probability the site selected will be whichever one the United States favors. If this result is to be achieved, however, it is important that the United States position be made known before a vote is taken in the Subcommittee.

⁶⁸ A typewritten notation at the end of the telegram indicated that the text of the telegram had been transmitted to President Truman and the Secretary of War (Patterson).

[Here follows a description in some detail of each of the sites examined by the subcommittee with a discussion of the respective merits and draw-backs of each location.⁵⁹]

501.AD/11-2946

Memorandum by the Attorney-General (Clark) to President Truman

CONFIDENTIAL

[WASHINGTON,] November 29, 1946.

You have requested my informal views regarding the proposal to transfer to the United Nations the army reservation known as The Presidio of San Francisco, for use as a permanent headquarters by the United Nations.

The Presidio is located on San Francisco Bay in the City and County of San Francisco, embracing some 1,400 acres. The original reservation was set apart from the public domain by Executive order dated November 6, 1850, and the United States has exclusive jurisdiction over it.

The Constitution provides in Article IV, Section 3, that "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. . . . This provision has been uniformly interpreted as giving the Congress plenary and exclusive power over the disposition of the real property of the United States. 22 Op. A.G. 546: 14 Peters 538.

There is no general statute authorizing the sale or other disposition of army reservations of the character of The Presidio. It has been suggested, however, that sufficient statutory authority in the present situation may be found in the Surplus Property Act of 1944, and that any army post "which has been determined to be surplus to the needs and responsibilities" of the War Department can be disposed of as surplus property. But even if The Presidio, as a matter of law, is subject to disposal under the Surplus Property Act, a question concerning which I have some doubt, the problem still remains of determining whether or not it is in fact surplus. Whether or not such a determination can properly be made is, of course, primarily the responsibility of the Secretary of War. I should assume, however, that additional facilities would have to be established, and appropriated for, to replace The Presidio (which is the site of the Letterman General Hospital) in the

⁵⁹ For the report of the Sub-Committee (which became known as Sub-Committee 1), see GA (1/2), *Headquarters Committee*, pp. 171-206, annex 7. The recommendations, followed by lengthy appendices, read: "On the basis of the data set forth above, the Sub-Committee considers itself in a position to recommend to the Committee one of the following sites: in the first instance, the site of Belmont-Roxborough, Philadelphia, and the site of the Presidio, San Francisco, these two sites being regarded as of equal merit; in the second instance, the White Plains site, in Westchester County, New York.

"The views of certain members of the Sub-Committee are attached as annexes." (*Ibid.*, p. 188)

event that it is given up by the Army. This would, of course, be a matter to be passed upon ultimately by the Congress.

Without indicating any final view as to the applicability of the Surplus Property Act to the present circumstances, I should like to point out that the entire problem of providing a site for the United Nations will no doubt at some stage have to be considered and implemented by the Congress. If the Congress should not agree with the proposed transfer of The Presidio, it would be within its power to render the transaction largely nugatory, as by imposing conditions upon appropriations made for the benefit of the United Nations. I would suggest, therefore, that the transfer be made contingent upon approval by the Congress. Perhaps it would be possible to obtain the informal consent of congressional leaders, thus enabling you to announce that there was no doubt in your mind that the transfer would promptly be completed by joint action of the Executive and the Congress.

I am taking the liberty of sending a copy of this memorandum to the acting Secretary of State.

Respectfully,

TOM C. CLARK

501.AD/12-246

Memorandum of Telephone Conversation, by the Director of the Office of Special Political Affairs (Hiss)

[WASHINGTON,] December 2, 1946.

Subject: Availability of the Presidio Site as United Nations Headquarters

Participants: Under Secretary Acheson
Senator Austin

At 1:00 p. m. on Saturday, November 30, Mr. Acheson called Senator Austin by telephone and said that he was calling about the above matter which the Senator had raised with Mr. Acheson on Thanksgiving Day.

Mr. Acheson said that the matter had been discussed at the Cabinet meeting and the President had decided that he would do all in his power to make the Presidio available to the United Nations if they should desire to select it for the site of their permanent headquarters. Mr. Acheson went on to point out that there are legal difficulties involved and that these had been discussed at the Cabinet meeting. In order to make the site available by executive action it would have to be declared surplus. The site is probably not surplus as the Army would have to replace it with other quarters. The Attorney General is, therefore, inclined to the view that Congressional approval will be

necessary and the President is planning to talk to leaders of Congress about the matter.

Mr. Acheson said that he believed in the light of the President's decision, he is authorized to say that the President will use his best efforts and that the matter will probably require Congressional approval which the President believes will be forthcoming. The President would like to have us reserve the potential rights of Congress in this matter in connection with anything we may say. He, of course, does not wish to do anything he does not have clear authority to do. The President did not decide whether the site should be made available as a gift to the United Nations or by way of sale to the United Nations. He felt that the important immediate question was merely that of making it available to the United Nations. Mr. Acheson said that his own personal preference would be not to be in the position of trying to sell the United Nations anything.⁶⁰

Mr. Acheson went on to say that at the next stage of consideration of this matter by the Assembly, i.e., after the report of the Subcommittee which has inspected various sites, it may be wise for us not to express any preference as between the Presidio and Philadelphia. But this, Mr. Acheson said, is a matter which is up to Senator Austin.

(Mr. Acheson authorized Mr. Hiss to forward to Senator Austin for the latter's personal use a copy of the informal tentative memorandum given by the Attorney General to the President on the above subject.)⁶¹

⁶⁰ In a record made of the same telephone conversation at the Delegation headquarters in New York City on the same date the memorandum read at this point: "Mr. Acheson said that they had not reached any very clear-cut decision in the Cabinet yesterday in the matter whether The Presidio should be made available on a gift or sale basis. He said he had argued strongly in favor of an outright gift and he thought the other members of the Cabinet inclined equally to this view." (IO Files, document US/A/Site/7)

⁶¹ At a meeting of United States Delegation on December 3 Senator Austin reported that he had informed the Headquarters Sub-Committee on December 2 of the availability of The Presidio, carefully reserving the powers of the United States Congress in the matter (IO Files, Minutes of the 33rd Meeting of the Delegation, December 3, document US/A/M (Chr.)/31) (the record of Senator Austin's statement to the Sub-Committee is found in the Sub-Committee's report, GA (1/2), *Headquarters Committee*, p. 174, annex 7).

On the same day (December 2) Senator Austin had made the United States position with respect to The Presidio a matter of public record in a morning press statement (U.S. Delegation Press Release No. 88) followed by an afternoon press statement in clarification of the earlier one (U.S. Delegation Press Release No. 90). In the first press release Senator Austin stated in pertinent part "that I am able to report that the Executive Branch of the Government of the United States would do everything in its power in cooperation with the Congress to make the Presidio available to the United Nations"; he went on to emphasize the constitutional position of the Congress in the matter (IO Files, United States Delegation Press Releases (1946), No. 88). Senator Austin in his second statement emphasized that the purport of the first statement constituted a "commitment and it represents an international act between the United States and the United Nations. . . . I am not going to try to commit the Congress in advance, but it would be a rather surprising situation if the Congress should undertake to repudiate a position taken by the Chief Executive in an international matter of the highest importance as this". (IO Files, United States Delegation Press Releases (1946), No. 90)

501.AD/12-646

Memorandum of Telephone Conversation, by the Acting Secretary of State

[WASHINGTON,] December 6, 1946.

Subject: Permanent Site for the United Nations

In connection with a telephone conversation which I had with Senator Austin this morning and which is reported in a separate memorandum,⁶² I telephoned him as follows:

I said that we had talked over in Cabinet meeting the question of what stand he should take on the United Nations headquarters site. The President and the Cabinet agreed that they would like to have him do everything that he could not to take a position between the East and the West, as they believed that it would be very much easier to get Congressional approval of whichever decision is made if we can maintain to the end a position of neutrality. It was also suggested that Senator Austin might make a speech which would point out why we wish our guests to make up their minds, that we think both of these sites are excellent and that we will be happy with either one and will do everything we can to try to carry out the decision. Senator Austin might further say that we think people should not yield in the heat of debate to the temptation to make extreme statements and that everyone should try to get together and go along with whatever decision is voted.

The President said that he did not think the Senator's vote ought in any way to be influenced by the threats of the Russians.

⁶² In a memorandum on the earlier conversation Mr. Acheson reported that Senator Austin "referred to the instructions from the President previously transmitted to him by me that on the question of the headquarters site he should not urge any particular site over another but should follow the trend of the debate and vote with the majority. He said that he was now in a difficult position because as the debate had proceeded [the Permanent Headquarters Committee began its consideration of the Sub-Committee's report on December 4] and the views of the other members of the Committee were expressed it appeared there was no definite trend toward either site and the vote would probably be close to a tie. He would therefore like to know before three o'clock this afternoon what the President wished him to do in this situation, which he pointed out was further complicated by the Russian statement in opposition to San Francisco". (Memorandum of Telephone Conversation, December 6, 501.AD/12-646). The position of the Soviet Union and the Ukrainian SSR on this subject may be traced in the official records of the General Committee, the Permanent Headquarters Committee and the General Assembly. These states seemed to be seriously interested in shifting the temporary and/or permanent headquarters of the Organization to Europe, one or the other having made specific proposals or strong statements to such effect (United Nations, *Official Records of the General Assembly, First Session, Second Part, General Committee*, p. 84 and United Nations, *Official Records of the General Assembly, First Session, Second Part, Plenary Meetings* [hereafter referred to as GA (1/2), *Plenary*], pp. 945 and 946.

The President's advice to Senator Austin was that, if he absolutely had to make a public announcement of his decision, he thought that we should be governed by the attitude of those nations which are most important to the success of the United Nations. He thought that if these nations were taken reluctantly and grudgingly to a site which they did not favor, the result would be unhappy. The President thought that this method of arriving at a decision would probably lead to Philadelphia, as he thought that city was the one favored by the most important countries.

Senator Austin agreed that if he followed this method Philadelphia would be the site he must favor. He said that France was the only one of the European countries which favored San Francisco. China and practically all the Latin American countries and the countries of the Pacific are in favor of San Francisco. New Zealand is an exception to this last statement. Their view in favor of Philadelphia is based on their belief that there is a moral obligation to stay on the East Coast, which the United States [*Nations?*] assumed when the decision to have the headquarters in the United States was made.

Senator Austin expressed himself as quite certain that he could not put off any longer the announcement of his decision for one site or the other. He said that if he made the announcement he intended to justify his position by a strong statement of the reasons why he was doing so.⁶³

⁶³ For Senator Austin's statement to the Permanent Headquarters Committee on December 6, favoring an East Coast site, see GA(1/2), *Headquarters Committee*, pp. 135-137. In part it said:

"In view of the pressure brought from all quarters, including other delegations and some officials of the United Nations . . . the time had come when a statement of the United States' position could no longer be postponed. Such a statement was particularly needed on account of the incorrect impression which had become current after the United States declaration that the highly valuable Presidio site could be made available if it was desired as the headquarters of the Organization.

"The representative of the United States of America wished to announce that this Government was not in favour of placing the headquarters on the Pacific coast; it was in favour of situating it on or near the country's Atlantic seaboard . . . that selection . . . had been made solely on the basis of the best interests of the United Nations. His Government had come to the conclusion that the headquarters of the Organization should not be far removed from Europe, which would be the centre of most of the activities of the Organization. In addition, the capital of the United Nations should be easily accessible from the capitals of most of the Member States. He hoped that the Secretary-General would explain to the Committee how the selection of a west coast site would involve additional burdens of transportation and communication. . . . the United States would accept the decision of the majority without rancour." (GA(1/2), *Headquarters Committee*, pp. 136 and 137)

For the continuing debate on the Report of the Sub-Committee on December 9, see *ibid.*, pp. 141-148. For a resolution offered on that date by the United States that "consideration of the question of which particular site in the United States shall be the permanent headquarters of the United Nations be postponed to the next annual session of the General Assembly. . . .", see *ibid.*, p. 206, annex 8.

501.AD/12-1046

Memorandum Prepared in the Department of State

[WASHINGTON,] December 10, 1946.

BASIC POINTS OF MEMORANDUM TO DR. ZULETA ANGEL FROM
JOHN D. ROCKEFELLER, JR.

This memorandum sets forth the terms and conditions of the offer made by me in my letter of December 10.

I have acquired a firm offer from Webb & Knapp to sell to the United Nations within thirty days after December 10, 1946, at \$8,500,000 the following property:

Between 1st Avenue and Franklin D. Roosevelt Drive:

- (1) the western portion of the block between 42nd and 43rd Streets
- (2) the four blocks between 47th and 43rd Streets
- (3) two small portions in the block between 47th and 48th Streets.

In addition, the representatives of the City of New York have assured me of their desire and willingness of the City to acquire and give to the United Nations the balance of the block between 47th and 48th Streets.

To make possible the acquisition of this property by the United Nations, should they decide to accept said offer, and to make it the site of the headquarters of the United Nations, I hereby offer to give to the United Nations \$8,500,000 on the following conditions:

(a) that the gift shall be made at the time of the closing of the purchase of said property.

(b) that the City of New York should agree to give to the United Nations 43rd, 44th, 45th, 46th and 47th Streets between First Avenue and Franklin D. Roosevelt Drive upon terms which shall permit the United Nations to close any or all of these blocks to all passage and otherwise to use them for its own purposes without restrictions or limitations.

(c) that the City of New York shall agree to acquire and give absolutely to the United Nations the balance of the block bounded by First Avenue, 47th and 48th Streets, and Franklin D. Roosevelt Drive not covered by the firm offer of Webb and Knapp.

(d) that the City of New York give to the United Nations all rights to bulkheads and piers along the river frontage of the East River between 42nd and 48th Streets.

(e) that each of the said agreements of the City of New York shall have been concluded in a form satisfactory to the parties in interest at or prior to the time of the making of my said gift.

(f) to make a satisfactory assurance to my attorney that the said gift will be free of all taxes of the United States and the City of New

York or any other tax authority having jurisdiction with respect thereto.⁶⁴

501.AC/12-2746

*Memorandum by the Director of the Office of Special Political Affairs
(Hiss)*⁶⁵

[WASHINGTON,] December 27, 1946.

EXEMPTION OF U.S. CITIZENS FROM NATIONAL SERVICE OBLIGATIONS
UNDER THE CONVENTION ON PRIVILEGES AND IMMUNITIES OF THE
UNITED NATIONS

THE PROBLEM

Section 18(c) of the proposed Convention on Privileges and Immunities of the United Nations provides:

“Officials of the United Nations shall . . . (c) be immune from national service obligations.”

When the Convention was approved and opened for ratification by the General Assembly on February 13, 1946, the United States Delegation reserved its position on this point in so far as it applies to United States nationals on the ground that the question is properly for Congressional determination.⁶⁶ (31st Plenary Meeting, General Assembly Journal No. 31, February 14, 1946, p. 574). In the eleventh meeting of Committee 6 on February 7, 1946, the Ukrainian delegate made the same reservation and called attention to similar reservations by the U.S.S.R. and Byelorussia in the subcommittee which drafted the Convention.

It is anticipated that the Convention will shortly be submitted to the

⁶⁴ Marginal notation: “Transcribed from broadcast, not verbatim.” For text of this memorandum together with covering letter from Mr. Rockefeller to Dr. Zuleta Angel, both dated December 10, see GA(I/2), *Headquarters Committee*, pp. 207 and 208, annex 9. For the consideration of this offer by the Permanent Headquarters Committee on December 11, its appointment of Sub-Committee 2 to study the Manhattan East River site, the report of Sub-Committee 2, Senator Austin’s statement before the Permanent Headquarters Committee on December 12 offering a resolution to accept the Rockefeller gift, and subsequent debate and passage of the United States resolution with a minor amendment in the Committee, see *ibid.*, pp. 149-152, pp. 208-212 (annex 10), pp. 153-156 and 156-163, respectively. The Report of the Permanent Headquarters Committee recommending the Manhattan site is found in GA(I/2), *Plenary*, pp. 1564 and 1565, annex 79. For consideration of the Report by the General Assembly in plenary session on December 14 and adoption of the resolution accepting the Rockefeller gift, see *ibid.*, pp. 1370-1375; text of the resolution is in GA(I/2), *Resolutions*, p. 196.

⁶⁵ Addressed to Senator Austin and the Legal Adviser (Fahy).

⁶⁶ See footnote 28, p. 74.

Congress for approval prior to ratification. In the letter of transmittal,⁶⁷ the Department of State takes no position as to whether the reservation should be made definitive, but calls attention to the preliminary reservation referred to above, and states that the Department will express its views on the subject if requested to do so.

The United Kingdom, which was the strongest advocate of exemption from military service, is the only state officially known to have ratified the Convention. This action is understood to have been without reservation.

RECOMMENDATION

1. If called upon to state its position, the Department should oppose the exemption of U.S. nationals from military service, and should favor a reservation as to Section 18(c).

2. At the same time, it would be appropriate if the Department representative were to point out that the opposite point of view which is apparently shared by the great majority of the United Nations, is thus left without a spokesman unless he himself should state the argument, or unless the Committee should request the attendance for this purpose of a representative of the United Nations. If asked to present the argument, he might appropriately place in the record the statement made in support of the proposition at the Plenary Meeting when the matter was discussed. (Statement attached hereto as annex.⁶⁸)

DISCUSSION

The principal argument in support of the exemption from national service obligations is that the existence of such obligations with respect to employees of the Organization is incompatible with the idea of a truly international civil service. (See annexed statement.)

SPA is inclined to feel on the other hand that the question of principle does not really arise in this way. The United Nations does not have the type of international status on which this point of view would have to be predicated. Taking this into account, we do not feel that the needs of the United Nations in this respect are such as to outweigh the responsibilities of citizens to perform military service, which is, in an important respect, the highest and most far-reaching obligation in citizenship.

Since small numbers of men would be involved in any case, we do not feel that the decision should be influenced by considerations of hardship either to the United Nations or to the national defense requirements of this Government.

⁶⁷ This might more appropriately read: "In the *draft* letter of transmittal. . . ." ; see footnote 47, p. 98.

⁶⁸ Not printed here. For extract from the remarks of Sir Hartley Shawcross (United Kingdom) to the General Assembly on February 13, see GA(I/1), *Plenary*, pp. 453-454.

THE UNITED STATES AT THE UNITED NATIONS: THE UNITED STATES POSITION REGARDING CERTAIN PROBLEMS OF UNITED NATIONS ORGANIZATION AND PROCEDURE

I. UNITED STATES POLICY REGARDING ELECTIONS TO CERTAIN ORGANS, COMMISSIONS, AND COMMITTEES OF THE UNITED NATIONS.

IO Files : USGA/Ia/Del. Min./1 (Chr)

Minutes of the First Meeting of the United States Delegation,¹ on Board the Queen Elizabeth, January 2, 1946, 11 a. m.

SECRET

[Here follows list of names of persons (34) present.]

Mr. Stettinius called the meeting to order at 11:01 a. m. The Chairman stressed the importance of the Delegation's task of bringing the United Nations into operation and expressed the joint determination to do the job quickly and well. He recalled that at the close of the San Francisco Conference a Preparatory Commission had been established as an interim organization pending the coming into force of the Charter. Following a single meeting of the Preparatory Commission at San Francisco, it had adjourned leaving the task in the hands of a fourteen-member Executive Committee which met in London. The Executive Committee had completed its work on November 12, 1945. The Preparatory Commission met on November 23 and in a five-week session had approved most of the recommendations of the Executive Committee.²

The Chairman pointed out that under the recommendations of the Executive Committee and the Preparatory Commission the first part of the first session of the General Assembly was to be a constituent meeting. It was proposed by the Preparatory Commission that there

¹ Regarding the organization and composition of the United States Delegation to the General Assembly, see pp. 1 ff.

² For the Charter of the United Nations, signed at San Francisco, June 26, 1945, see 59 Stat. (pt. 2) 1031, or Department of State Treaty Series 993. For the agreement regarding Interim Arrangements, which set up the Preparatory Commission, signed at San Francisco, June 26, 1945, see 59 Stat. (pt. 2) 1411, or Department of State Executive Agreement Series No. 461. For the reports of the Preparatory Commission and its Executive Committee, see Preparatory Commission of the United Nations, *Report of the Preparatory Commission of the United Nations and Report by the Executive Committee to the Preparatory Commission of the United Nations*.

should be a second part of the first session for substantive problems. The Chairman expressed the hope that the second session would be able to open on April 25 at the new site of the Organization.

In answer to a question from Mr. Dulles as to what compelling force there was to restrict the first session to procedural matters, Mr. Hiss pointed to the resolution of the Executive Committee (PC/EX/113/Rev.1, p. 17), which resolution had been adopted by the Preparatory Commission, recommending that the first part should be *primarily* organizational but would also include consideration of such other world problems as might be raised by any member. The Chairman interposed that it had been emphasized in London that any member could bring up any subject before the Assembly and asserted that the Delegation must go to London expecting to have raised such questions as Iran, Syria, Lebanon, relief, and transportation. Mr. Dulles pointed out that under the rules of procedure any member could have any subject placed on the agenda six days before the General Assembly convenes. Mr. Hiss pointed out that the Preparatory Commission had added the refugee question to the list of questions to be discussed. In answer to a question from Mr. Bloom, Mr. Hiss stated that it was the evident intention to discuss the whole problem of displaced persons under the heading of refugees. Mr. Bloom inquired whether it was not possible under the rules of procedure for the presiding officer to recognize any member on any subject. Mr. Hiss thought this was not the correct interpretation and that the rule referred to meant that any member could speak on any item on the agenda. He pointed out the rule under which an item could be added to the agenda by a majority vote of members present and voting.

Mr. Stettinius reported that he had received a wire from the Secretary of State early in the morning confirming Mr. Byrnes' intention of flying to London, where he would meet with the Delegation. Mr. Hiss expressed the hope that the meeting of the General Assembly would not be a long, drawn-out affair. The British were very hard-pressed for space and were likewise hoping that the meeting would not be a long one. The Chairman expressed his personal hope that the meeting could be concluded in three weeks.

[Here follows discussion regarding certain Delegation assignments and procedures.]

Mr. Stettinius regretted that Mr. Pasvolsky's illness prevented him from speaking and expressed the hope that the Delegation would hear from Mr. Pasvolsky a full review of the history of the United Nations Organization to the present date.

Mr. Stettinius then called on Mr. Hiss to give an explanation of the agenda of the General Assembly. Mr. Hiss explained the provisional agenda for the first part of the first session of the General Assembly

as set forth in the Executive Committee Report, pointing out such minor changes as had been made by the Preparatory Commission.³

Regarding the election of the President⁴ of the General Assembly, Mr. Hiss stated that the Department felt that the members would want a European President since the site of the Organization was to be in the United States. Accordingly, the United States had not taken a strong position on the matter. The United States favored as President Mr. Lie⁵ of Norway because he was personally a very fine man with a good command of both French and English, and Norway was a fighting United Nation which probably would not be elected a member of the Security Council. Mr. Hiss reported that there had recently been a strong feeling in London for Mr. Evatt⁶ as President. Latin American members had been reported to be particularly favorably inclined toward him. The view of the Department had been that Mr. Evatt would be a good candidate and that his candidacy should not be opposed. Senator Vandenberg stated that Dr. Evatt should be elected President because for the world he was the spokesman of the small powers, and Senator Vandenberg thought it was important that Mr. Evatt be elected as an indication that the small powers were receiving full recognition.

In answer to a question from Senator Connally regarding the membership of Australia on the Security Council, Mr. Hiss stated that the Department felt that Australia should not be on the Security Council but that Canada should be a member, especially because of its position on the Atomic Energy Commission, and that there should be only one member from the British Commonwealth on the Security Council.

Mr. Hiss explained that the Department still felt that it was only proper that the Organization should want a European since it was to be located in the United States and that, therefore, the Department should not take a strong stand for the candidacy of Mr. Evatt, lest it appear to rub in the non-European character of the Organization. Mr. Dulles questioned whether the choice should be made on the basis of European nationality or whether it might not be better to state simply that the President should be someone other than from one of the Americas. Mr. Stettinius reported to the Delegates that the United States had taken the position in London that it was expected that the President would be a European. Mr. Bloom questioned whether the

³ The provisional agenda are printed in the *Report by the Executive Committee*, pp. 18 ff., and the *Report of the Preparatory Commission*, pp. 7 ff., respectively.

⁴ For the Preparatory Commission background of this and other questions relating to slates, discussed by Mr. Hiss, see *Foreign Relations*, 1945, vol. I, pp. 1433-1509, *passim*; the basic document is a memorandum of the Secretary's Staff Committee dated November 15, 1945 (SC-171/8), *ibid.*, p. 1475.

⁵ Trygve Lie, Norwegian Minister for Foreign Affairs.

⁶ Herbert V. Evatt, Australian Secretary of State for External Affairs.

President was being elected simply for the first part of the first session of the Assembly or whether he was also to preside over the second session. Mr. Hiss said that it was the understanding of the United States that the President elected was to serve for both parts of the first session of the General Assembly. Mr. Stettinius stated the firm conviction that it was better to have a set of officers in both parts of the first session. Mrs. Roosevelt expressed agreement, and stated that she thought it better that the officers should serve for both parts.

Regarding the adoption of the provisional rules of procedure and the supplementary rules of procedure,⁷ Mr. Hiss pointed out that the rules were entirely provisional and that it was expected that permanent rules would be drawn up for the two parts of the first session. Mr. Hiss referred to a suggestion from Mr. Bloom that there should be a select committee of parliamentary experts to advise the Secretary General. This committee could undertake the task of working out an effective compromise between the parliamentary procedures of such states as the United Kingdom, France, and the United States.

Regarding the election of Vice President, Mr. Hiss stated that the United States regarded the important elective posts in the United Nations Organization to be the President of the Assembly, the Secretary General, the members of the Security Council, the Social and Economic Council, and the Trusteeship Council. The seven Vice Presidencies offered additional negotiating positions. The United States did not as yet have any slate to recommend on the Vice Presidents, and the matter could be worked out in London.

Mr. Bloom asked to return to the election of the Presiding Officer, and emphasized that he thought it was important that it should be made clear whether the President was to serve for one or two parts of the meeting because of the possibility of a precedent being established for future meetings. Mr. Stettinius remarked that the whole spirit of the negotiations in London had been that the President should serve for both parts of the session.

Regarding the election of the non-permanent members of the Security Council, Mr. Hiss stated that the Department's position was that there should be elected to the six available seats one Western European member, one British Commonwealth member, two Latin American members, one from the Near East and Africa, and one from Eastern Europe. Mr. Hiss continued that the preliminary negotiations on the slate had already been taken up in London and the United States position on the composition of the slates had been explained to certain states. It had been made very plain in London, and Mr. Hiss wished to

⁷The provisional rules of procedure for the several United Nations organs drafted by the Executive Committee and the Preparatory Commission itself are found in the appropriate sections of the two reports.

emphasize the point, that the United States has drawn up slates which the Department thought on balance would be reasonable, but that for the most part the slates were not to be taken as inviolable and immutable. Since the Charter emphasized equitable geographic distribution of council membership, the Department had thought the states in the various areas should be consulted concerning their wishes and it was the general intention of the United States to support only a state which was supported by its neighbors. For instance, Egypt would be supported for the Security Council in the event that it was supported by the Arab League. In the event that the Arab League supported another Near Eastern power, the Department would have to reconsider its position. The United States needed to keep freedom of choice to be sure in the future that some entirely objectionable state was not put forward as a candidate which we would be committed to support under the geographical formula.

The United States slate for the Security Council consisted of Brazil for a two-year term, Mexico for a one-year term, Canada for a two-year term, the Netherlands for a two-year term, Poland for a one-year term, and Egypt for a two-year term.

Regarding the possibility of the admission of new members⁸ to the United Nations, Mr. Hiss stated that he doubted that any recommendations would be made on this question. The United States had taken the position that it was preferable to take up this question during the second part of the Assembly and there seemed to be no disposition to disagree strongly with this view. The United Kingdom had not continued to press the candidacy of Sweden. In this connection, Mr. Stettinius stated the United States had indicated a preference to admit the five or six nations if any members were to be admitted during the first meeting. Mr. Hiss indicated that Portugal has put forward a desire to join the United Nations; there was also the possibility of Iceland.

Regarding the election of the Secretary General, Mr. Hiss stated that the United States position had been that he should not be a national of one of the Big Five powers in order to avoid the appearance of Big Five domination. The United States had also assumed that since the site was to be in the United States the members would want a European. The Department had informally indicated that Mr. Spaak⁹ of Belgium would be a good choice, but it was possible that he would not be available since he was of Cabinet rank, a possible Prime Minister in Belgium, and would, as Secretary General, have to step out of politics for five years. Mr. Hiss stated that the Department had made it known that the United States would be delighted if Mr. Pearson¹⁰

⁸ For documentation on this subject, see pp. 357 ff.

⁹ Paul-Henri Spaak, Belgian Minister for Foreign Affairs.

¹⁰ Lester B. Pearson, Canadian Ambassador to the United States.

of Canada were elected as Secretary General, but it was expected that his candidacy would be hampered by the desire to have a non-American as Secretary General. Mr. Dulles inquired whether it was proper that the Secretary General should be chosen on a national basis since the Secretariat was to be of an international character. Mr. Hiss explained the Department's position had been that other things being equal it would be advisable to have a man from outside the Americas. Mrs. Roosevelt inquired what considerations had led to the support of Mr. Spaak. Mr. Hiss replied that perhaps the main consideration had been that Mr. Spaak was well-known and highly-regarded throughout Europe. He had been a leader in the Belgian Government-in-Exile, he was politically strong at home, he had excellent qualities of leadership, and was a man of high integrity. His chief short-coming was that he did not speak English. Mr. Bloom questioned whether a five-year term was too long in case the Secretary General was unsatisfactory and therefore could only be removed with great difficulty. Mr. Hiss pointed out that the question had been debated at great length, that some states had wanted an indefinite tenure, and others had wanted a tenure of ten years. It had been felt that in order to secure the best man it would be necessary to offer the Secretary General a five-year term. Mr. Stettinius reported that he had conducted the negotiations on this question in London during three or four long and difficult weeks which had included many discussions in his own rooms. After delicate negotiations, the Russians and French had been brought to agree to a five-year term of office. This was subject to the condition that the Secretary General could be invited to resign if he proved completely unsatisfactory.

Regarding the election of members of the Economic and Social Council, Mr. Hiss pointed out that the eighteen members to be elected would have to be assigned terms of one, two, or three years in order to establish the annual elections for three-year terms in the future. The United States position assumed that the Big Five would be automatically members. However, in order that the situation should not arise in which three years after the first election all five members came up for reelection, allowing the election of only one other member at that time, it had been agreed that the five powers should be assigned varying terms of office in alphabetical order. Thus, the first three-year terms of the Big Five would go to China and France. The United Kingdom and the Union of Soviet Socialist Republics would be elected for two-year terms and the United States for a one-year term.

Regarding the rest of the slate, Mr. Hiss emphasized that it was very tentative, still subject to considerable negotiation. The United States position was that Denmark might be elected as a European member, Iraq from the Near East, and Greece from Eastern Europe,

all for three years. There should be four posts for Latin American states. The Department was still waiting to hear what candidates the Latin American states had agreed upon. At the last report, Peru, Chile, and Colombia were generally agreed to and the fourth post seemed likely to be offered to Cuba or Uruguay. The Latin American states were to hold a meeting on January 3, after which news might be available. The United States slate, based on a geographical distribution, had included Colombia, Mexico, Uruguay, and Peru. Now it appeared that Mexico would not be a candidate since it preferred to be a candidate for the Security Council. Mr. Hiss said that the whole question would have to be negotiated again in London. The United States slate proposed two-years terms for the Ukraine, Canada, and Belgium, and one-year terms for Australia, Czechoslovakia, and Turkey.

Mr. Hiss pointed out that the Delegation would be particularly interested in the General Assembly committee report which would be made upon the provisional budgetary, financial, and organizational needs for assessing and collecting contributions from members. Mr. Hiss pointed out that the Preparatory Commission had proposed in addition to the Executive Committee report the setting up of an advisory group of experts for the Administrative and Budgetary Committee of the General Assembly. Generally speaking, the budgetary arrangements were to be left as fluid as possible until the second session of the General Assembly to allow for full study. It has been recommended that a capital fund be established to carry the expenses of the first year's operations. Contributions to this were to be made on the basis of the Food and Agriculture Organization contribution quota under which the United States could pay a maximum of twenty-five percent of the total contributions. Mr. Hiss pointed out that some states wished the United States to pay a larger proportion but some states wished the United States to pay a smaller portion in order to avoid the appearance of dominating the Organization.¹¹ Mr. Sandifer pointed out that it should be clear that the Food and Agriculture Organization basis should apply only to the capital fund; that it was not to be a continuing arrangement. It was pointed out that if any money were left in the capital fund after the first year of operations, that money would probably be used for a building fund. Senator Connally expressed the opinion that unless the United States took a strong position, the United States would be cheated and would be saddled with the entire cost. Mrs. Roosevelt stated that she understood the United Kingdom was paying for the forthcoming meeting, the expenses to be offset in the final accounting. She inquired whether the same held for the expenses of the United States in connection with the

¹¹ For documentation on this subject, see pp. 461 ff.

United Nations Organization. It was pointed out that the United Kingdom payment was to be offset against the general contributions, not against the United Kingdom contribution to the capital fund.

Mr. Hiss pointed out regarding the League of Nations dissolution, that the Preparatory Commission had made somewhat different recommendations from those of the Executive Committee. The non-political functions of the League, such as opium control, health and transport, were to be taken over by the United Nations on a provisional basis. All the buildings of the League of Nations were to be turned over to the United Nations and would probably be used for various groups and commissions. It was pointed out that there was also talk of having regional offices of the Economic and Social Council located at Geneva. The Chairman went on to state that the Russians felt very definitely that the United Nations should not move to Geneva as a temporary site and he thought it very important that there not be any mention of such a possibility. He thought that the Organization should move straight away to the United States to its new site as soon as the meeting adjourned. Mrs. Roosevelt agreed that this was highly desirable.

Regarding the organization of the Secretariat, the United States position was that the Secretary General should be allowed as much discretion as possible, that the General Assembly should merely lay down provisional guides and rules for the organization of the Secretariat, and definite rules should be adopted at the second session upon the recommendations of the Secretary General. Mr. Hiss stated that Mr. Bloom had previously made known to him his very strong feeling that the Secretary General should have complete freedom to choose the Under Secretary General and the Assistant Secretaries General, and Mr. Hiss stated that this was the clear intention of the recommendations. Although the General Assembly would have to approve the Secretariat officers, the Secretary General would have a free hand in choosing them. Mrs. Roosevelt stated that she thought that the Secretariat was an extremely important part of the Organization and it seemed to her that there was a point to be watched very carefully in its organization, more especially with regard to those nations with long and old governmental procedures. She thought it very important that there should be a combination of age groups which would utilize the experience of older men but which might also bring in younger men. She thought that there might be a tendency to unload older personnel from various Foreign Offices who were not wanted by their home governments and who could be sent off to the United Nations as a sort of pension. Mrs. Roosevelt said that she had been pleased to notice the Executive Committee recommendation that there should be a suitable range of ages, but thought it was a point which could be

easily overlooked, and should be kept in mind by those who are discussing organizational matters. Mr. Stettinius agreed that that was a very important point.

In discussing the report of the General Assembly Committee relating to trusteeship, Mr. Hiss pointed out that the Mandates Commission of the League of Nations would expire with that body. However, in answer to a question of Mr. Bloom Mr. Hiss emphasized that the limitations upon the authority of the mandatories did not end until Trusteeship agreements had been concluded. Mr. Hiss pointed out that the mandatory powers had agreed in the Charter that mandated territories were appropriate for trusteeship.¹² Mr. Hiss believed that probably the General Assembly would recommend that agreements to place the mandated territories under trusteeship be negotiated before the second part of the General Assembly convened. Mr. Bloom pointed out that some machinery was necessary to carry on certain functions of the Mandates Commission and that there would have to be action on this on the part of the General Assembly. Mr. Bloom emphasized his feeling that this must be done because if the Mandate Commission ended and there were no one to handle mandated territories a very bad situation would result.

Mr. Hiss reported, regarding the site of the headquarters, that the United States position was that the question of preferences [*privileges*] and immunities and status to be accorded the permanent site was a question which should be dealt with in the second part of the first session, because negotiations on those questions would have to be carried out with the appropriate American federal, state, and local authorities.¹³ Mr. Hiss reported that the general feeling seemed to be that the Organization should be free from taxation on its land and should receive inviolability for its land and buildings. However, public services should be handled by contract and highway police, et cetera, supplied by the state. He reported that some members of Congress had recommended that there be established an international enclave for the permanent headquarters. Senator Connally interjected that the United States could not do this because it would be unconstitutional.

Mr. Stettinius stated that there would be distributed to the members of the Delegation a protest from Mayor Lapham. (Doc, USGA/Ia/4)¹⁴ He stated that he expected Australia and China to be active in reopening discussion on the motion that the headquarters must be in the Eastern United States. Mr. Bloom stated that he thought it was

¹² For documentation on this subject, see pp. 544 ff.

¹³ For documentation on this subject, see pp. 60 ff.

¹⁴ Not printed. This is a reference to the extensive work done by many cities of the United States to persuade the United Nations to locate its permanent headquarters within their respective boundaries; Roger Lapham was Mayor of San Francisco.

unfair that one-half of the United States should be foreclosed from consideration and he felt that San Francisco should not be cut off. Mr. Stettinius said that he was sure that the question would be reopened, pointing out that when the vote was taken there were eleven members absent, and ten abstained from voting. Mr. Stettinius pointed out that it was important that a site should be chosen which would offer office and hotel facilities for several hundred people who would have to get right to work after the first session adjourned.

Regarding the nomination of judges for the Court of Justice, Mr. Hiss reported that the United States has not attempted a selection among the nominees since nominations do not close until January 10.

It was agreed that the Delegation should not schedule further formal meetings for the moment but should meet informally each morning at 11 a. m. with Mr. Hiss and Mr. Pasvolsky to discuss such questions as the Delegates might have.

IO Files : USGA/Ia/Del. Min./2 (Chr)

Minutes of the Meeting of the United States Delegation on Board the Queen Elizabeth, January 3, 1946, 11:30 a. m.

SECRET

[Here follows list of names of persons (29) present.]

Senator Connally presided in the absence of Mr. Stettinius.

Mr. Pasvolsky explained the background of some of the decisions upon which the Charter is based; he outlined some of the more controversial questions in the discussions at the drafting stage and indicated the reasoning behind the decisions on those questions. He referred the meeting to the Chart in the front of Book I¹⁵ as a basis for his discussion.

Mr. Pasvolsky stated that the main structure of UNO was developed and agreed upon after reconciliation of differences in viewpoint. There was the basic question of whether an international organization should be responsible only for peace and security or should in addition deal with other problems including social and economic questions. The United States position had always been that the Organization should handle economic and social problems as well as security questions with a close inter-relationship among the parts of the Organization. This position was based upon the conviction that economic and social cooperation is an essential element of maintaining peace and

¹⁵ This refers to one of the briefing books described in the editorial note, p. 7. The chart in question is missing from the set in the IO Files; presumably it was an organizational chart.

that, at the same time, peace and security are essential bases for developing economic and social cooperation.

At Dumbarton Oaks¹⁶ there was a great deal of discussion over whether there should be one or two organizations. Whereas the United States and the British preferred a single entity, the Soviet Union wanted two organizations. The Soviet Union took the position that economic and social questions were so important that they should be dealt with separately; they felt that the League of Nations tried to cover too much ground which was one of the reasons for its failure especially as to peace and security. However, the Soviet Delegation ultimately became persuaded of the soundness of our position.

Another basic issue discussed in the early stages of the Charter drafting period was that of the role of the General Assembly as compared with the Security Council. The League of Nations Assembly and its Council (with a limited membership which increased from 9 to 15), exercised similar functions and had similar powers. Those responsible for the development of the United States position in the early stages of the Charter discussions, felt that the League arrangement resulted in "everybody's business being nobody's business"; the League Council, they felt, did cover too much ground. Hence, the Security Council should be limited strictly to security issues, whereas the General Assembly could deal with a range of other and related questions including political stability, and economic and social welfare which bear upon conditions of stability among nations. This conception proved to have a general appeal and since it provided a principal organ with functions limited to security, it assisted the Russians in accepting the United States concept of an organization that would include also other functions for which other organs would be responsible.

Another early question was whether or not the Economic and Social Council should have a restricted membership and autonomous powers outside of the General Assembly, in a manner analogous to the Security Council. It was decided that the Economic and Social Council should have less freedom and independence and should, in fact, operate under the authority of the General Assembly. There were several reasons: (a) Individual nations were ready to go less far in granting authority to an international organization in the economic and social field than in the security field. (b) The General Assembly with its full membership of the United Nations was the appropriate organ to serve as a coordinator in the expanding field of specialized agencies which

¹⁶ For documentation on the Dumbarton Oaks preliminaries to the establishment of an international organization for the maintenance of international peace and security, held at Washington, D.C., August 21–October 7, 1944, see *Foreign Relations*, 1944, vol. 1, pp. 713 ff.

themselves were expected to be composed of most or all of the members of the General Assembly.

Still another issue was that of the Court's status. The British thought that in view of the United States attitude toward an International Court after World War I, the United States would accept a Court more readily if it were separated from the UNO.¹⁷ There was also a general desire to use the Statute of the old Court under which considerable experience had been gained. General agreement to make the Court a principal organ of the UNO was achieved by giving the Court more freedom for its own internal management than was the case with other organs, yet creating it through the Charter.

Fundamental to the nature of the Organization itself was the question of whether there should be an over-all world organization as the basic structure, or whether, as the British thought at that time, there should be a series of regional organizations capped by a loose world structure at the top. Mr. Churchill and his advisers in the early stages of the discussions preferred the latter alternative. The United States never agreed with that position and felt that while there clearly were functions for regional organizations they should be built within the framework of a world structure, the viewpoint which ultimately prevailed.

Perhaps the most widely known controversy has been that over the voting provisions, and the so-called "veto power".¹⁸ Mr. Pasvolsky recalled that the Security Council possesses all the powers of the League Council and substantially more. He observed that the League of Nations itself operated on the rule of unanimity on substantive questions, with one or two exceptions. Early in the considerations of the Charter, its framers raised the question of whether the time had come for a step forward—away from the rule of unanimity and toward the majority rule principle. The majority system was clearly indicated for the General Assembly, its powers being limited to recommending. However, the Security Council while operating in a limited field was to have substantial power to act. Could for instance the United States be asked to use its troops against its own desires (though obviously not against itself)? In the light of that type of question, the United States was clearly as much interested in the veto power as was the Soviet Union. (Our controversy with the Soviet Union over the question of whether a country itself involved in a controversy should have the right to vote, was a separate question.)

Whereas, under the unanimity rule of the League all Council members had the veto power, it was agreed that in the Security Council

¹⁷ For documentation regarding the policy of the United States toward the International Court of Justice, see pp. 53 ff.

¹⁸ For documentation on this subject, see pp. 251 ff.

a decision could be made by seven of eleven members, which would bind the whole organization in certain cases, requiring, however, the concurrence of the five permanent members. The principal point of consideration was actually less the veto than the fact that decisions of the Council were binding upon the whole membership of the Organization.

Mr. Pasvolsky observed that in Mr. Evatt's criticisms of the veto power, Mr. Evatt was consciously playing the part of the gadfly in impressing upon world opinion and upon the Great Powers themselves the responsibility of the Great Powers in the use of the veto. Mr. Evatt fully recognizes that if the veto were abolished the powers of the Security Council necessarily would have to be curtailed.

Another of the basic issues which arose early in the discussions was that of whether there should be an international police force or whether member nations should provide contingents from their own forces. The military advisers at Dumbarton Oaks considered this question at great length, the U.S.S.R. being the principal proponent of the international force. However, the military advisers ultimately indicated that the practical difficulties were insuperable. In response to a question by Mr. Lewis Lorwin, of the Department of Commerce, Mr. Pasvolsky indicated that some of those difficulties included the probability that such a force would have to be supported from some kind of international tax base, international territory would have to be maintained to house, train, and deploy such forces and perhaps world establishments would have to be operated to manufacture arms and equipment. Senator Connally added that he had combatted the idea from the beginning and observed that frictions would have been created wherever such forces were stationed just as frictions had been created during the war by stationing of "foreign troops" in various lands.

Mrs. Roosevelt observed, and Mr. Pasvolsky agreed, that under the arrangements contemplated in the Charter it would be practical for the Security Council to use those forces closest to the seat of trouble. It was observed that this would, of course, be up to the Security Council which can ask some or all of the forces under its control to participate in a given action.

Mr. Pasvolsky also observed that a subsidiary question concerning armed forces was whether there should be commitments by the various nations for limited or unlimited contingents. The United States students of the problem felt certain the contingents would have to be limited and that there would be a substantial advantage in the Security Council's knowing exactly what forces it had available.¹⁹

¹⁹ For documentation regarding this subject, see pp. 712 ff.

Mrs. Roosevelt raised the question of the relationship of the proposed Rio Treaty, announced in today's news reports, to the Charter. Mr. Pasvolksy observed that the basic concept of the proposed Inter-American Treaty had its origins in the Resolution of Habana, 1940, and in the Act of Chapultepec.²⁰ An attack by any state against any American nation will be considered an attack against all, and all parties have an obligation to take some action, and all are obligated to consult although they may or may not act.

The question was raised as to whether an attack, and a threat of attack, are to be considered as subject to the same type of action. Mr. Dulles observed that this question had required a month to settle in San Francisco and had given rise to the famous self-defense article of the Charter (Article 51) which provides that "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.", et cetera. This Article does not, however, permit any nation or group of nations to act in case of a threat or to intervene to prevent a threat of attack until authorized to do so by the Security Council.

Under the proposed Rio Treaty, American nations may act to repel an attack until the Security Council itself takes action, Mr. Pasvolksy explained. In the case of threats to the peace in the Western Hemisphere, the American nations must consult but enforcement action must be authorized by the Security Council. The character and extent of aid in the case of attack is within the discretion of each party. Two-thirds of the American nations must agree to measures to be taken for collective action and those who so vote are obligated to assist. All are obligated to consult in case of attack.

General Kenney raised the question whether under the proposed Rio Treaty, the United States could step in without Security Council consent if, for example, Paraguay were to attack Bolivia. Mr. Pasvolksy pointed out that the United States could do so and that the Security Council could then consider whether it approved the action. Even if all other members of the Security Council decided that they did not approve the United States could, of course, veto disapproval. How-

²⁰ For text of the proposed Inter-American treaty, later known as the Inter-American Treaty of Reciprocal Assistance, signed on September 2, 1947 at Rio de Janeiro, see Department of State Treaties and Other International Acts Series (TIAS) No. 1838, or 62 Stat. (pt. 2) 1681; the Resolution of Habana was Article XIV of the Final Act and Convention signed on July 30, 1940 at Habana at the completion of the Second Meeting of the Ministers of Foreign Affairs of the American Republics, held July 21-30, 1940. For text of the Final Act and Convention, see Department of State *Bulletin*, August 24, 1940, pp. 127 ff; the Act of Chapultepec was Resolution IX of the Final Act of the Inter-American Conference on Problems of War and Peace and was signed on March 8, 1945 at Mexico City. For text of the Act, see TIAS No. 1543, or 60 Stat. (pt. 2) 1847.

ever, such an action obviously would put the United States in a very awkward position.

Mr. Pasvolsky emphasized that the proposed Rio Treaty could not modify the rights of the Security Council to act under the Charter or the rights of individual or collective self-defense. He pointed out, however, that if the Security Council should state that it expected to handle a given problem a regional group such as the Inter-American system could not continue its activities independently.

It was also pointed out that the Security Council must be kept informed of steps contemplated by a regional group such as the Inter-American system.

Mrs. Roosevelt observed that presumably the Security Council would know of trouble and potential aggression brewing in any part of the world and would act to head off possible attack. In this connection, she pointed out that she felt that the prevention of the causes of war was a number-one responsibility of the Organization and said that she wondered whether it was generally recognized that the Economic and Social Council therefore has almost as heavy a responsibility in the security field as the Security Council itself. Mr. Pasvolsky pointed out that not only did such responsibility rest with the Economic and Social Council but also with its parent body, the General Assembly. He observed that there are a variety of causes of war—political as well as economic and social. The Economic and Social Council, the General Assembly, and the Secretary General, he said, all should keep the Security Council informed concerning threats to the peace. He pointed out that the power of the Secretary General in this connection is a great advance over the League of Nations in this respect. Mrs. Roosevelt added her observation that one of the great weaknesses of the League was that it could not tackle causes of war.

Senator Connally observed that in his opinion the proposed Rio Treaty should have a strong deterrent effect upon possible aggression by the American nations. He said clearly that the existence of the treaty arrangements could not prove hurtful and might very well be helpful. Mr. Pasvolsky agreed and observed that it imposed an implicit obligation on all countries in the Americas.

Mr. Pasvolsky also outlined briefly the basis of the Charter provisions concerning dependent areas. He pointed out that there are three different types of dependent areas: (a) mandates taken over from enemies of the Allied Powers in World War I; (b) territories to be detached from the enemies of the United Nations in World War II; (c) colonial areas which might voluntarily be placed under trusteeship by the parent countries.

He said there had existed, and he felt there continued to exist, two extreme views on how to handle dependent areas in the United Nations framework. One view held that an international system was not feasi-

ble and that a colonial system under independent parent powers was the answer. The opposite extreme was the view that no single nation should take responsibility for any dependent area and that all dependent areas should be held internationally.

Between these extremes lay the idea behind the Charter—a system of international trusteeship for some territories.

In San Francisco it had been agreed that for each territory placed under trusteeship an agreement would have to be negotiated among the “states directly concerned”. The agreements would have to be submitted for approval to the United Nations and the terms thereafter could be modified only by the parties to the agreements. The General Assembly was to be responsible for approving agreements covering non-strategic territories and the Security Council for territories deemed to be strategic.

Chapter XI of the Charter setting forth the declaration of principles regarding non-self-governing territories was, he said, a gesture in the direction of colonial areas in general. While Chapter XI does not carry supervision by the United Nations over colonial areas, it is a self-imposed obligation on colonial powers to live up to the standards set in the declaration and to report upon colonial administration to the Organization.

Mrs. Roosevelt asked what action could be taken by the Organization if the report of a colonial power was not satisfactory. It was observed that the real sanction in such case was public opinion and that there could be discussion in the General Assembly and even a resolution of censure.

The question was raised as to which powers are the “states directly concerned”. Mr. Pasvolsky said that so far as the mandated territories were concerned the Treaty of Versailles was the basis for the United States position that the “states directly concerned” were the Allied and Associated Powers of World War I—the United States, France, Great Britain, Italy, and Japan. The two latter states had, of course, eliminated themselves as enemy states of the United Nations in World War II. It is for the Allied and Associated Powers of World War I (without Italy and Japan) to decide what other states are “directly concerned”. If another state is the mandatory it is a “state directly concerned”. The addition of still others is a subject for negotiation. For territories detached from enemy states in World War II the question of which powers are “states directly concerned” must be settled by peace treaties to be drafted, under the procedure outlined in the recent Moscow communiqué. So far as colonies are concerned, Mr. Pasvolsky said that parent powers would simply prepare an agreement with the proposed trustee which might in any instance be the parent power itself.

Mr. Fortas observed that in certain instances there might be a

stronger sanction than public opinion for violations of Chapter XI. He said that perhaps Article 14 of the Charter could be invoked, thus permitting the General Assembly to recommend measures "for the peaceful adjustment of a situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, . . ."

501.BB/1-446

*Memorandum of Conversation, by Mr. Adlai E. Stevenson*²¹

SECRET

[LONDON,] January 4, 1946.

Ambassador Taqizadeh, Iranian Ambassador to the U.K. and Chairman of the Iranian Delegation of the General Assembly, called on me today to express his hope for U.S. support for election of Iran to a non-permanent seat on the first Security Council. He explained that he assumed that the Middle Eastern states, including the Arab League and Turkey and Iran, would be entitled to at least one representative on the Security Council. He was very humble and very modest and very friendly.

He pointed out that Iran had been the first state in this area to join in the war actively, was the "bridge of victory", that it had put all of its resources at the disposal of the Allies, had suffered from lack of food to support the war effort and in many other respects, and that the service of Iran had been expressly recognized by Roosevelt, Churchill and Stalin at Teheran.

Ambassador Taqizadeh advised me that his government had reluctantly and "with a heavy heart" decided today not to put the Azerbaijan question on the agenda of the General Assembly due to the consultations that were going forward in Teheran with the U.S. and U.K. representatives.²² The view of his government had been that if nothing came of these discussions after approaching the Soviet Union they had no choice except to bring the matter to the General Assembly and had fully intended to request that it be added to the agenda, but at the last moment they had felt that it might only be disturbing it at a critical time in the life of the United Nations and had concluded not to request its addition to the agenda.

In the circumstances his government felt that it was imperative to be elected to the Security Council and that the opportunity to discuss their problem face to face with the great powers in the Security Council might be of some help; that their Ambassador in Washington

²¹ Mr. Stevenson, formerly acting United States Representative on the Preparatory Commission of the United Nations, and newly designated as an Alternate Representative on the United States Delegation to the General Assembly, had remained in London during the interim between the meetings of the two bodies.

²² For documentation on this subject, see vol. VII, pp. 289 ff.

had contacted certain people in the State Department and found them sympathetic but due to the Christmas holidays the conversations had not been comprehensive.

He also informed me that Turkey would actively support Iran for non-permanent membership on the Security Council.

I told the Ambassador that I hoped the Arab states, together with Turkey and Iran, would try to agree among themselves upon a candidate for the Security Council, that I understood that Egypt was actively seeking the post, but that so far as I was informed, no commitments had been made and that I felt reasonably confident that my government would consider Iran's candidacy most sympathetically if there was any common agreement on her selection among the Middle Eastern powers. He said he would initiate some talks with the Arab League states and left with an earnest expression of hope that we would find it convenient to give Iran's position every possible consideration.

501.BB/1-446

*United States Delegation Working Paper*²³

ASSIGNMENT OF POSITIONS IN THE GENERAL ASSEMBLY

Attached are a series of tables with suggested alternative distributions of positions in the General Assembly, and a table suggesting the composition of the Credentials Committee. These tables should be considered in conjunction with the notes which follow.

General Principle of Distribution

The President, 7 Vice-Presidents and 6 Chairmen of the main committees constitute the General Committee (total 14).

As a general principle, the distribution of seats should follow the distribution in the Executive Committee [of the Preparatory Commission], i.e., 5 major powers, 3 Latin American, 2 Dominion, 2 Eastern European, 1 Western European, 1 Middle Eastern. This principle is followed in all the attached tables.

President

The U. S. Candidate for President is Lie of Norway. The British candidate is Spaak of Belgium. Many Latin American states favor Evatt of Australia. The USSR may propose Poland. It is assumed that we will not agree to Poland, but may agree to one of the other candidates. In consequence the attached tables are made up on the basis of (1) Norway as President, (2) Belgium as President, and (3) Australia as President.

²³ Transmitted to Mr. Stettinius on January 4 (en route) by Mr. Abe Feller of the United States Delegation Staff of Advisers.

Vice-Presidents

In Tables 1, 2 and 3, the Vice-Presidents are the Big Five, plus Poland and Uruguay. Poland is selected in order to short-circuit a possible Soviet drive for a Polish President. Uruguay is selected because (a) it would be desirable to have a Latin American Vice-President, and (b) as a consolation for Uruguay's failure to be elected to ECOSOC.

It would be helpful for future development of the United Nations if it were possible not to establish the precedent that all of the Big Five must be Vice-Presidents, although it is agreed that all five should be on the General Committee. If at all feasible, one of the Big Five should take a committee chairmanship. Table IV is an illustration of such a situation in which either China or the USA would hold the chairmanship of the Political and Security Committee. In such event there would be three small power Vice-Chairmen. In the illustration Iran (or Egypt) is listed as the third of these posts.

The Russians may raise strong objection to Iran as a member of the General Committee, and may likely suggest Syria. Since Syria is a very small and very recent state and since the French would not be too pleased with such a choice, it is unlikely that Syria would find general favor. We have therefore suggested Egypt as an alternative to Iran.

Committee Chairmanships

The choice of committee chairmanships must be based partly on political considerations and partly on considerations of personal competence. These are difficult criteria to reconcile. The explanation for individual choices appears in footnotes to the Tables.

Latin American States

The Latin American states are allocated 1 Vice-Presidency, 2 committee chairmen and 2 committee vice-chairmen. Before definitive choices are made, they should be checked with the leading Latin American delegations. The reasons for the suggestions here given are as follows: Uruguay for Vice-President and Venezuela for a committee vice-chairman as consolations for failure to be elected to ECOSOC; Colombia as chairman of the Trusteeship Committee because of Zuleta's²⁴ competence; Mexico as chairman of the Legal Committee because of Padilla Nervo's²⁵ competence. It is likely that small Latin American states will object to these choices, since some of them desire to establish a principle of rotation. We recommend that such a tendency should be resisted. The General Committee is important and we

²⁴ Dr. Eduardo Zuleta Angel of Colombia, President of the Preparatory Commission.

²⁵ Sr. Luis Padilla Nervo, Mexican diplomat and Mexican Representative at the San Francisco Conference.

should have important states and strong men on it. Colombia and Mexico will be exceptionally helpful because of the great ability and experience of the two men mentioned. In addition the U.S. can count on these men to give it strong and effective support, without any suspicion that they are acting as mere puppets. We have not discovered yet any outstanding men among the smaller Latin American states, and have found at least three delegates from such states who are unacceptable for any important posts. In order to leave some leeway for strong objections to a continuing important role for Colombia, we have suggested Venezuela as an alternative.

Rapporteurs

We have made no suggestions for choice of rapporteurs. It would be advisable to keep these positions open until after the committees have been organized in order to enable a choice to be made on the basis of competence of individuals, and also in order to give a greater leeway for distribution among states after the other posts have been filled.

[Annex I]

TABLE I ²⁶

(Norway as President)

President: Norway
 Vice Presidents: China, France, UK, USA, USSR
 Poland
 Uruguay

<i>Committee</i>	<i>Chairman</i>	<i>Vice-Chairman</i>
Political and Security	New Zealand*	Yugoslavia
Economic	Australia†	Egypt (or Iran)
Social	Ukraine‡	Belgium
Trusteeship	Colombia (or Venezuela)§	Canada
Administrative & Budgetary	Iran (or Egypt)¶	Venezuela (or Colombia)
Legal	Mexico¶	South Africa

²⁶ The footnotes attached to Table I appear in the original.

*Because of Fraser's personal competence.

†As a consolation for not being elected President, and because the Australian delegation would very likely furnish a competent chairman.

‡Because of Manuilsky's personal competence. Some objection possible from British on ground that the Social Committee will handle the refugee question, but stronger political objections to an Eastern European chairman could be made with respect to almost any other committee.

§ See explanatory memorandum [p. 134].

¶A Middle Eastern state should be on general committee. Either Entezam of Iran or Badawi of Egypt should be able to handle the job, although neither would be ideal.

¶ See attached memorandum [p. 134].

UNITED NATIONS ORGANIZATION

[Annex II]

TABLE II

(Belgium as President)

President:	Belgium	
Vice-Presidents:	China, France, UK, USA, USSR	
	Poland	
	Uruguay	
	<i>Committee</i>	<i>Chairman</i>
		<i>Vice-Chairman</i>
Political and Security	New Zealand	Yugoslavia
Economic	Australia	Egypt (or Iran)
Social	Ukraine	Norway
Trusteeship	Colombia (or Venezuela)	Canada
Administrative & Budgetary	Iran (or Egypt)	Venezuela (or Colombia)
Legal	Mexico	South Africa

(See footnotes on Table I.)

[Annex III]

TABLE III

(Australia as President)

President:	Australia	
Vice-Presidents:	China, France, UK, USA, USSR	
	Poland	
	Uruguay	
	<i>Committee</i>	<i>Chairman</i>
		<i>Vice-Chairman</i>
Political and Security	New Zealand	Yugoslavia
Economic	Norway (or Belgium)**	Egypt (or Iran)
Social	Ukraine	Belgium (or Norway)
Trusteeship	Colombia (or Venezuela)	Canada
Administrative & Budgetary	Iran (or Egypt)	Venezuela (or Colombia)
Legal	Mexico	South Africa

**As a consolation for not being elected President.
See other footnotes on Table I. [Footnote in the original.]

[Annex IV]

TABLE IV

(Illustration of a Big Power Holding a Committee Chairmanship)

President :	Australia	
Vice-Presidents :	France, UK, USSR, USA (or China)	
	Poland	
	Uruguay	
	Iran (or Egypt)	
	<i>Committee</i>	<i>Chairman</i>
		<i>Vice-Chairman</i>
Political and Security	China (or USA)	Yugoslavia
Economic	Norway (or Belgium)	Egypt (or Iran)
Social	Ukraine	Norway
Trusteeship	Colombia (or Venezuela)	Canada
Administrative & Budgetary	New Zealand	Venezuela (or Colombia)
Legal	Mexico	South Africa

[Annex V]

TABLE V

CREDENTIALS COMMITTEE

(9 members)

Brazil, Chairman
 Byelo-Russia
 Cuba
 Ethiopia
 France
 Iraq
 Netherlands
 Philippines
 Turkey

Note: Brazil, Cuba, Netherlands and Turkey have been given places because they are relatively important states. Byelo-Russia, Ethiopia, Iraq and the Philippines are designed to give representation to Africa, Arab League and Asia. France has been included in order to avoid the appearance that membership on this committee is merely a sop for not receiving anything else.

501.BB/1-546

Memorandum by the Deputy Director of the Office of Special Political Affairs (Ross) to the Counselor of the Department (Cohen) ²⁷

[WASHINGTON,] January 5, 1946.

The attached memorandum ²⁸ provides information on the slates supported by the U.S. Government for the Security Council, Economic and Social Council, International Court of Justice, Secretary General and the President of the General Assembly of the United Nations. Briefly these slates are as follows:

SECURITY COUNCIL

<i>First Election</i>	<i>Second Election</i>	<i>Third Election</i>
Brazil (2 yrs)	Peru
Canada (2 yrs)	Australia
Netherlands (2 yrs)	Belgium
Poland (1 yr)	Czechoslovakia
Egypt (1 yr)	Turkey
Mexico (1 yr)	Colombia

ECONOMIC AND SOCIAL COUNCIL

<i>Three Year Term</i>	<i>Two Year Term</i>	<i>One Year Term</i>
China	United Kingdom	United States
France	U. S. S. R.	Colombia
Peru	Cuba	Chile
Denmark	Ukraine	Australia
Iraq	Canada	Czechoslovakia
Greece	Belgium	Turkey

INTERNATIONAL COURT OF JUSTICE

U.S. Nominations

Green H. Hackworth	— United States
Caracciolo Parra-Perez	— Venezuela
Jules Basdevant	— France
John Spiropoulos	— Greece

SECRETARY GENERAL (one of the following)

Henri Spaak	— Belgium	L. B. Pearson	— Canada
J. H. Van Royen	— Netherlands	N. A. Robertson	— Canada

PRESIDENT—GENERAL ASSEMBLY (one of following)

Trygve Lie	— Norway
Henri Spaak	— Belgium

²⁷ Mr. Cohen, a Senior Adviser to the United States Delegation, was attached to the Secretary of State's party which was in Washington until January 7.

²⁸ Not found attached.

501.BB/1-846

Memorandum of Conversation, by the Principal Adviser to the United States Delegation (Hiss)

SECRET

[LONDON,] January 8, 1946.

Participants: Mr. Stettinius
Ambassador Eduardo Zuleta Angel, Colombia
Ambassador Luis Padilla Nervo, Mexico
Ambassador C. de Freitas-Valle, Brazil
Mr. Alger Hiss

The call of the three visitors was made on their initiative. They said that they realized Mr. Stettinius was not receiving callers regularly on detailed matters and that they had been selected as a committee to pay their respects to him on behalf of all the Latin American Delegations. They were, however, anxious to take up with him certain points prior to a meeting of the Latin American Delegations.

The point in which they were most interested was whether it would be possible for the Latin American countries to have two Vice-Presidents of the General Assembly and two chairmen of the Assembly committees. Mr. Stettinius said that frankly in his opinion it would not be feasible for representatives of the Latin American countries to be named two of the Vice-Presidents. Mr. Stettinius pointed out that it was generally assumed that five of the seven Vice-Presidents would be representatives of the five powers with permanent seats on the Security Council. This would leave only two Vice-Presidents for election at large and it did not seem reasonable for both of these to be filled by Latin Americans. The three visitors seemed to accept this comment in good part.

In the course of the discussion Mr. Stettinius mentioned that we had received word directly from the Australians that Dr. Evatt is not coming to London for the meeting of the General Assembly. He and his three visitors seemed to feel that this clearly ruled out any possibility of Dr. Evatt being considered for this post. Mr. Stettinius also mentioned that we had been informed indirectly that Mr. Spaak is not available for the position of the Secretary General. There was some discussion as to our preferences for the post of President of the General Assembly in view of the above developments. Mr. Stettinius indicated that since we had originally contemplated Mr. Spaak as a candidate for Secretary General and as we had also been favorably impressed by Dr. Evatt's qualifications for President of the General Assembly that our attitude with reference to this latter position was now not quite the same as it had been during the period of the Preparatory Commission. Mr. Stettinius thought that either Mr. Lie of Nor-

way, whom we had initially suggested for this position, or Mr. Spaak would be an appropriate President. He said that he understood there was a good deal of favorable sentiment for Mr. Spaak and that perhaps he might become a unanimous choice. His three visitors indicated that they preferred Spaak to Lie for this position.

IO Files : USGA/Gen 30/Conv 12

*Minutes by the United States Delegation of the Five-Power Informal Meeting, Held at London, Foreign Office, January 9, 1946, 3:30 p. m.*²⁹

SECRET

Present :

United Kingdom :

Sir Alexander Cadogan ³⁰

Sir Charles Webster ³¹

China :

Ambassador Wellington Koo ³²

Mr. Tsien Tai ³³

U.S.S.R. :

Ambassador Andrey Gromyko ³⁴

M. A. I. Lavrentyev ³⁵

Mr. Yunin ³⁶

France :

M. J. Paul-Boncour ³⁷

M. J. Fouques Duparc ³⁸

United States :

Mr. Adlai Stevenson

Mr. Alger Hiss

Sir Alexander Cadogan opened the meeting by speaking favorably of the qualifications of Monsieur Spaak. He dwelt upon Spaak's

²⁹ Drafted by Alger Hiss, Principal Adviser on the United States Delegation.

³⁰ Permanent Under Secretary of State for Foreign Affairs, British Foreign Office, and a Principal Adviser to the United Kingdom Delegation.

³¹ Special Adviser to the Minister of State (Noel-Baker) and a Principal Adviser to the United Kingdom Delegation.

³² Chinese Ambassador to the United Kingdom; Head of the Chinese Delegation.

³³ Chinese Ambassador to France; Representative on the Chinese Delegation.

³⁴ Representative on the Delegation of the Soviet Union.

³⁵ Representative on the Delegation of the Soviet Union.

³⁶ Interpreter for the Delegation of the Soviet Union.

³⁷ Former President of the French Council of Ministers; Representative on the French Delegation.

³⁸ Minister Plenipotentiary, Director of the International Conferences Secretariat at the French Ministry of Foreign Affairs; a Principal Adviser to the French Delegation.

experience as presiding officer, mentioning in particular his serving in that capacity at the Brussels Conference.³⁹ Ambassador Gromyko then said that in preliminary conversations held before he had returned to Moscow there had been two names mentioned, Spaak and Lie. He said the Soviet Delegation now has a definite view in favor of Lie.

Ambassador Koo said that he still felt that either of the two men mentioned would be acceptable, although perhaps on the basis of personal fitness Spaak might be preferable.

Mr. Stevenson said that his position was somewhat like that of Ambassador Koo. He said that he had been the first to mention Mr. Lie but that the disposition of the United States Delegation was to try to reach agreement on this matter with the other delegations. Other delegations including those of the American Republics in their conversations with him have expressed a marked preference for Spaak.

Monsieur Paul-Boncour remarked that Spaak is very experienced as presiding officer.

Ambassador Gromyko then said that he could not accept Spaak and that the Soviet Union has a very definite opinion in favor of Lie. He said he could not consider retreating from his position and that he felt confident that if the five were unanimously to agree upon Lie he could be easily elected.

The discussion then passed to the selection of members of the General Committee of the Assembly. There was general agreement that five of the Vice-Presidencies would be filled by representatives of the permanent members of the Security Council. Mr. Stevenson proposed that representatives of Poland and Venezuela might be elected to fill the other two Vice-Presidencies. He explained that the choice of the delegations from the other American Republics for this position was Venezuela.

Ambassador Gromyko expressed agreement in principle with this view and Ambassador Koo and Monsieur Paul-Boncour also agreed.

At Sir Alexander Cadogan's suggestion there was then specific agreement on Venezuela for one of the Vice-Presidencies. Sir Alexander then asked for similar agreement with respect to Poland. At this point Ambassador Gromyko said he would like to discuss this matter in connection with the Presidency of the Second Session of the General Assembly. He inquired whether the others would agree to Poland receiving that position.

Sir Alexander Cadogan replied that he had not thought about this matter but he found it difficult to commit himself a year in advance. He

³⁹ Refers presumably to the Nine-Power Conference held at Brussels, November 3-24, 1937 regarding Far Eastern Affairs. Mr. Spaak was Chairman of the Conference.

inquired how this matter affected the question of Poland's selection as a Vice-President now.

Ambassador Gromyko replied that if the selection of Poland as Vice-President now would prejudice her election at the next session he might wish to suggest Yugoslavia instead of Poland as a Vice-President now. Sir Charles Webster said that if Poland were now selected as Vice-President it would not prejudice Poland's candidacy for President of the next session.

Mr. Stevenson expressed his agreement with this point of view.

Ambassador Gromyko then said that he thought the question he had just raised with respect to Poland also would affect the choice of the President of the present session. If Western Europe were to have a representative now, Eastern Europe might be granted a representative at the next session. Mr. Stevenson said that he thought such a proposal was worthy of consideration but he did not think it would be profitable to talk in terms of particular countries. Sir Alexander Cadogan said that it is not possible to say now who will be foreign minister of Poland at the time of the next session. Gromyko at this point agreed to the selection of Poland as a Vice-President at the current session and Paul-Boncour also agreed. Ambassador Koo said that he attached importance to the principle of geographic representation and that he thought there should be at least some rough general rotation of the Presidency, although he recognized that the individual selected was also a matter of importance. With this observation he expressed his agreement to the selection of Poland for Vice-President at the present time.

Sir Alexander Cadogan then brought up the subject of chairmen of committees, pointing out that they also will be members of the General Committee. Ambassador Gromyko said that before proceeding with this subject he wished to point out that the President of the Preparatory Commission had been an American (i.e., from the American Continent), and that the two parts of the first session of the General Assembly are really two sessions, both of which would be presided over by a Western European, whether Spaak or Lie is elected. He said that he wished to make himself clear and that he wished to know the opinion of the others present with respect to the selection of Poland for President of the Second Session. He suggested perhaps two countries might be mentioned in view of the suggestion that we could not be sure who would be foreign minister of Poland at the time of the next session. Cadogan said that he was willing to go so far as to say some geographic rotation would be desirable if a suitable candidate could be found. Mr. Stevenson expressed his agreement with this statement. Paul-Boncour said he thought Ambassador Koo's suggestion was wise and met Ambassador Gromyko's point of view.

The discussion then proceeded to the selection of committee chairman. Mr. Stevenson suggested a representative of Norway as Chairman of the first Committee if Norway is not elected President of the General Assembly, in which event perhaps a representative of one of the Dominions might be selected, perhaps New Zealand. Cadogan said he thought Mr. Fraser, Prime Minister of New Zealand, might be made Chairman of the Trusteeship Committee as he had presided over that Committee in San Francisco. Mr. Stevenson thought it might be desirable to have someone for that Committee who came from a country not interested in trusteeship, for example, a Latin American. Ambassador Gromyko said that he could not recommend Norway as Chairman of Committee 1 as he wants Mr. Lie to be President of the General Assembly. Mr. Stevenson then read the rest of the United States slate, namely, Australia for Committee 2, Czechoslovakia for Committee 3, Panama for Committee 4, Syria for Committee 5, and Uruguay for Committee 6. Sir Alexander Cadogan in turn read a British list which proposed Uruguay for Committee 1, the Ukraine for Committee 2, a Latin American State for Committee 3, New Zealand for Committee 4, Canada for Committee 5, and Egypt for Committee 6.

Ambassador Gromyko said that he had no objection to Fraser personally and that he felt Fraser had been a good Chairman at San Francisco, but that he thought it undesirable to have a representative of New Zealand be Chairman of this Committee. He proposed that the Ukraine be given the Chairmanship of the first Committee. He also expressed doubt as to the desirability of Panama being given the Trusteeship Committee Chairmanship. He expressed no objection to the United States proposals with respect to Committees 5 and 6.

Ambassador Koo remarked that the vast Asiatic Continent had been left out altogether. At this point it was suggested that the posts of Vice-Chairman be considered simultaneously and Mr. Stevenson read the United States list, i.e., Yugoslavia for Committee 1, Iran for Committee 2, Costa Rica for Committee 3, Denmark for Committee 4, New Zealand for Committee 5, and South Africa for Committee 6.

Sir Alexander Cadogan then read the British list as follows: Byelorussia for Committee 1, Chile for Committee 2, Denmark for Committee 3, South Africa for Committee 4, Turkey for Committee 5, and Cuba for Committee 6.

Cadogan suggested that agreement now be attempted on the Chairmanship of the first Committee and Paul-Boncour said that either the Ukraine or Uruguay would be satisfactory to him. Ambassador Koo suggested that Mr. Fraser of New Zealand would be an excellent choice. Mr. Stevenson said that he would be prepared to accept Uruguay, and that although he recognized that Mr. Manuilsky had been a

good Chairman during the Preparatory Commission he had some reservation in his mind as to whether a representative of one of the constituent Republics should be Chairman of this Committee. Ambassador Gromyko said that he would like to know Mr. Stevenson's reason for this position. In reply Mr. Stevenson said he was thinking largely of the appearance of things. At this point Sir Alexander Cadogan said he would accept Mr. Manuilsky as Chairman of Committee 1. Mr. Stevenson continued that he thought it would be wise for the Chairman of this Committee not to have too close a connection with any of the great powers and Ambassador Gromyko then inquired as to what he would say to the proposal that one of the British Dominions or a Latin American State be given the Chairmanship of this Committee. Ambassador Koo said he did not think it important whether a Dominion or a constituent Republic was given the Chairmanship. He thought that either Fraser or Manuilsky would be a very able Chairman and he said that either would be acceptable to him. He added that from what he knew of the experience of McEachen of Uruguay⁴⁰ as chairman of a committee of the Preparatory Commission he thought he would be very good, but that Mr. McEachen had not had as much experience as the other two. Mr. Stevenson said that his order of preference of the three men mentioned was Mr. Fraser, Mr. McEachen, and Mr. Manuilsky. Both Paul-Boncour and Ambassador Koo, in reply to specific inquiries from Sir Alexander Cadogan, said they would agree that Norway would be a good choice for this position if Mr. Lie were not elected President of the General Assembly.

The discussion then proceeded to the Chairmanship of Committee 2, and Ambassador Koo recommended India or Iran "for Asiatic reasons". Monsieur Paul-Boncour said that Mudaliar⁴¹ had been very competent as a chairman, both at San Francisco and in the Preparatory Commission. Ambassador Gromyko replied that Mudaliar was a very able man but that he had some doubt as to perpetuating his chairmanship of an economic committee. He suggested the possibility of Denmark. Mr. Stevenson pointed out that another Western European state would upset the balance of the General Committee, remarking that dependent upon the outcome of the election of President of the General Assembly Mr. Lie might be Chairman of Committee 1.

The discussion then proceeded to the Chairmanship of Committee 3. Ambassador Gromyko suggested a Latin American. Ambassador Koo and Sir Alexander Cadogan said they would accept Czechoslovakia for this post. Ambassador Gromyko said he would agree to this if the

⁴⁰ Dr. Roberto E. MacEachen, Uruguayan Ambassador to the United Kingdom and Head of the Uruguayan Delegation.

⁴¹ Sir Ramaswami Mudaliar, Member of the Executive Council of the Governor-General of India; Head of the Government of India's Delegation.

Ukraine were accepted for the first Committee. Mr. Paul-Boncour said he would agree to Czechoslovakia for Committee 3.

With respect to Committee 4 Monsieur Paul-Boncour agreed with the suggestion of New Zealand. Ambassador Koo suggested Colombia but Mr. Stevenson thought that the Latin American States would not agree in as much as Mr. Zuleta of Colombia had been President of the Preparatory Commission. Ambassador Gromyko said he thought Panama was not a good choice for Committee 4.

With respect to Committee 5 Monsieur Paul-Boncour accepted Canada. Ambassador Gromyko said he would agree to either Syria or one of the Dominions subject to the solution of the question of the Chairmanship of Committee 1. He said that he would like to think further about this matter. Ambassador Koo suggested Iran for Committee 5.

As to Committee 6 Ambassador Gromyko said he would agree to Uruguay subject to the decision with respect to the Chairmanship of Committee 1. He also suggested the possibility of Egypt for Committee 6.

The discussion then proceeded to the non-permanent members of the Security Council and Ambassador Gromyko remarked that as he had said before he left for Moscow ⁴² he favored the following slate: Poland for two years; Brazil for two years; Canada for two years; Syria, Belgium and Norway each for one year.

Mr. Stevenson read the United States list of Canada, Brazil and the Netherlands each for two year terms; Mexico, Poland and Egypt each for one year terms.

Monsieur Fouques Duparc suggested Brazil, the Netherlands or Belgium, Poland, Egypt or Iran, Mexico and Canada.

Ambassador Koo suggested Brazil, Canada, Belgium, Czechoslovakia, Iran and Mexico.

Sir Alexander Cadogan said that he did not have the British list with him.

There was agreement among all present upon Brazil and Canada. Sir Alexander Cadogan then inquired whether it was necessary to have two Latin American States in the Security Council and Mr. Stevenson replied in the affirmative. Cadogan then pointed out that Brazil and Mexico appeared on all the lists except the Soviet list. Ambassador Gromyko thought it would be fairer to have only Brazil on the Council as otherwise there would be four states from North America. He also argued that if both Brazil and Mexico were to be elected, the Council would be unbalanced after their terms had expired (implying that

⁴² That is, at the conclusion of the meeting of the Preparatory Commission late in December, 1945.

two smaller Latin American States would not be properly representative from a security point of view).

(At this point Sir Alexander Cadogan left the meeting and returned with the British list which was identical with the United States list.)

Ambassador Koo asked Sir Alexander Cadogan if the British included the Netherlands on their list instead of Belgium on the assumption that Monsieur Spaak of Belgium would be President of the General Assembly. Sir Alexander replied in the affirmative.

Ambassador Gromyko said that he thought the Netherlands should first make peace at home and then take care of the peace of other countries.⁴³

The meeting then adjourned, agreeing to meet again at ten o'clock the next morning.

IO Files : USGA/Ia/12

United States Delegation Working Paper

SECRET

[LONDON,] January 10, 1946.

PRESENT SLATE FOR GENERAL ASSEMBLY

PRESIDENT

M. Trygve Lie—Norway

VICE-PRESIDENTS

US China
 UK France
 USSR India
 Venezuela

COMMITTEE OFFICERSHIPS *

Committee 1—Political and Security Committee

Chairman: Ukraine

Vice-Chairman: Iran

Committee 2—Economic and Financial Committee

Chairman: Poland

Vice-Chairman: South Africa

Committee 3—Social, Humanitarian and Cultural Committee

Chairman: New Zealand

Vice-Chairman: Costa Rica

⁴³ Possibly a reference to the situation in the Netherlands East Indies.

*It is expected that the rapporteurs will be decided upon after the personnel of the committees is known. [Footnote in the original.]

Committee 4—Trusteeship Committee

Chairman: Uruguay

Vice-Chairman: Denmark

Committee 5—Administrative and Budgetary Committee

Chairman: Syria

Vice-Chairman: Czechoslovakia

Committee 6—Legal Committee

Chairman: Panama

Vice-Chairman: Luxembourg

 IO Files :USGA/Gen 30/Conv 13

*Minutes by the United States Delegation of the Five-Power Informal Meeting, Held at London, Foreign Office, January 10, 1946, 10 a. m.*⁴⁴

SECRET

Present:

United Kingdom:

Sir Alexander Cadogan

Sir Charles K. Webster

China:

Ambassador Wellington Koo

Mr. Tsien Tai

U.S.S.R.:

Ambassador Andrey Gromyko

M. A. I. Lavrentyev

Mr. Yunin

France:

M. J. Paul-Boncour

M. J. Fouques Duparc

An interpreter

United States:

Mr. Adlai Stevenson

Mr. Alger Hiss

Sir Alexander Cadogan opened the meeting by stating that during the course of the preceding evening he had occasion to talk to the representatives of other delegations and had found general agreement on the selection of M. Spaak for the Presidency of the Assembly. He said that the question of the Presidency could not be settled at the present meeting.

He then said that with respect to the Security Council his government still favored the Netherlands, although their position on that

⁴⁴ Drafted by Mr. Hiss.

might to some extent be affected by the outcome of the election of the President of the General Assembly. Mr. Stevenson restated the position he had expressed at the preceding meeting with respect to M. Lie and Monsieur Spaak and added that as long as there is support for Monsieur Lie and no common agreement among the Big Five for Spaak the United States will vote for M. Lie but that the United States is not attempting to influence the votes of others. Sir Charles Webster remarked that Lie has withdrawn and when surprise was expressed at this statement he said that the morning issue of the *Times* so stated. Ambassador Gromyko said that the Soviet Union would vote against Spaak and would speak against Spaak. He said that all the discussion about candidates had made a very bad impression on the Soviet Delegation and shows that the five powers are not united. He said that the British press have sung Spaak's praises for weeks and that perhaps other delegations have made commitments. Cadogan objected that his delegation had made no promises. Mr. Paul-Boncour said that it would be regrettable if agreement could not be reached. He inquired why Ambassador Gromyko was opposed to Monsieur Spaak. In reply Ambassador Gromyko said he thought Spaak had been too closely identified with the League, that he was an able man but that there were other factors of more importance. He said that he saw some attempts by other delegations to discredit the efforts of the Soviet Delegation to reach a fair solution and he wondered why there had been no consultation with the Soviet Delegation before decisions had been reached. Sir Alexander said there had been no consultation at all before Gromyko arrived in London. Ambassador Gromyko then said that Spaak himself had the preceding day said it had been agreed he would be selected as President. Ambassador Gromyko said he wanted it to be reported to the foreign ministers of the other representatives present that the Soviet Delegation has received a bad impression because of the lack of cooperation. He referred to the "myth" of cooperation and said he thought this was a very bad beginning and that if there was to be no cooperation the Charter would be a paper document. He added that if the other delegations do not wish to cooperate his delegation would give the same answer. Ambassador Koo said that although he thought either Monsieur Lie or Monsieur Spaak would be a good choice he wished to point out that if Spaak were elected President of the Assembly, Belgium could not be on the Security Council and Norway would receive no recognition.

The discussion then turned to the choice of chairmen of committees and Cadogan said that the choice for the first Committee appeared to be the Ukraine. Mr. Stevenson said that the Ukraine had not been the choice of the United States Delegation but that if it proved to be the

choice of all the others he could agree although he had intended to suggest Czechoslovakia for this position and that he would also like to suggest Uruguay instead of Panama for the Chairmanship of the Trusteeship Committee, Committee 4. Ambassador Koo expressed his agreement with respect to Uruguay and so did Monsieur Paul-Boncour. Sir Charles Webster suggested Mr. Fraser as Chairman of Committee 3 and Czechoslovakia as Chairman of Committee 5.

Ambassador Gromyko said he stood for the selection of the Ukraine for Committee 1, Ambassador Koo said that he would agree to that and to Mr. Fraser as Chairman of Committee 3. Cadogan said he would agree to the Ukraine as Chairman of Committee 1. Mr. Stevenson then said that if Gromyko preferred the Ukraine to Czechoslovakia and would agree to the choice of Uruguay for the Trusteeship Committee he would agree to the Ukraine for Committee 1. Gromyko agreed to this proposal.

Mr. Stevenson then asked whether the others present preferred Bolivia or Uruguay as Chairman of Committee 4. Cadogan said that he preferred Uruguay and the others present agreed upon Uruguay as Chairman of Committee 4.

All present then agreed upon Mr. Fraser as Chairman of Committee 3.

Committees 2 and 5 were discussed jointly and Sir Alexander Cadogan suggested India as Chairman of either committee. Mr. Stevenson suggested Norway, Belgium or Denmark for Committee 2 depending upon other developments. Ambassador Koo supported India for either Committee 2 or Committee 5 suggesting that perhaps Committee 5 might be the preferable choice in order to avoid perpetuating Sir Ramaswami Mudaliar in the same post. Ambassador Gromyko said that he could agree to only one British Dominion for a Chairmanship. He did not know how two out of six would look. Cadogan said it would disturb the balance of the General Committee unless there were two Dominions on it. Gromyko then suggested that Poland be a chairman of one of the committees and that a British Dominion be made a Vice-President. Cadogan agreed and suggested that Poland be Chairman of Committee 5 and India receive a Vice-Presidency. Gromyko suggested Poland be Chairman of Committee 2. This was agreed upon tentatively, Gromyko saying that he wished to think over the suggestion that India receive a Vice-Presidency. As to Committees 5 and 6 Gromyko, Cadogan and Stevenson agreed upon Syria and Panama respectively. Koo accepted Panama for Committee 6 but suggested Iran for Committee 5. Paul-Boncour agreed provisionally to Syria and Panama.

On the subject of Vice-Chairmen of the Committees Mr. Stevenson suggested Iran for Committee 1, Denmark for Committee 2, Yugoslavia for Committee 3 and South Africa for Committee 5. Gromyko proposed Yugoslavia for Committee 4. Mr. Stevenson then suggested Denmark for Committee 4, South Africa for Committee 2, Costa Rica for Committee 3, and Czechoslovakia for Committee 5.

Sir Charles Webster then returned to the subject of chairmanships and raised the possibility of Turkey being made Chairman of Committee 5 but dropped the suggestion when Gromyko opposed it.

The discussion then continued with respect to Vice-Chairmanships. Gromyko again suggested Yugoslavia for Committee 4 and added Byelo Russia as an alternative. In the course of discussion on Gromyko's suggestion Cadogan and Webster appeared to agree to both Byelo Russia and Yugoslavia being named rapporteurs of committees.

There seemed to be general agreement on Turkey as Vice-Chairman of Committee 6 but Gromyko wanted the question of the Vice-Chairmanship or Rapporteurship of Committee 4 settled first. He also suggested Chile as Vice-Chairman of Committee 6. Paul-Boncour suggested Luxembourg to which Gromyko agreed if Yugoslavia could be made a Vice-President. Ambassador Koo expressed a preference for Turkey as Vice-Chairman of Committee 6. Mr. Stevenson then suggested Turkey as Chairman of Committee 5 and Syria as Vice-Chairman of Committee 6 but this was opposed by Gromyko who suggested Yugoslavia as Rapporteur for Committee 5 and said he would agree to Luxembourg as Vice-Chairman of Committee 6. Ambassador Koo said that he could accept this proposal.

Gromyko then said that he wanted Yugoslavia and Byelo Russia as rapporteurs. Mr. Stevenson opposed this position.

As the meeting was adjourned Monsieur Paul-Boncour suggested that the election of the President of the General Assembly should be postponed until agreement could be reached among the representatives of the Big Five on that subject. Monsieur Paul-Boncour then suggested that the Big Five agree to the proposal earlier made by Ambassador Koo, that Lie be elected President of the General Assembly and Belgium be put on the Security Council.

Ambassador Gromyko then asked Sir Charles Webster whether Mr. Attlee's address at the opening plenary session would be only a speech of welcome or a political speech defining the British attitude toward the organization. He said that if it would be the latter kind of speech he thought the other powers should also be given an opportunity to speak at the same meeting. Sir Charles Webster agreed to try to find out the nature of Mr. Attlee's speech.

501.BB/1-1046 : Telegram

*The Secretary of State to the Acting Secretary of State (Acheson)*SECRET
US URGENT

LONDON, January 10, 1946—midnight.

[Received January 11—12:51 a. m.]

337. Personal for the President from the Secretary.

[Here follows discussion relating to the question of the establishment of international controls over atomic energy; for documentation on this subject, see *post*, pages 712 ff.]

I found that Adlai Stevenson, representing Stettinius, 6 weeks ago had determined that the only available candidate to preside over the first meeting was Foreign Minister Lie of Norway. He had asked the Norwegian Ambassador if Lie would be available and if he would accept. Subsequently he was advised by Norway that Lie would accept.⁴⁵ Stevenson also told Gromyko that US representatives on the Preparatory Commission favored the election of Lie as president of the meeting.

Spaak of Belgium was then being considered for Secretary General. More recently it was determined that Spaak would not be urged for that post and he was urged for President of the meeting. Stevenson advised me that a majority of the convention apparently favored Spaak. However, last night Gromyko told me that he had been asked by the US representatives 6 weeks ago to support Lie; that after consulting his govt he had been instructed to do so. In view of this and in view of the fact that US representative had first approached Norway on the subject, I determined it was our duty to vote for Lie regardless of the outcome of the voting.

Who presided over the meeting was not important but it was important that we should not break faith with two govts. I advised Gromyko that because of what had occurred we would vote for Lie but that we would not seek to influence the votes of other govts. The Soviet delegation nominated Lie. Four states friendly to the Soviets and Denmark seconded. We thought he would receive not more than 12 votes but he received 23 votes.⁴⁶

The Soviets were very much opposed to Spaak. Had Lie received only a few votes, they doubtless would have been humiliated. Having received 23 votes they were agreeably surprised and I am sure they realized that most of those votes came from South American Govts who had learned today of our position and followed us even though we did not ask them to do so.

⁴⁵ See telegram 13620, Copre 677, December 27, 1945, 7 p.m., from London, *Foreign Relations*, 1945, vol. I, p. 1509.

⁴⁶ For proceedings and debate in the General Assembly on this subject, see United Nations, *Official Records of the General Assembly, First Session, First Part, Plenary Meetings*, pp. 43 ff. Hereafter cited as GA (I/1), *Plenary*.

The matter was handled badly by the friends of Spaak who did not formally nominate him. The Soviets have a right to think that there was a caucus among the delegates when the man they nominated and whose nomination was seconded by 4 or 5 govts, received 23 votes and a man whose name was not mentioned on the floor received 28 votes. Observers will point out this was not done by chance because Spaak was the only person beside Lie to receive votes.

Our slate for the Security Council has been tentatively agreed upon by the Big Five with the exception of one place not yet decided where the contest is between Belgium and the Netherlands. The election of Spaak from Belgium makes me feel stronger for the Netherlands. But before deciding it tomorrow morning, I will consult the members of the delegation.

BYRNES

IO Files : USGA/Gen 30/Conv 14

Minutes by the United States Delegation of the Five-Power Informal Meeting, Held at London, Foreign Office, January 11, 1946 ⁴⁷

SECRET

Present:

United Kingdom:

Sir Alexander Cadogan

Sir Charles Webster

China:

Ambassador Wellington Koo

Mr. Victor Chi-tsai Hoo ⁴⁸

U.S.S.R.:

Ambassador Andrey Gromyko

M. A. I. Lavrentyev

France:

M. J. Fouques Duparc

Interpreter

United States:

Mr. Adlai Stevenson

Mr. Alger Hiss

Ambassador Gromyko at the outset of the meeting proposed that Yugoslavia be substituted for Czechoslovakia for the Chairmanship of Committee 5. This suggestion was agreed to by the others present. Ambassador Gromyko then proposed that a member of the Czech Delegation be selected as Rapporteur of Committee 4. Sir Charles Webster

⁴⁷ Drafted by Mr. Hiss.

⁴⁸ Alternate Representative on the Chinese Delegation.

and Mr. Stevenson both expressed disagreement to this proposal. M. Fouques Duparc suggested Czechoslovakia as Rapporteur of Committee 3. Ambassador Gromyko asked why there was objection to a Czech Delegate as Rapporteur of Committee 4 if it was appropriate to have a representative of Uruguay as Chairman of that Committee. At this point Sir Alexander Cadogan suggested a Norwegian Delegate as the Rapporteur of Committee 4 and Ambassador Gromyko suggested that Norway might be given the Vice-Chairmanship of Committee 2 or Committee 1 or be given the Rapporteurship of Committee 1. His suggestions were not agreed to and he then said that if some place were found for Byelo Russia he would agree to Czechoslovakia having the Rapporteurship of Committee 2 or Committee 3. The following tentative list was then suggested as a possible combination of the British and United States proposals:

<i>Committee</i>	<i>Vice-Chairman</i>	<i>Rapporteur</i>
1	Iran	Ecuador
2	Philippines	Czechoslovakia
3	Costa Rica	Netherlands
4	Denmark	Norway
5	Yugoslavia	Greece
6	Luxembourg	Bolivia

This list was not agreed to by Ambassador Gromyko.

The discussion then turned to the non-permanent members of the Security Council.

Ambassador Koo withdrew his objection to Poland. Ambassador Gromyko continued to object to Mexico on the ground that it would mean that four North American countries were represented in the Security Council at the same time.

The question was then raised by several of those present as to whether there would have to be two Latin American countries on the Council for an indefinite period of time. Mr. Stevenson, speaking on this point, said that he felt confident that certainly there would have to be two Latin American countries elected at this time and also at the next election the retiring Latin American country would have to be replaced by a Latin American country.

Sir Alexander Cadogan asked Ambassador Gromyko what country he would propose instead of Mexico and Gromyko replied that he had already suggested Belgium as a member of the Security Council but if the Presidential election had changed the situation⁴⁹ he would like to consult his government on this point and he would propose a postponement of the election of Security Council members.

Sir Alexander Cadogan then suggested that agreement be reached on Egypt as one of the members of the Security Council. Ambassador Gromyko suggested Syria instead of Egypt. Ambassador Koo said

⁴⁹ Refers to the election of M. Spaak as President of the General Assembly.

that Egypt was acceptable to him provided it was understood that there would not always have to be an Arab State on the Security Council, as contrasted with a state representative of the Middle East and Northern Africa. This qualification was agreed to by the others present and on that basis there was general agreement upon Egypt.

Cadogan then brought up the Netherlands and Mr. Stevenson expressed himself as in favor of the Netherlands. Fouques Duparc agreed to the Netherlands and said that he had dropped his support of Belgium in view of Spaak's election as President of the Assembly. Gromyko said that he still favored Belgium but if there was a general feeling that there had been a change in the situation as a result of Spaak's election he would have to ask for instructions and would want the elections delayed. He again suggested Norway instead of Mexico and then specifically asked that those present request their principal delegates to agree to a postponement of the Security Council elections. He said that he might receive his instructions by Monday but he refused to fix a specific date for the elections to be held. He asked that a reply to his request be given to him tonight or tomorrow morning. Both Cadogan and Koo said that if Gromyko could agree to a fixed date for the elections it would make a postponement of the elections easier from their point of view.

The discussion then proceeded to the slate for the Economic and Social Council. Mr. Stevenson read the United States list as follows:

<i>3 Year Term</i>	<i>2 Year Term</i>	<i>1 Year Term</i>
China	U.K.	U.S.
Chile	U.S.S.R.	Cuba
France	Ukraine	Colombia
Peru	Canada	India
Belgium	Czechoslovakia	Netherlands
Australia	Norway	Iraq

Ambassador Gromyko read the following proposed Soviet slate: Australia, the Netherlands (on the assumption that they are not elected to the Security Council), Canada or South Africa, Iraq, Norway (if not elected to the Security Council) or Ethiopia, Cuba, Mexico (if not elected to the Security Council), or Peru, Denmark, Ukraine or Byelo Russia, Yugoslavia, Greece, Chile, Czechoslovakia, and the five major powers.

Sir Alexander Cadogan then read the British list which was the same as the United States list except he proposed that the positions of Canada and India be interchanged so that India would receive a two year term and Canada a one year term.

M. Fouques Duparc then said that the French list was the same as the United States list except that his delegation felt three seats would be sufficient for Latin America and so substituted Greece for Colombia. He explained that his delegation felt there should be representation for

the Mediterranean area, pointing out that it would be important to save a seat for Italy. He said that he thought it would be unfortunate to establish the principle of four Latin American States being entitled to continuing representation on this Council. Mr. Stevenson said he agreed that in due course the Mediterranean area will need further representation and that when Italy becomes a member of the United Nations the situation will have changed. He said he did not think, however, it would be possible at this time to decide at whose expense any change in representation should be made.

Ambassador Koo then read the following list: Peru, Chile, India, Norway, Canada, Turkey, Czechoslovakia, Yugoslavia, the Ukraine, Australia, Belgium, Colombia, Cuba, and the five major powers. He subsequently agreed that the Netherlands should be a member of this Council but without specifying which country on his list he would drop in favor of the Netherlands.

After considerable discussion it was found that there was agreement by all present upon Australia, the Ukraine, Czechoslovakia, Chile, Cuba and Canada. There was also general agreement, except for Soviet reservations, as to Peru, Belgium, Norway, and the Netherlands. (The Soviet reservation with respect to Peru was to the effect that if Mexico were not elected to the Security Council the Soviets would prefer Mexico to Peru; with respect to Belgium, the Netherlands and Norway its reservation was that it would not support any one of these countries for the Economic and Social Council if it were elected to the Security Council.) Four of those present favored India, Gromyko alone being opposed. Three of those present favored Colombia, the French and Gromyko being opposed. Four also favored Iraq, Koo saying that he would have to consult his delegation on this subject. The French and the Soviets supported Greece. China and the Soviets supported Yugoslavia, Gromyko's support of Yugoslavia being stated in very strong terms. The Chinese favored Turkey in place of Iraq and suggested Iran if Turkey were not acceptable to the others. Gromyko suggested the possible inclusion of Ethiopia instead of a fourth Latin American State.

IO Files: USGA/Ia/12/Add.1

Memorandum by the Principal Adviser to the United States Delegation (Hiss) to the Secretary of State

[LONDON,] January 12, 1946.

The attached slates have been circulated this morning⁵⁰ by our political officers as our slates for the Security Council and the Economic and Social Council.

⁵⁰ Typed notation at bottom of this memorandum reads: "Covering Memo to slates sent Byrnes Jan. 12, 9 a.m."

[Annex]

COUNCIL SLATES

SECURITY COUNCIL

<i>Two Years</i>	<i>One Year</i>
Brazil	Poland
Canada	Egypt
Netherlands	Mexico

ECONOMIC AND SOCIAL COUNCIL

<i>Three Years</i>	<i>Two Years</i>	<i>One Year</i>
China	UK	US
France	USSR	Czechoslovakia
Chile	Ukraine	Colombia
Peru	India	Canada
Belgium	Cuba	Netherlands
Australia	Norway	Iraq

501.BB/1-1246 : Telegram

The Secretary of State to the Acting Secretary of State (Acheson)

LONDON, January 12, 1946.

[Received January 12—10:48 p. m.]

430. Delun 56. GA today elected Brazil, Australia, Poland, Mexico, Egypt and Netherlands as nonpermanent members of SC, the first three for 2 year terms.

On first ballot taken at morning's meeting 5 nonpermanent members of SC were elected as follows: Brazil (47 votes); Mexico (45 votes); Egypt (45 votes); Poland (39 votes) and The Netherlands (37 votes), 34 votes being required for the necessary two-thirds majority stipulated by the Charter.⁵¹

Previously Gromyko had proposed that election of nonpermanent members of SC be postponed to first of next week in order to permit further consideration and consultation. This motion, which was opposed on floor by US⁵² and UK and supported by New Zealand and Czechoslovakia, was defeated by vote of 34 to 9 with 8 abstentions. Only formal nominations were made by Manuilsky who proposed Brazil, New Zealand and Poland for 2 year terms, Egypt and Norway for 1 year terms and Mexico for either 1 or 2 year term. Both Fraser and Lie, however, stated that their governments were not candidates for SC seats.

Those states receiving votes in addition to 5 elected were Canada (33 votes); Australia (28 votes); Iran (6 votes); Czechoslovakia (6 votes); Norway (5 votes); Denmark (2 votes) and Belgium, Ethiopia,

⁵¹ See GA (I/1), *Plenary*, pp. 72 ff.

⁵² For Secretary Byrnes' statement to the General Assembly regarding the United States position, see *ibid.*, pp. 73 ff.

Greece, Luxemburg, New Zealand, Turkey and Yugoslavia 1 vote each. This restricted choice in future balloting under Rule 74 to Canada and Australia and meeting concluded after second ballot which resulted in 27 votes for Australia and 23 votes for Canada.

At afternoon meeting, third ballot failed to result in two-thirds majority for either Canada or Australia but Canadian delegate suggested that election of Australia be made unanimous (Australia had received 28 votes to Canada's 23). Spaak, however, advocated strict adherence to rules of procedure and on fourth ballot Australia received 46 votes and Canada 3, 2 ballots being invalid.

Vote on 2 year term followed, GA supporting by vote of 35 to 5 (US voting negative, Spaak ruling that simple majority vote only required) where first ballot resulted in election of Brazil and Australia, vote on second ballot where choice lay between Poland and Netherlands was tied and Spaak then drew lots under Rule 74 resulting in selection of Poland for third 2 year term.

Following vote on SC membership Koo took floor to express hope that geographic distribution among first nonpermanent members of SC would not be regarded as precedent for future elections since Chinese Delegation felt that at some time in future there should be an Asiatic state as nonpermanent member.

Election of members of ECOSOC followed. First ballot resulted in election of 17 members, Belgium (41 votes); Canada (46 votes); Chile (49 votes); China (49 votes); Colombia (43 votes); Cuba (40 votes); Czechoslovakia (41 votes); France (43 votes); Greece (37 votes); India (42 votes); Lebanon (44 votes); Norway (49 votes); Peru (47 votes); Ukraine (41 votes); USSR (47 votes); UK (48 votes) and the US (47 votes). Voting on second and third ballots between New Zealand and Yugoslavia which had received 31 and 27 votes respectively remained indecisive. Meeting therefore adjourned until Monday.⁵³ First meeting of SC is now tentatively scheduled for Monday afternoon.⁵⁴

BYRNES

⁵³ For the proceedings in the General Assembly on January 14 in which New Zealand withdrew its candidacy and Yugoslavia was elected as the eighteenth member of the Economic and Social Council, see GA (I/1), *Plenary*, pp. 93 ff. For a statement of appreciation addressed to the New Zealand Delegation by Senator Tom Connally, United States Representative, see *ibid.*, p. 94. The first meeting of the Economic and Social Council was held on January 23 with former Ambassador John G. Winant being seated as the United States Representative on the Economic and Social Council. Regarding Mr. Winant's interim and permanent appointments effective respectively on January 12 and March 28, 1946 see Department of State *Bulletin*, January 20, 1946, p. 74 and April 7, 1946, p. 573.

⁵⁴ The first meeting of the Security Council was held at Church House, Westminster, London on January 17, 1946, at which time the Representative of Australia, Mr. N. J. O. Makin, assumed the presidency of the Council. For the initial United States statement in the Security Council made at this inaugural meeting by the United States Representative at the United Nations (Stettinius), see United Nations, *Official Records of the Security Council, First Year, First Series, No. 1, p. 7.*

501.BB/1-1846

*Memorandum by the Principal Adviser to the United States Delegation (Hiss) to the Secretary of State*⁵⁵

SECRET

[LONDON,] January 16, 1946.

Issues relating to selection of Secretary General on which United States position has not yet been taken or if it has been taken, has not been made definitely clear to other delegations.

1. Is the United States opposed to General Eisenhower's selection as Secretary General? If so, the political advisers should impress this upon the other delegations, especially the Latin American Delegations as there is a real possibility of the present movement for General Eisenhower getting out of hand.⁵⁶

2. Does the United States feel that none of the British candidates whose names have been mentioned would be suitable? ⁵⁷ If so, it is presumed that the United States should continue vigorously to press its former position that no national of the Big Five should be selected for the post.

3. Does the United States definitely prefer Pearson or Robertson ⁵⁸ to Lie? We have heretofore taken the position that with the site in the United States we would assume that the organization would wish to have a European as Secretary General if a qualified European were available. This formula, if repeated under present conditions, would tend to encourage Lie's candidacy and would make it difficult, if not impossible, for us to oppose it directly or indirectly. No other Euro-

⁵⁵ Forwarded to the Secretary of State on January 18.

⁵⁶ General of the Army Dwight D. Eisenhower, at this time Chief of Staff of the United States Army. General Eisenhower's name had been suggested informally by the British Government as early as November 1945; see footnote 43, p. 1478, *Foreign Relations*, 1945, vol. I. Though the British interest in General Eisenhower continued to the end of the Preparatory Commission period, the Department of State did not encourage the idea; see telegram 13532, Copre 671, December 24, 1945, 9 p.m. from London, *ibid.*, p. 1506, and footnote reference to Department's telegram 11124, Preco 452, December 29, 1945, to London, *ibid.*, p. 1507. Early in January the London press gave considerable attention to the proposed Eisenhower candidacy, and on January 11 in a United States Delegation Press Release (Number 6) Secretary Byrnes made the following statement: "Before leaving Washington, General Eisenhower advised me that he had been informed that his name would be suggested, and in case it was, he wished me to state that he would not be interested, that he intended to continue in the office of Chief of Staff." (IO Files, U.S. Delegation Press Releases, London)

⁵⁷ There had been mentioned at various times the names of Sir Winston Churchill, wartime Prime Minister; Anthony Eden, formerly Foreign Minister; and Gladwyn Jebb, British Assistant Under-Secretary of State for Foreign Affairs and former Executive Secretary of the Preparatory Commission at this time functioning in the capacity of Executive Secretary for the United Nations.

⁵⁸ Norman A. Robertson, Canadian Under Secretary of State for External Affairs.

pean not a national of one of the Big Five has so far received serious consideration or seems likely to.

4. What is the United States preference as between Pearson and Robertson?

IO Files : USGA/Ia/13

United States Delegation Working Paper

TOP SECRET

[LONDON,] January 19, 1946.

U.S. LIST OF CANDIDATES FOR GENERAL ASSEMBLY COMMITTEES ⁵⁹

Committee 1:	Chairman	—	Ukraine (Manuilsky)
	Vice-Chairman	—	Luxembourg (Bech)
	Rapporteur	—	Ecuador (Viteri Lafronte)
Committee 2:	Chairman	—	Poland (Konderski)
	Vice-Chairman	—	Philippines (Lopez)
	Rapporteur	—	Bolivia (Salamanca)
Committee 3:	Chairman	—	New Zealand (Fraser)
	Vice-Chairman	—	Costa Rica (Soto Harrison)
	Rapporteur	—	Norway (Frieda Dalen)
Committee 4:	Chairman	—	Uruguay (McEachen)
	Vice-Chairman	—	Turkey
	Rapporteur	—	Czechoslovakia (Kerno)
Committee 5:	Chairman	—	Syria (Faris al Khoury)
	Vice-Chairman	—	Yugoslavia (Bebler)
	Rapporteur	—	Greece (Aghnides)
Committee 6:	Chairman	—	Panama (Jimenez)
	Vice-Chairman	—	Denmark (Federspiel)
	Rapporteur	—	Canada (Read)

⁵⁹ Mr. Joseph Bech, Luxembourg Minister for Foreign Affairs; Representative on the Luxembourg Delegation.

Dr. Homero Viteri Lafronte, former Ecuadoran Minister for Foreign Affairs and Representative on the Ecuadoran Delegation.

Mr. Waclaw Konderski, Alternate Delegate on the Polish Delegation.

Mr. Pedro Lopez, Acting Head of the Philippines Delegation.

Mr. Carlos Salamanca, Head of the Bolivian Delegation.

Mr. Fernando Soto Harrison, Costa Rican Delegate.

Mrs. Frieda Dalen, Alternate Delegate on the Norwegian Delegation.

Dr. Ivan Kerno, Alternate Delegate on the Czechoslovak Delegation.

Mr. Faris al-Khoury, Delegate on the Syrian Delegation.

Dr. Ales Bebler, Yugoslav Alternate Delegate.

Mr. Thanassis Aghnides, Greek Ambassador to the United Kingdom and Delegate on the Greek Delegation.

Dr. Roberto Jimenez, former Minister of State for Foreign Affairs; Delegate on the Panamanian Delegation.

Mr. Per Federspiel, Delegate on the Danish Delegation.

Mr. J. E. Read, Alternate Delegate on the Canadian Delegation.

IO Files : USSC 46/13 Conv.3

*Minutes by the United States Delegation of the Five-Power Informal Meeting, Held at London, Claridge's Hotel, January 20, 1946*⁶⁰

SECRET

Participants: James F. Byrnes
Edward R. Stettinius, Jr.
Andrei Gromyko
Ernest Bevin^{60a}
Wellington Koo
Victor Hoo
Paul-Boncour
Ambassador Massigli⁶¹
Fouques Duparc

Mr. Byrnes called the meeting to order and stated that he felt it was important that the five countries there represented discuss a number of topics inasmuch as they were all interested in them, specifically on the resolution of atomic energy, and the matter of the Secretary General. He said this was not a formal meeting, but an informal exchange of views.

Mr. Bevin immediately spoke up and said "I wish to make clear that while I am willing to have an informal exchange of views, I cannot be committed to anything in this room. My Government must always be free to act according to its conscience." Later on in the afternoon he put it stronger, saying he disliked the five power conversations and hoped he would not have to have them often as it was bad to have secret conferences and would cause resentment in the United Nations. This is totally different from the view he expressed to me when I called on him in September, at which time he overruled Noel Baker and encouraged me to go ahead and have five power exchanges of views which he thought would be helpful.

All the others there stated that they thought it was most useful to have such a meeting and were glad Mr. Byrnes had invited them to come.

Mr. Byrnes then stated he had asked me to be with him inasmuch as I was the United States Representative on the Security Council and the matters we were going to discuss principally involved the Security Council, and also I would be the Chairman of the United States Delegation when he left. He further stated that as soon as the atomic resolution was approved it would be necessary for him to return to Washington, and that might occur any day.

⁶⁰ Drafted by Mr. Stettinius.

^{60a} British Secretary of State for Foreign Affairs and Chairman of the U.K. Delegation to the General Assembly.

⁶¹ M. René Massigli, French Ambassador to the United Kingdom; Delegate on the Delegation of France.

Mr. Byrnes stated that he wished to discuss the matter of the Secretary General. He said that he had not given this matter any thought until he had reached London, but after discussing the whole question with the members of his delegation, he and the delegation had come to the conclusion that of all the names which had been brought forth that Pearson, the Canadian Ambassador to Washington, was the best qualified, and he wished to put forth his name. Mr. Byrnes said Pearson was a young man about 50, was promising, would be able to grow in the job as more responsibilities were given to him, he spoke French well, he had an excellent standing among diplomats and that he had presided well at the recent FAO conference. Mr. Byrnes talked at some length and specifically stated that Pearson was our candidate and was the best qualified man we knew of. He made no reference to the fact that we had been searching for a European and had not been able to find one whom we felt measured up to Pearson.

Mr. Gromyko then stated that he felt that you could not divorce personality from geography, that they had a very high opinion of Pearson and thought well of him and were friendly toward him, but with the site in the United States and taking a Secretary General from Canada, they thought that would be criticized by the European people and the American people, and perhaps not be good for the organization. He said he had advanced the name of Simic⁶² to all the Governments' representatives, and had had a favorable response from some but had received nothing from the others. He wished again to speak for Simic as a likely candidate. He laid great emphasis on the need of a representative from Eastern Europe in this post, particularly inasmuch as the site would be in the North American continent.

Mr. Byrnes then read from the Charter, regarding the qualifications, saying the Secretary General should be an international public servant and free from any influence of any state.

Mr. Gromyko immediately responded that that rule would apply to Simic as much as to Pearson. Mr. Gromyko ended his remarks by saying he would find great difficulty in accepting Pearson for this post even though they had a very friendly feeling toward him.

Mr. Koo spoke up saying that his Government was prepared to accept Pearson, that he was perfectly willing to consider other names if they were brought up, but Pearson was the best which had been brought forth.

Mr. Paul-Boncour stated that he had heard the names of two Ambassadors to Washington mentioned, the Yugoslavian and Canadian, but he wished to call attention to the fact that France also had an Ambassador in Washington and he was a very good man and his name

⁶² Mr. Stanoje Simic, Yugoslav Ambassador to the United States; Delegate on the Yugoslav Delegation.

was Henri Bonnet, and he wished to bring his name forth for the post.

Mr. Bevin stated that his Government had decided not to bring forward any candidate for this post and had decided to sit back and study the field as it developed. He said they had considered bringing forth the names of some of their own countrymen who were extremely high in world affairs, but they had decided that would be a mistake and they would bring forth no Englishman for the post. He said that of the names mentioned, he was attracted to Pearson and he was sure his Government would support him.

At this point I spoke up and stated that it was very important that the five reach a conclusion on this matter—that the Secretary General was the next item on the agenda and that presumably we would have to decide in Executive Session on Tuesday, and inasmuch as it required unanimity, no Secretary General could be elected until we five could agree. There was a great discussion then as to whether it would be wise for us to continue consultation until we could agree, or to have a meeting of the Security Council, formal or informal, to take the other six non-permanent members into the discussion. After further discussion it was decided that it would be best to have an informal discussion of the eleven all together. I was designated to talk to Makin, the Australian Chairman, and immediately arrange for him to call an informal meeting of the eleven with only one representative or possibly two from each country tomorrow afternoon at 4:30 at any place which he selected. At that time there would be the same exchange of views which took place this afternoon, and out of that meeting, progress might be expected.⁶³

IO Files : USGA/1a/19

Memorandum for the Record

SECRET

[LONDON,] January 22, 1946.

Slate changes were frequently so rapid and dependent on so many different factors that any account can be only a brief condensation. There may nevertheless be some value, for future reference, in a cursory record.

Pursuant to conversations among delegations in the period leading up to the opening of the General Assembly on January 10, which were conducted by Mr. Adlai Stevenson with the assistance of the Political Advisers, the delegation had arrived at a slate of committee officer-ships embodied in USGA/1a/12, January 10, 1946 (which see). A balance among the chairmanships was a course sought by the five

⁶³ This meeting was held on January 21, with inconclusive results (IO Files, U.S. document USSC 46/3/Report 5).

permanent members for the purpose of a proper political equilibrium in the General Committee on which the chairmen of the six committees sit with the already chosen GA president (Spaak, Belgium) and seven vice-presidents (the five permanent members, Venezuela, South Africa). The six agreed chairmen were thereupon elected on January 11 as follows:

- Committee 1—Political and Security
D. Z. Manuilsky (Ukrainian SSR)
- Committee 2—Economic and Financial
W. Konderski (Poland)
- Committee 3—Social, Humanitarian and Cultural
P. Fraser (New Zealand)
- Committee 4—Trusteeship
R. MacEachen (Uruguay)
- Committee 5—Administrative and Budgetary
Faris al Khouri (Syria)
- Committee 6—Legal
R. Jiménez (Panama)

In arriving at the decision of MacEachen as chairman for Committee 4 the United States had held out against the choice, by an American Republics caucus, of Bolivia for that position.

Although the immediate question was the election of chairmen only, we had at an early date a slate of vice-chairmen and rapporteurs also in mind as follows:

	<i>Chairman</i>	<i>Vice-Chairman</i>	<i>Rapporteur</i>
1	Manuilsky Ukrainian SSR	Entezam Iran	Viteri Lafronte Ecuador
2	Konderski Poland	Lopez Philippines	Salamanca Bolivia
3	Fraser New Zealand	Soto Harrison Costa Rica	Mrs. Frieda Dalen Norway
4	MacEachen Uruguay	Bech Luxembourg	Kerno Czechoslovakia
5	Faris al Khouri Syria	Bebler Yugoslavia	Aghnides Greece
6	Jiménez Panama	Federspiel Denmark	Verzijl ⁶⁴ Netherlands

The listing of Ecuador and Bolivia for rapporteurships was a recommendation of the American Republics group in consequence of negotiations among themselves growing out of distribution of other offices (including specifically the election as chairman of Committee 4 of MacEachen of Uruguay in preference to Salamanca of Bolivia). Shifts as between the particular committee officerships allocated earlier for certain delegations had also been incorporated in this slate by reason of personal competence of members of those delegations. Denmark, for example, preferred that it should have the vice-chair-

⁶⁴ J. H. W. Verzijl, Legal Adviser to the Netherlands Delegation.

manship of Committee 6 rather than of Committee 4 because Federspiel, a competent and experienced presiding officer with excellent knowledge of English, is a legal expert rather than an expert in trusteeship matters; and Denmark obtained the assent of Bech of Luxembourg to take the Committee 4 vice chairmanship so that Federspiel might have the Committee 6 vice chairmanship. Similarly Norway's presence on the slate on Committee 3 was a consequence of the fact that the Norwegian delegation preferred that any rapporteurship given to it should be in Committee 3 where Mrs. Frieda Dalen, particularly competent for the work, would be attending.

When approached as to the vice-chairmanship of Committee 1, Iran stated an unwillingness to serve and requested not to be placed upon the slate at all (on the ground that her participation in the Executive Committee should now give preference to other delegations). We thereupon favored making use of Bech's talents on Committee 1, to which he assented.

Committee 6 was the first to meet for the purpose of electing all its officers. Because of the weakness of the chairman and because of difficulty encountered before the meeting in obtaining assent for a Netherlands rapporteur, we were able to get agreement for John Read of Canada as rapporteur and he was duly elected, with Federspiel of Denmark named vice chairman as planned.

Salamanca told us on January 21 that he preferred that if Bolivia were to be given the rapporteurship of Committee 2, the choice fall to Eduardo del Portillo of his delegation. This was generally assented to.

The critical question became the problem of a vice-chairman for Committee 4. Russian assent and the assent of the other five permanent members was obtained for putting Turkey in the position. The Turkish delegation showed no enthusiasm for this assignment, and the British therefore undertook to talk further with the Turks. The British thereafter told us that the Turks would accept. After we asked the British on the morning of January 21 for confirmation of this assurance, they came to us just before lunch and stated that Turkey refused to accept. During luncheon the British tried out the idea of giving this vice chairmanship to China, Iran, or Canada, but did not obtain assent from the Soviet Union. The Committee elections came immediately after lunch. The British nominated Ethiopia for the position and we obtained for it a few supporting statements from the floor by other delegations. No other nomination was made and the Ethiopian representative on Committee 4 was duly placed in the vice chairmanship.

From time to time in the placing of names for nomination in the meetings of the respective committees we were embarrassed by the absence or tardy arrival of delegates who had agreed to place particular names in nomination. In such instances we had to make

immediate alternate arrangements with other delegates and managed to be successful in each case.

The complete list of officers (see USGA/1a/15)⁶⁵ elected for the six committees follows:

<i>Committee</i>	<i>Chairman</i>	<i>Vice Chairman</i>	<i>Rapporteur</i>
1	Manuilsky Ukrainian SSR	Bech Luxembourg	Viteri Lafronte Ecuador
2	Konderski Poland	Lopez Philippines	del Portillo ⁶⁶ Bolivia
3	Fraser New Zealand	Soto Harrison Costa Rica	Mrs. Frieda Dalen Norway
4	MacEachen Uruguay	Belata Ephrem Tewelde Medhen ⁶⁷ Ethiopia	Kerno Czechoslovakia
5	Faris al Khouri Syria	Bebler Yugoslavia	Aghnides Greece
6	Jiménez Panama	Federspiel Denmark	John Read Canada

CABOT COVILLE

IO Files: USSC 46/3 (Report 6)

*Minutes by the United States Delegation of the Five-Power Informal Meeting, London, Claridge's Hotel, January 23, 1946, 11 a. m.*⁶⁸

SECRET

Present:	The Secretary	Mr. Wellington Koo
	Mr. Stettinius	M. Paul-Boncour
	Mr. Bohlen	M. Fouques Duparc
	Sir Alexander Cadogan	Mr. Vyshinsky
		Ambassador Gromyko

At Mr. Byrnes' request MR. STETTINIUS outlined the result of the informal meeting of the eleven members of the Security Council on Monday in regard to the question of the Secretary General.⁶⁹ He said that the following six names had been suggested:

Pearson
Simic
Rzymowski
Bonnet
Lie
Van Kleffens

⁶⁵ Not printed.

⁶⁶ Mr. Eduardo Del Portillo, Delegate on the Bolivian Delegation.

⁶⁷ Mr. Ephrem was Ethiopian Minister to the United Kingdom and Delegate on the Ethiopian Delegation.

⁶⁸ Drafted by Mr. Bohlen.

⁶⁹ See footnote 63, p. 163.

He said that it was understood that if no new names were received before midnight, that these six would be regarded as candidates for the position.

MR. VYSHINSKI said that it was the view of his Government that, since the site was to be in the United States, and the basic activity of the organization and many of its branches were to be in Western Europe, the Secretary General should come from a Slavic country of Eastern Europe.

THE SECRETARY said that he had previously expressed his opinion that the person selected for the job would be under obligations to be an international figure and not a representative of any country, and he therefore felt that too much emphasis should not be placed upon the geographic factor. He said he thought that the personal qualifications of the individual, should be the guiding considerations, and that, after discussing with Mr. Stettinius the various names which had been brought forth, and examining the qualifications, the United States Delegation had come to the conclusion that, of those proposed, Mr. Pearson was the most suitable.

MR. KOO said that China attached great importance to this post and thought that every effort should be made to find a most suitable candidate. He also felt that because of his experience and his objectivity, Mr. Pearson would be the best candidate.

M. BONCOUR said that he felt that geographic considerations, while important, should not be the deciding factor since the Secretary General was an international figure who was supposed to have severed his ties with his native country. He said he had mentioned Bonnet because most of the candidates had appeared to be ambassadors accredited to Washington. He said the French Delegation had no very great preference among the persons proposed, but they would have preferred to have seen a statesman rather than a diplomat, perhaps someone who had been foreign minister of his country. This would bring to the post a broader experience than that of a diplomat. He said, for example, that Eden's name had been mentioned, but that since he was not nominated, it was presumed that he was not available for the post. Lie, the Foreign Minister of Norway, would bring this experience to the post, but the drawback in his case was that he did not know French, which was one of the working languages of the organization. He repeated that the French Delegation had no strong preferences among the list proposed but would be inclined to accept any on the list which the others agreed to.

MR. BEVIN stated that Great Britain had put forth no candidate but had they put forth one, it might well have been Mr. Jebb, but after consideration, this thought had been abandoned. The British Government, while putting forward no candidate, felt that Mr. Pearson was the best of those nominated.

AMBASSADOR GROMYKO said he had already expressed the view of his Government on this point, and that, while he agreed that geography should not be the controlling factor, it nevertheless should not be lost sight of; that both the factors of personal ability and experience as well as the country of origin should be considered. He said, for example, that although the Organization would be international no matter in what country it was located, there had been great debate in the Preparatory Commission concerning the site.⁷⁰ He said he had known Mr. Pearson since 1943 and thought he was personally very well qualified for the job, but he felt that, with the site in the United States, to appoint a Canadian would cause legitimate complaint from several European countries on the ground that there was too much American influence. He said that since the specialized agency of the Organization would probably be in Western Europe and especially important meetings would take place there, plus the fact that English and French would undoubtedly remain as the working languages which meant that there would be more English and French in the Secretariat, it was only right that the Secretary General should be from an Eastern European country. It was for this reason that the Soviet Delegation proposed either Simic or Rzymowski, either of whom he felt would be personally well qualified.

THE SECRETARY said he wished to point out that the United States had in no way sought the location of the Organization in the United States. He said he mentioned this fact because he felt that the decision of the United Nations, which, incidentally, had first been proposed at San Francisco by the Soviet Delegation there, to locate the Organization in the United States should not affect other decisions.

MR. VYSHINSKI said he fully understood, but nevertheless the location of the Organization in itself did enter into the matter. He felt that the decision was correct, and he was glad that it had been done on Soviet initiative. He said, however, the Organization wherever located must have living and creative ties with all countries, and in view of the fact that its first function was the preservation of peace, it was very suitable that the Secretary General should come from one of the countries which had especially suffered during the war. While all of the United Nations had done their share, few of them had been reduced to a desert as had Yugoslavia and Poland. This fact, he felt, should be taken into consideration.

Then ensued a general discussion as to procedure, namely, whether to hold a formal meeting of the Security Council to vote on the matter, or to continue informal discussion among the members. It was finally agreed that there would be an informal meeting this afternoon among

⁷⁰ For documentation on this subject, see *Foreign Relations*, 1945, vol. I, pp. 1433 ff.

the eleven members in order to discuss additional candidates and to hear from the non-permanent members. It was finally understood that if this informal meeting failed to produce agreement, the Council would then hold a formal meeting and vote, even if the absence of unanimity among the permanent members rendered the election of a Secretary General impossible. During this discussion Mr. Bevin spoke strongly against the practice of having private meetings, which, he said, led to suspicion and uncertainty.⁷¹

IO Files : USGA/Ia/LeCom/9

Memorandum by the Principal Adviser to the United States Delegation (Hiss) to the Secretary of State

SECRET

[LONDON,] January 23, 1946.

The group of Advisers on the American Delegation which has been dealing with the Court slate has met with Mr. Cohen and Mr. Walker and the following decisions have been agreed upon.

The United States will give active support to only one candidacy, that of Mr. Hackworth.

The following nine candidates have been agreed upon, leaving six to be determined. This list is also approved by the Department.

Hackworth (U.S.A.)	DeVisscher (Belgium)
McNair (U.K.)	Klaestad (Norway)
Krylov (U.S.S.R.)	Read (Canada)
Hsu Mo (China)	Zoricic (Yugoslavia)
Basdevant (France)	

As to the remaining six seats the group agreed on the following principles:

1. Not more than three Latin American selections. A larger number would be disproportionate to the position occupied by this legal system. Also since it is desired to support two North American candidates (U.S. and Canada), this would give over-representation to the Western Hemisphere. These three Latin Americans will be selected from the following group of five: Podesta Costa (Argentina), Azevedo (Brazil), Parra-Perez (Venezuela), Lozano y Lozano (Colombia), Guerrero (El Salvador). The Argentine candidate, Podesta Costa, appears to have considerable support among the Latin American countries and also from the United Kingdom. We are informed that he is highly capable and that he is pro-democratic and favorable to the United States. Department officials are also interested in this candidacy and are to inform us shortly on the views of Mr. Braden. We are

⁷¹ This meeting was held on January 23, with inconclusive results (IO Files, U.S. document USSC 46/3/Report 7).

also awaiting the views of the Department on the other Latin American candidates before going further in making selections.

2. An additional candidate from Eastern Europe, Winiarski of Poland has been favorably mentioned by the Department, and we are awaiting further data on candidates from this region. We have not felt it wise to support either (1) Verzijl (Netherlands) who is supported by the British, or (2) Davis (South Africa) who is particularly favored by the British. The first of these selections would mean three Western European Judges in addition to France as against one for Eastern Europe (excluding U.S.S.R.). The second selection (Davis) would mean four Judges from countries representing the Anglo-American system of jurisprudence.

3. To support two candidates giving representation to the Moslem legal system and the Near and Middle Eastern geographical area. Three candidates are considered in this connection: Zafrullah Khan (India), Badawi Pasha (Egypt) and Cemil Bilsel. Further advice from the Department is being awaited before proceeding with these decisions. If it is decided to support only one of these candidates, Spiropolous of Greece might be selected for the vacancy thus created. He is a nominee of the United States National Group.

IO Files : USGA/Ia/Del. Min./Exec/3 (Chr)

Minutes of the Meeting of the United States Delegation (Executive Session), Held at London, Claridge's Hotel, January 25, 1946, 9:30 a. m.

SECRET

[Here follow list of names of persons (21) present, and Delegation discussion of preceding items on the agenda.]

Court Slates

Mr. Hiss reported that he had circulated a memorandum on Court slates (USGA/Ia/Le Com 9)⁸⁶ and would be glad to receive any comments. He described the present picture as being one in which nine of the fifteen permanent seats on the Court were about settled with well qualified men who came from the proper judicial systems to achieve a balance. He further reported that Secretary Byrnes thought⁸⁷ that, with the exception of the case of Mr. Hackworth, the United States should not tell other states for whom to vote although the United States was announcing its own slate. Of the six places left it was expected that three would go to Latin America. The staff was now awaiting to hear from Mr. Braden⁸⁸ on the possibility of naming an Ar-

⁸⁶ *Supra.*

⁸⁷ Secretary Byrnes was en route from London to Washington on this same day.

⁸⁸ Spruille Braden, Assistant Secretary of State for American Republic Affairs.

gentine judge. Senator Connally interjected that if the Delegation in London was to be controlled by Mr. Braden he was not for it. Mr. Stettinius urged that the Department slate be obtained and shown to the Delegation as quickly as possible. If there were objections they could be entered then. He asked what delayed the Department decision pointing out that the Security Council was going through its agenda rapidly. He thought that the Court would probably be before the Council on next Wednesday. He urged that the Department be wired for instructions before that time. Mr. Cohen agreed and urged that the Department be asked to send its best judgment by Monday at the latest.

Mr. Bloom asked whether the Department should not be informed regarding the Delegation's attitude on Argentina. He predicted that the United States might get into a jam if Argentina were placed on the Court slate.⁸⁹ In this he agreed with Senator Connally. Mr. Cohen pointed out that the case was peculiar because the particular Argentine candidate (Podesta Costa) was pro-democratic and pro-American. Mr. Hiss stated that the only question was whether Mr. Braden thought it was wise to vote for Argentina. He pointed out that the Argentine candidate is supported unanimously by Latin American states and he would receive support elsewhere. Mr. Bloom reiterated that the support for Argentina would cause a lot of trouble at home.

Mr. Dulles observed that if he had any responsibility in choosing individual judges and if he had to account at home for his choice then he would have to consider the matter quite carefully and at greater length. He stated he would prefer to have this matter handled on the basis of instructions from the President and the Department of State. Hr. Hackworth stated that he thought the matter was so important that no Delegate should follow instructions blindly because the Statute specifies that judges are to be elected on the basis of qualifications, not nationality. He thought Mr. Dulles should exercise his own judgment.

Mr. Stettinius pointed out that any Delegate could offer advice to him as head of the Delegation but he was not required to take such advice. He said that any Delegate could feel a responsibility but he himself had the responsibility of casting the vote. Mr. Walker said that he was unable to find information regarding the qualifications of the various judges although he had watched the matter carefully. He stated that he would adopt the position that he took the recommendation of the State Department. Mr. Dulles pointed out that both he and Mr. Walker were members of the Bar and that they might be

⁸⁹ For documentation regarding United States-Argentine relations, see vol. XI, pp. 182 ff.

called to account by their Bar Associations when they returned home to explain their vote. Mr. Dulles reiterated that he preferred that the State Department and the President take the sole responsibility for selecting the judges. Otherwise he thought the Delegation must take more time. Mr. Bloom stated that at home people would look at the nationality of the judges chosen rather than at their individual qualifications. Senator Connally stated that the country knows that the United States has been kicking Argentina around and that therefore if an Argentine were elected as a judge it would be taken for granted that he was a member of the other crowd. He stated that in any case it would be hard to explain such a vote. It was agreed that a wire should be sent to the Department by Mr. Hiss asking that the slate for the Court be in the hands of the Delegation by Monday.

[Here follows discussion of other items.]

IO Files : USGA/Ia/Del. Min./Exec/4 (Chr)

Minutes of the Meeting of the United States Delegation (Executive Session), Held at London, Claridge's Hotel, January 26, 1946, 3:00 p. m.

SECRET

[Here follow list of names of persons (16) present, and preliminary remarks by Mr. Stettinius about the progress of the work of the General Assembly and its Committees.]

Mr. Stettinius reminded the group that Item 7 of the Security Council agenda concerned the Council's recommendation to the General Assembly of a candidate for Secretary General. He said there had been a pause of two days and nights on this question, that it was necessary to get ahead but that as a result of the discussion in yesterday's Delegation meeting he needed to know exactly what the position of the Delegation on this question was and what he should do.

Mr. Stettinius said that he had talked with the Secretary about this matter immediately before the latter left London⁹⁰ and that it had been agreed that:

1. Mr. Pearson of Canada was the first choice of the United States and that the Delegation should hold out for him as long as there was hope of his nomination by the Security Council;
2. If and when it became clear that the nomination of Mr. Pearson was not possible, the second choice of the United States should be Mr. Lie of Norway; and
3. If and when it developed that Mr. Lie could not be nominated, the third choice of the United States should be Mr. Wellington Koo of China.

⁹⁰ Secretary Byrnes left London to return to the United States on January 25.

Mr. Cohen agreed that this had been the understanding.

Mr. Stettinius said that the Secretary had told him that he (the Secretary) had talked with Senator Vandenberg concerning this matter and that the Senator had said he would not object to voting for Lie. Mr. Stettinius said, however, that recalling Senator Vandenberg's statement on this subject at yesterday morning's Delegation meeting, he thought that the whole matter needed clarification. Mr. Stettinius also recalled the statements of Mr. Dulles and Mr. Walker at yesterday's meeting.⁹¹

Referring to the Delegation discussion of the previous morning, Mr. Bohlen said he wished to suggest that in his opinion neither Mr. Lie nor his native country of Norway should be considered as falling within the Russian sphere of influence. Mr. Bohlen observed that the question was not necessarily one of geographical proximity. He said that the only overt pressure that Russia could influence would be through taking action against Norway and this was not to be thought of as a likely probability. He observed that the USSR was not in a position to exercise direct influence on the Norwegian Government itself and that the situation was therefore quite different than if, for example, the Foreign Minister of Poland were to be chosen as Secretary General. Mr. Bohlen said that it was his understanding that Mr. Lie resented any assumption that he was under Russian influence and that Mr. Lie had also stated that he had not been approached by the USSR Delegation on the subject of the Secretary Generalship. Mr. Bohlen also pointed out that the situation would be quite different in the case of a Yugoslav Secretary General but that Norway would not be under USSR influence as much as Czechoslovakia, for example, and indeed the latter was not in the USSR network.

⁹¹ A marked difference of opinion had been registered at the January 25 meeting of the Delegation. This was whether agreement had been reached between the Delegation and Secretary Byrnes on the question of whom the United States would support for the Secretary Generalship, specifically whether the United States should back Mr. Lie of Norway if the candidacy of Mr. Pearson appeared lost. Senator Vandenberg and Mr. Dulles, in effect, voiced opposition to Mr. Lie, holding that "Mr. Lie, as a citizen of Norway located near the Soviet Union, could not be a free agent and would not dare to be a free agent. . . . Mr. Walker said that he did not think the United States Delegation should support Mr. Lie if Senator Vandenberg and Mr. Dulles were strongly opposed to him. . . . Mr. Stettinius observed that Mr. Lie had been the second choice of Secretary Byrnes and that at the last meeting of the Delegation Mr. Stettinius had been authorized to vote for Mr. Lie in case of an emergency. . . ." (Minutes of Meeting of the U.S. Delegation (Executive Session), London, January 25, 1946, document USGA/1a/Del. Min./Exec/3 (Chr), IO Files) Concerning Mr. Stettinius' reference to the last meeting of the Delegation, no Delegation minutes have been found in the Department's files for the period when Secretary Byrnes was in London (January 8-25). An entry in the January 23 minutes of a meeting of the executive and political officers of the Delegation suggests that records may not have been kept, reading, "It was noted with regret that records of certain informal meetings held by members of the Delegation and the meetings of the Delegation itself were not being kept." (IO Files, document USGA/1a/Exec Off/8)

Mrs. Roosevelt remarked that she and Mr. Townsend had arrived at the same conclusions yesterday. She said that in the course of a luncheon conversation with Mr. Lie yesterday she deduced that Mr. Lie was trying to indicate his independence although he did not directly refer to the subject. Mrs. Roosevelt said that Mr. Townsend had independently formed the same impression. Mrs. Roosevelt observed that obviously if Russia wanted to move against Norway any Norwegian, as Secretary General of the organization, would be in a difficult position. But she observed that the same would be true in the case of China. Mrs. Roosevelt added that with United States backing, Norway would be much less apt to fall into the Russian orbit than without such backing.

Mr. Townsend added that he had asked Mr. Lie directly how Mr. Lie thought the question of Secretary Generalship was going and that Mr. Lie had also indicated then that he felt he should be considered as independent of USSR influence. Mr. Bohlen said that Mr. Lie had put the same thought in stronger language the night before.

Mr. Stettinius said he should tell the Delegation that the French Delegation has recently told the Chinese that they (the French) have reason to believe that USSR support will shift to Masaryk⁹² and that then the USSR Delegation, at the final stage, will give the impression that it reluctantly will accept Lie but only if someone else sponsors him. It was pointed out that whereas Mr. Masaryk had said earlier that he was not available for Secretary General he was now coming around to the position that he would be available and that he might even take an Assistant Secretary Generalship. Mr. Dulles said that a couple of weeks ago he had indicated he would accept the latter.

Senator Connally said he would prefer Lie to Masaryk and observed that any one selected will be charged with being under the influence of one of the great powers.

Mr. Stettinius called on Mr. Pasvolsky for his opinion, observing that Mr. Pasvolsky had given a great deal of thought to this subject over a long period. Mr. Pasvolsky said he thought the contest had narrowed itself to Mr. Lie and Mr. Pearson. . . . Mr. Pasvolsky recalled that Mr. Gromyko had told him that he would prefer a Slav for the position and Mr. Pasvolsky said that unfortunately the question of the geographic area from which the Secretary General comes was bound to arise. He recalled also that Mr. Bevin had said that he attached no importance to geography but that Canada was, after all, halfway between the danger spots of Europe and the Far East. Mr. Pasvolsky observed that he himself would prefer Mr. Bruce of Aus-

⁹² Mr. Jan Masaryk, Czechoslovak Minister for Foreign Affairs and Delegate on the Czechoslovak Delegation.

tralia to Mr. Koo of China. Mr. Stettinius said he thought Mr. Victor Hoo of China better than Bruce. It was generally felt, however, that the time was past for considering new names.

Mrs. Roosevelt declared she was in favor of sticking to the line that the United States Delegation had taken. . . .

Mr. Pasvolsky said he felt that the only real question was that of who would propose Mr. Lie in case of a deadlock on Mr. Pearson. Mr. Pasvolsky said he felt that the United States should not propose Mr. Lie.

Senator Vandenberg said he was not impressed with what Mr. Lie himself had to say about his independence and Norway's position. The Senator remarked that the more Mr. Lie, as a candidate, had to say on this subject the less impressed he was. He thought it was inevitable that if Mr. Lie were elected the general impression would be that the USSR candidate for the General Assembly who had been defeated in that election actually was getting a better job. He said he would prefer Mr. Koo to Mr. Lie since he did not doubt but that China would turn to the United States in case of action against China by Russia. Mr. Bohlen pointed out that Mr. Lie as a longtime Socialist was not likely to be under Communist influence.

Senator Vandenberg asked why it should be assumed that Mr. Pearson could not be elected. Mr. Cohen said that the basic reason lay in the need for unanimity of the great powers on this subject under the voting rules of the Security Council where the nomination would be made. He said that rightly or wrongly the Russians might well take the counterpart of the views being expressed at this meeting—they might well take the position that any Anglo-Saxon would be influenced by the United States. Senator Vandenberg said he thought the Russians would be correct in that. Mr. Cohen continued that the search was for a compromise and doubted that it would be possible to find a country that would better satisfy both the USSR and the United States than Norway.

Mr. Pasvolsky said that both the United States Delegation and the USSR probably were wrong in ascribing too much importance to the job of Secretary General. He said the Russians ascribed too much political importance to the job and that the United States' viewpoint was wrong in ascribing too much political importance to the choice of a man for the job. He continued that it should be possible to find better candidates among the Big Five than Mr. Koo if the understanding were to be broken that no Big Five national should be a candidate. He said, however, that among the smaller powers only Mr. Pearson and Mr. Lie seem possible, and that the United States group should revise its views on the political importance of this action. He

said that from a geographical standpoint since the site was in the United States it was logical to think that the Secretary General should be from Europe. He continued that he was not impressed with Senator Vandenberg's argument that any Secretary General would operate with his country as a hostage. He said that the most serious influence the Secretary General might have would be to affect the speed of the Security Council action. He said, however, that under the rules of procedure likely to be agreed to no individual could hold up a meeting of the Council since any member could request that a meeting be held. Mr. Pasvolsky said he attached more importance to the individual qualities of the Secretary General, his talent for administration, for example. He said that while Mr. Lie had a poor reputation as an administrator that would not be too much of a handicap if the rest of the Secretariat was good enough.

Senator Vandenberg said he thought that rather than overrating the post of Secretary General, the group may have underrated it. He said that he thought the trend of events in Committee 5 indicated that professional European career diplomats expected to make a good thing of employment in the Secretariat. Mr. Pasvolsky said that this impressed him the more with the need to have an able American for Assistant Secretary General in charge of administration and Senator Vandenberg said he thought that might well be.

Senator Connally suggested that the United States Delegation ought to inform Mr. Lie of its position concerning his candidacy, but warned that it should be tactfully done lest too much United States enthusiasm might discourage Russian support of Mr. Lie. Senator Connally said he doubted if the United States could secure the election of Mr. Pearson because of the United States having been selected for this permanent site. He observed that he was therefore against having the site in the United States because it will be repeatedly brought up as an argument for not accepting United States candidates for various positions. He continued that he thought Mr. Lie was the only possibility on the horizon. . . .

Mrs. Roosevelt excused herself from the meeting saying that she felt Mr. Lie was satisfactory.

Senator Connally continued that he was more concerned about USSR influence with Mr. Koo than with Mr. Lie.

Mr. Walker asked Mr. Stettinius if the latter had the impression as a result of yesterday's Delegation meeting, that Mr. Walker was against Mr. Lie. In this connection Mr. Walker said that his remarks at yesterday's meeting were directed rather to the need for unanimity within the Delegation. It was observed that it would almost be a case for the use of the veto by the United States if the USSR insisted upon a Yugoslav for Secretary General and that Russia might feel

the same way about a Canadian candidate. Mr. Walker continued that he did not know Norwegian politics but by tradition no country was more independent. He could not therefore believe that Russia would dominate Mr. Lie. However, he did not want to return to the United States with two or three members of the Delegation against the Delegation's choice for Secretary General and recalled that on the way over to London the need for unanimity in the Delegation had been stressed. He also stated that he had been unimpressed with Mr. Koo's work as presiding officer today and felt there was a greater danger from Russian influence being exerted on a Chinese Secretary General than on a Norwegian in the same post.

Mr. Stevenson said he was certain that Russia would accept Mr. Lie. He said that this was certain to be the case although the Russians have consistently stressed the fact that the choice should be from Eastern Europe. He said that in the recent meeting with Mr. Vyshinsky and Mr. Gromyko they had contended for Eastern Europe. Mr. Stevenson said, however, he wondered what would happen if the United States shifted from Pearson to Lie and the latter did not prove acceptable.

Mr. Bohlen asked how firm Mr. Koo was as the third United States choice. Mr. Stettinius said that after today's discussion concerning Mr. Koo he would take the responsibility for dropping him from the United States list. He said that the Secretary had merely agreed to the suggestion of Mr. Koo as third choice and did not feel strongly on the point. Mr. Stettinius said that it was therefore understood that Mr. Koo was dropped and the United States had no third candidate. He said it further was clear that the United States did not want a Secretary General from the Balkans or Eastern Europe nor from France. Senator Connally said that van Kleffens would suit him. Mr. Stettinius said he did not find van Kleffens acceptable and that the choice was therefore down to Mr. Lie and Mr. Pearson and he doubted if there was any chance to elect the latter. He said it was then a question of whether to take Mr. Lie with pleasure or hold out for Pearson and lose.

Mr. Stevenson said he agreed with the thoughts expressed earlier by Mr. Bohlen and Mrs. Roosevelt concerning Mr. Lie but said it ought to be understood that if Mr. Lie were elected it would look like a Russian victory. He said the Delegation should not delude itself that the United States would get credit for Mr. Lie's election. He said in fact there was little to be salvaged and that the public impression would be that the USSR's defeated candidate for the Presidency of the General Assembly won the Secretary Generalship instead.

Mr. Cohen said he saw no reason for putting a less favorable light on the situation than the facts warranted. He recalled that Mr. Lie had first been put up as a candidate for the Presidency of the General Assembly by the United States. Now our first choice for Secretary General would be Mr. Pearson but with the veto in prospect it was necessary to find a compromise candidate. He saw no reason why Mr. Lie was not a logical compromise and that the result would then be that we had neither won a victory nor suffered a defeat. Senator Connally added that it was well known that Russia's first choice was Mr. Simic. It was commented that this first choice had shifted to the Foreign Minister of Poland, Wincenty Rzymowski.

Mr. Cohen continued that in the United States Norway was thought of as having the American type of democracy and that in a crisis Norway might well turn to the United States.

Mr. Dulles said that while he did not know the facts he doubted if the United States had really fought for Pearson; he also did not know whether Russia would really veto Mr. Pearson. Mr. Stettinius said there had already been two informal votes at the 4:30 meetings in the rooms of Mr. Makin of Australia, in which all Delegations represented on the Security Council had spoken. There was, of course, no public knowledge of the veto. Mr. Stettinius continued that as a result of talking with the Secretary before the latter left they had hoped to get a clear vote in one of these meetings but that Australia had upset the plan by opening discussion of various candidates.

Mr. Pasvolsky said that six votes were all that could now be rounded up for Mr. Pearson. Mr. Stevenson said he thought it would be possible to get a 9 to 2 vote in favor of Mr. Pearson.

Mr. Walker asked why anyone thought it necessary to defeat the USSR in this instance and become a dominating force.

Mr. Dulles said he thought the United States' standing would be improved if the United States picked a candidate and fought for him. Mr. Stettinius said he did not know how the United States could have fought any harder, that everything had been done but to ask for a public vote; Mr. Pasvolsky added that the United States had even asked for that.

Mr. Dulles said he had known Mr. Lie for four or five years and had a high regard for him as a person. He felt there was no Russian influence exercised on Mr. Lie personally but Mr. Dulles observed that Mr. Lie had once told him that he had cast a vote because of the presence of Russian troops on Norway's border. Mr. Dulles said the United States did not use its influence in the same way but that in any event he agreed with Mr. Bohlen that Norway was not in the USSR zone

and probably would not be penetrated; however, Norway could be placed in an awkward position with sudden deterioration in her trade, finance, et cetera, whereas the USSR could not, for example, exert such serious influence on Canada or on the Netherlands. Mr. Dulles said he thought it was an extremely important factor that the Secretary General would control every appointment to the Secretariat for five years and further that he would be the only *individual* who could bring situations likely to disturb the peace to the attention of the Security Council. Mr. Pasvolsky pointed out that this provision of the Charter was only for convenience in bringing situations involving non-members to the attention of the Council and that too much importance should not be attached to it.

Senator Connally inquired who could oust the Secretary General under the Charter. Mr. Pasvolsky said there was no provision for this step. Mr. Stettinius pointed out that the Secretary General obviously would go if the majority wanted him to.

Mr. Stettinius said it was clear that Mr. Pearson was the first choice of the Delegation. He then asked whether if Mr. Pearson were vetoed by the Russians privately or publicly, the Delegation should stand by the instructions from the Secretary which Mr. Stettinius outlined earlier in the meeting, making Mr. Lie the second choice of the Delegation, or whether the Delegation should get in touch with the President and the Secretary for new instructions.

Mr. Dulles said he preferred van Kleffens to Lie as more nearly a free agent. Mr. Stettinius said he was against Mr. van Kleffens because of his temperament and the condition of his health.

Mr. Dulles and Mr. Stevenson thought van Kleffens also would be vetoed by Russia and Mr. Dulles said he thought Lie was the USSR candidate from the start. Mr. Stevenson said that in his talks with Mr. Gromyko concerning the Presidency of the Preparatory Commission, Mr. Gromyko made it clear that they looked cordially upon Mr. Lie but thought Poland should have the honor. In subsequent talks Mr. Gromyko had always put emphasis on Eastern Europe but Mr. Stevenson thought he would accept Mr. Lie. . . .

Mr. Stettinius asked if anyone had any further names to suggest.

Mr. Dulles again referred to van Kleffens and said that if the United States was to start by looking for someone acceptable to the USSR the United States might just as well go to the Russians in the first instance and accept their choice. He said he thought the United States should not assume that a veto will be exercised on this issue and doubted if the USSR would use it. Mr. Cohen said he did not like

to contemplate the prospect of the veto but after having suggested a candidate and having found he was not likely to be accepted he thought the best course was to settle upon a candidate who was agreeable to both the United States and the USSR. Mr. Stevenson suggested the name of Mr. Evatt of Australia. Mr. Bloom thought he would not be suitable.

Mr. Walker said he thought it might be necessary to stay with Mr. Pearson since there did not appear to be general agreement in the Delegation.

Mr. Dulles said he was prepared to go along with the position of having Mr. Pearson as the first choice and Mr. Lie as the second and would take no public position against it. He said he thought this was a question of individual judgment and not an issue of principle and that it was upon issues of principle that he wanted to be free to disagree.

Mr. Pasvolsky outlined the positions of the members of the Security Council as of Wednesday evening. He said the United States and Brazil were unequivocally for Pearson. China favored Pearson and had given a long statement of its reasons. Egypt had favored Pearson but felt that Lie was a very adequate second choice. France favored anyone on whom the other members of the Big Five could agree, had dropped Bonnet, and expressed a personal preference for van Kleffens. The Netherlands payed tribute to both Pearson and Lie on even grounds. Australia favored Lie as first choice and Pearson as second. Russia favored the Polish Foreign Minister, Wincenty Rzymowski, as first choice and Simic of Yugoslavia as second. Poland agreed with Russia and also thought the selection was a political matter. Concerning the British position, Mr. Bevin had expressed a personal preference for Mr. Jebb, but would be happy, however, with Mr. Pearson. Mexico had dodged the issue and said the big powers should agree and the smaller powers would then make up their minds. Egypt had said the big powers should agree on two or three acceptable candidates.

Mr. Pasvolsky reiterated that if Lie is the ultimate choice his candidacy should come not from the United States but from some other nation and that if the inclination were toward Mr. Lie we should agree. However, at the next discussion with Security Council members we should begin by standing firm for Mr. Pearson.

Mr. Dulles thought it would be possible to get a 9 to 2 vote and Mr. Stevenson added that he felt the United States had not worked hard enough for it. Mr. Pasvolsky thought it would be possible to

get 7 votes for Pearson. Mr. Stevenson said that he thought much more could be done with Mexico and that Mr. Nervo had only been told that we were for Pearson without being definitely urged to take the same position.

Mr. Pasvolsky said the real position was that the Russians had vetoed Mr. Pearson and that the United States had vetoed both Rzymowski, Polish Foreign Minister, and Simic of Yugoslavia. He said he thought the British would stand with the United States in vetoing both Rzymowski and Simic.

Senator Vandenberg said that Mr. Stettinius had his instructions and that the only question Senator Vandenberg could see was how long to stand by Mr. Pearson. Mr. Stettinius replied that after yesterday's Delegation meeting he had not felt that the Delegation's position was clear.

Mr. Stettinius asked if any member of the Delegation objected to Mr. Lie if the United States was unable to push through the election of Mr. Pearson. Senator Vandenberg said he thought it was settled but Mr. Stettinius said he did not feel the position was completely clear.

Senator Vandenberg then said his position was the same as Mr. Dulles had expressed somewhat earlier when Mr. Dulles had said that he did not expect to take a public stand against Mr. Lie. Senator Vandenberg said, however, that he would go down with Pearson and when the fight was clearly lost he would go to Lie but that he agreed with Mr. Stevenson that the United States should give all possible effort to the fight for Pearson.

Mr. Pasvolsky suggested that the question should be brought to a vote and Mr. Dulles suggested that we should be sure it was a 9 to 2 vote. Mr. Pasvolsky said a vote might be possible at the next Big Five meetings but felt that the smaller nations should not be put on the spot by requesting them to vote. Mr. Stevenson said he thought that the support of France could be gained for Pearson but Mr. Stettinius said that Mr. Boncour was not likely to take a strong position in view of the current French political crisis.

Mr. Cohen said he thought it was one thing for the United States to vote for Mr. Pearson and another to bring great pressure on others to do the same. He thought the latter course might make agreement on the second choice more difficult and felt that an appeal but no high pressure would be the best course in favor of Pearson.

Mr. Stettinius asked Senator Vandenberg and Mr. Dulles if they would be satisfied if the United States was able to bring the question to a vote, tell friends of the United States how we expected to vote, and if defeated to vote then for Mr. Lie. Senator Vandenberg said he saw no alternative. Mr. Dulles said he thought that would be satisfactory and that while he would have made a tougher fight that fight was not made, and he felt the United States was not going to make an all-out fight for Mr. Pearson. Mr. Pasvolsky said he thought that had been done and Mr. Dulles said he did not see how it could have been done with Mexico still on the sidelines. Mr. Stevenson observed that Mexico had suggested to him earlier that they would like to have an Assistant Secretary Generalship and that he had said that was for future decision. Mr. Dulles asked if some trading could be done with the USSR who wanted an Assistant Secretary Generalship for political and security affairs as he understood it.

Mr. Townsend said he felt that if the United States could not succeed in getting Mr. Pearson elected the Delegation should then vote for Lie and suggested that the United States might talk in advance to Mr. Lie in terms of having a United States national appointed as an Assistant Secretary General. Mr. Stettinius and Mr. Pasvolsky agreed that the United States should have the Assistant Secretary Generalship for administration.

Mr. Stettinius then asked Senator Vandenberg if he was satisfied. Senator Vandenberg replied that "satisfied" was not the right word but that he could not think of the word he wanted. Mr. Stettinius then asked if he objected; Senator Vandenberg did not reply. He said there should be no suggestion of a subsequent partisan political position that would differ from that which had been outlined by Mr. Stettinius.

Mr. Stettinius then stated that he would stand by Pearson and vote for him, and when the break came would shift to Lie.

Mr. Bohlen then suggested that the greater the United States success in lining up votes for Mr. Pearson, the greater would be the appearance of USSR victory for Mr. Lie after Mr. Pearson had failed of nomination.

Mr. Stettinius said he understood the position of the Delegation and that this would be the last meeting on this subject. He would, however, report progress.

Mr. Dulles said that was satisfactory.

Mr. Stettinius said the next Delegation meeting would be at 9:30 Monday morning.

IO Files : USSC 46/3 (Report 8)

*Minutes by the United States Delegation of the Five-Power Informal Meeting, Held at London, Claridge's Hotel, January 28, 1946, 9 p. m.*⁹³

SECRET

Participants: For France—Mr. Paul-Boncour
Mr. Fouques Duparc
Interpreter
For China—Mr. Wellington Koo
Mr. Victor Hoo
For USSR—Mr. Vyshinsky
Mr. Gromyko
Interpreter
For UK—Mr. Bevin
Sir Alexander Cadogan
For US—Mr. Stettinius
Dr. Pasvolsky
Mr. Stevenson
Mr. Cohen
Mr. Bohlen

The meeting was convened at the suggestion of Mr. Stettinius to discuss Secretary General and he opened the meeting with a reminder that six names were still in contemplation since the last meeting,⁹⁴ namely, Simic, Rzymowski, Pearson, Lie, Van Kleffens and Bonnet. He suggested that each representative now express himself candidly.

Wellington Koo asked if other names could be offered.

Mr. Stettinius asked the Soviet representatives what their position was since consulting their government. Vyshinsky replied that they had consulted their government and would no longer insist on Simic or Rzymowski but could not accept Pearson.

At this moment the name of Eden was mentioned briefly but I am not sure whether it was suggested by Boncour or someone else. Stettinius said that discussion of Eden raised the question of whether the Secretary General should be a national of one of the great powers and asked for reactions to Lie of Norway.

Boncour was opposed to Lie on the ground that he did not speak

⁹³ Drafted by Mr. Stevenson.

⁹⁴ Refers apparently to the meeting held at Claridge's Hotel, January 23, 11 a.m.; see p. 166.

French. Vyshinsky replied that he was ready to think over the proposal of Lie. Bevin stated that he would have to consult his government and there was some conversation about Lie's good English and the rapidity with which he had learned it. Koo stated that he had previously intimated that if we could not agree on Pearson, he would be willing to accept Lie. Vyshinsky added that he felt he also could accept Lie on his own responsibility. Boncour stated that he would also join in supporting Lie if Lie would accept.

Mr. Stettinius stated that Mr. Lie's Government had intimated that if drafted for this post he would be able to accept in spite of his importance to Norway as Foreign Minister.

Bevin stated that he would not veto the selection of Lie but for the present he was tied by a Cabinet decision and would consult his government Tuesday morning.

Gromyko stated that they would also ask their government to accept Lie as a compromise.

Boncour stated that Bidault would not be here until Wednesday and that he would ask his government by telegraph or telephone.

Vyshinsky stated that on his own responsibility he was now prepared to vote for Lie.

There ensued a discussion as to whether or not the eleven members of the Security Council should be summoned in a formal or informal meeting and advised of the agreement among the five, and when. It was agreed that upon receipt of confirmation from Bevin and Boncour an informal meeting of the eleven members of the Security Council should be held on Tuesday evening, if possible, and the matter presented formally to the Security Council meeting on Wednesday.

It was also agreed that pending agreement by the French and British governments nothing whatever should be given to the press.⁹⁵

SPA Files : Lot 61-D 146, Box 4581

Memorandum by the Principal Adviser to the United States Delegation (Hiss) to Mr. Frank Walker, United States Alternate Representative

[LONDON,] 31 January 1946.

Attached is a telegram ⁹⁶ just received containing instructions from the President as to candidates for the Court whom the Delegation should support.

⁹⁵ Upon the recommendation of the Security Council, the General Assembly elected Mr. Lie Secretary-General of the United Nations at its first session on February 1; see GA (I/1), *Plenary*, pp. 303 and 304.

⁹⁶ For content, see *infra*.

I think you should now feel perfectly free to inform other delegations of our entire slate along the lines we have previously discussed, i.e., that we are actively supporting only Mr. Hackworth and that as to the other candidates for whom we will vote, we are, of course, glad to notify other delegations of our plans but we are not actively campaigning for any of the other candidates on our list.

Moreover, in the light of prior instructions from the Department, we should in communicating our list to the other delegations say the following with respect to Podesta Costa:

We regard him as a jurist of highest eminence, and also as an outstanding advocate of the principles of law and democracy. We should make it plain that there are no political implications in our choice of Podesta Costa.

The delegation's policy has been to inform the press, after the election, of candidates whom we have supported. I think that the same statement with respect to Podesta Costa noted above should be included in any statement we make to the press or other interested parties.

IO Files : USGA/Ia/Del. Min./11 (Exec) (Chr)

Minutes of the Meeting of the United States Delegation (Executive Session), Held at London, Claridge's Hotel, February 1, 1946, 9:30 a.m.

SECRET

[Here follows list of names of persons (21) present.]

Court Slates

At the request of Senator Connally, who was presiding, Mr. Hiss read a telegram from the Department from Secretary Byrnes to Mr. Stettinius reporting that the President had stated he would be glad to have the Delegation determine whom they should support for election to the International Court of Justice. However, as the Delegation asked for instructions, he instructed that the Delegates vote for the following: Zoricic, Azvedo, Hsu, Klaestad, Krylov, Badawi, Basdevant, Winiarski, McNair, DeVisscher, Hackworth, Podesta Costa, Parra Perez, Read, Spiropolous. In the event that a second ballot is required, the telegram continued, it would be impossible for the President to know who the remaining candidates were and therefore he authorized Mr. Stettinius to exercise his discretion after the Delegates had been consulted.

[Here follows continued discussion of the question of Court Slates, centering on a point raised by Mr. Dulles.]

Mr. Stevenson said that Mr. Zuleta (Colombia), who professed to be speaking for all the Latin American countries, had called on him the previous day and had shown considerable annoyance that the United States would not support four Latin Americans for the International Court of Justice bench. Mr. Zuleta had talked about going to the Russians in order to secure votes for the candidates. However, he and Mr. Stevenson had parted friends and Mr. Stevenson had found that some other Latin American states did not share Mr. Zuleta's views. Mr. Hiss pointed out that the Permanent Court of International Justice had had three Latin American judges.

Mr. Hackworth reported that Mr. Krylov (USSR) and Mr. Beckett (UK) had asked him for the American Court slate. He inquired whether he was free to give it out now. Mr. Stevenson expressed the opinion that the list had to be made available. Mr. Hiss recalled that it had been agreed that the United States should campaign only for Mr. Hackworth and that the list should be made known. Senator Connally inquired whether there was any embarrassment because several states had suggested Judge Manley Hudson⁹⁷ rather than Mr. Hackworth. Mr. Hiss said that there was no embarrassment and that the position of the United States in favor of Mr. Hackworth had been explained. Mr. Hiss thought that the problems would arise on how many judges should be elected from the various geographical areas. He said he thought that members of the Delegation were free to say what the United States slate was, if they were asked. It should be made clear that a vote was to be cast for Podesta Costa because he was a noted jurist with a wide experience in law and was a firm supporter of democracy. Mr. Hackworth expressed the opinion that the nomination of Podesta Costa was going to raise trouble whatever explanation was made as to why the United States was voting for a man not from a democratic country. Mr. Bloom concurred, stating that he thought that the nomination was wrong. He thought that the American people would not believe anything except that the Government was doing the same old thing with Argentina. Mr. Hiss pointed out that the principle of election to the Court was on the basis of personal competency, not national representation. He stated that he thought that the information should be given out only to other Delegations that asked for it, but not to the press at the present moment. Mr. Hackworth expressed the opinion that the newspapermen would soon get hold of the story from the Delegations to which it was given. The fact that the United States was going to support Podesta Costa would then reach the newspapers ahead of the official American explanation.

⁹⁷ Eminent legal scholar and publicist.

Senator Connally inquired whether the chief alibi was not that the Latin American states wanted Podesta Costa. Mr. Hiss stated that he thought the chief reason for the United States support was that Podesta Costa was thought an outstanding jurist by those who know him. Mr. Stevenson said he thought the Delegation should know that Podesta Costa had twice been offered the post of Minister of Foreign Affairs by the Perón Government and had twice refused. Mrs. Roosevelt inquired whether the Delegation was to take any cognizance of what was being said about Argentina and asked whether anything was to be done about the question at this session. Mr. Bloom said that he was opposed to the choice of an Argentinian and felt very strongly that the people at home would not like it. Senator Connally expressed the opinion that not one person in fifty would know who the judges were for they did not even know the names of their own county judges. Mr. McDermott noted that there were rumors on the AP ticker of a revolution in Argentina.

[Here follow further discussion of the Court question, and Delegation discussion of other items.]

IO Files : USGA/Ia/Del. Min./Exec/12 (Chr)

Minutes of the Meeting of the United States Delegation (Executive Session), Held at London, Claridge's Hotel, February 5, 1946, 9:30 a. m.

SECRET

[Here follow list of names of persons (17) present, and Delegation discussion of previous items on the agenda.]

Court Slate

Mr. Walker said that the United States slate of fifteen judges had been discussed with representatives of the United Kingdom and the USSR and that there was general agreement on twelve candidates on our slates. He said the USSR did not agree with our candidates from Venezuela, Greece, or Argentina but that they had not yet given us three substitute names. He thought the USSR might ultimately agree to Podesta Costa of Argentina, but they wanted very much to have a candidate from Mexico instead of Venezuela and might prefer to have four Latin American judges in order to get a Mexican member. He said that the United Kingdom wanted to replace Brazil with El Salvador and probably substitute Greece for South Africa although they would not insist on the latter change. He said the United Kingdom preferred a judge from India instead of Poland and wanted a Moslem.

Mr. Pasvolsky observed that the USSR had been making a strong political play for support of Mexico. He said that the representative from Mexico in the Security Council the previous night was one of the United States' "worst enemies". Mr. Dulles said that Mexico was "playing" less and less with the United States and more and more with the USSR. Senator Vandenberg said that Parra Perez of Venezuela was the best man on the United States list of candidates.⁹⁸

[Here follows discussion of other items on the agenda.]

IO Files: SD/A/31

*Memorandum by the Director of the Office of Special Political Affairs (Hiss) to the Acting Secretary of State (Acheson)*⁹⁹

SECRET

[WASHINGTON,] August 6, 1946.

Subject: U.S. Slates for Election of Members of Security Council, Economic and Social Council, and Trusteeship Council.

THE PROBLEM

At the second part of the first session of the General Assembly which will be convened on September 23, 1946, it will be necessary to elect three states to non-permanent membership on the Security Council.

⁹⁸ For General Assembly proceedings regarding the election by the Assembly of the judges of the International Court on February 6, see GA(I/1), *Plenary*, pp. 340 ff.

⁹⁹ In a covering memorandum of even date Mr. Hiss minuted to Mr. Acheson: "The attached memorandum on United States slates for election of members of the Security Council, Economic and Social Council and the Trusteeship Council was prepared in meetings of the Membership Team and cleared through the interested Offices: SPA, EUR, FE, NEA, ARA, and ITP.

"It is hoped that this memorandum can be discussed in the meeting in your office at 9:30 on Wednesday, August 7, so that it will be available for distribution in the Department and for transmission to Mr. Johnson [Herschel V. Johnson, Acting United States Representative at the United Nations] in New York.

"It is felt that, in the circumstances, any slate prepared now may need to be modified in the light of later developments in actual negotiations just preceding the General Assembly. Accordingly, as a supplement to the attached memorandum, the Membership Team is preparing possible alternative choices." (501.BB/8-646) See memorandum of September 24, p. 197.

Departmental action on the slates question had begun on June 5, at which time the Department's United Nations Liaison Committee had agreed that the Committee's working team on membership questions should have its terms of reference broadened "to consider the entire problem of slates, to prepare background papers, and to formulate policy recommendations in this regard." (Extract from Minutes of Meeting of UNLC, June 5, 1946, File No. 501.BB/6-546) At least six drafts of this paper were prepared between the inception of the project and the final memorandum of August 6; these are scattered throughout several folders in RSC Lot File, 55-D324, Box 10100.

This memorandum was approved by Acting Secretary Acheson on August 15 (memorandum by Durward V. Sandifer, Chief of the Division of International Organization Affairs, to Miss Dorothy Fosdick of the division, August 20, File No. 501.BB/8-2046). It was then set up as a Departmental position paper for the use of the U.S. Delegation.

cil, and six states to the Economic and Social Council, to replace states whose membership will expire in January 1947. If it is possible to establish the Trusteeship Council, it may also be necessary to elect one or more states to membership thereon, in order to attain an equal division between states which administer trust territories and states which do not, in accordance with Article 86 of the Charter. (For present composition of these Councils, see Table, page 3.) ^{99a}

RECOMMENDATIONS

1. It is recommended that the United States slate for non-permanent membership on the Security Council be Belgium, Colombia, and Syria.

2. It is recommended that the United States slate for election to the Economic and Social Council be the Netherlands, New Zealand, Poland or the Byelorussian SSR, Uruguay, Turkey, and the United States.

3. If an election to the Trusteeship Council should be required, it is recommended that the United States slate be Egypt, Denmark and the Philippines, in the order named.

4. It is recommended that no commitments for United States support for election to these Councils be made to the representatives of any foreign countries prior to September 5, 1946 and that, whenever possible, commitments be avoided until the United States Delegation to the General Assembly reaches New York. It is further recommended that if such representatives should approach the Department seeking United States support, the Officers concerned should respond in accordance with the following formula :

(a) In answer to all inquiries, it should be emphasized that no final decisions have been made, and that they will probably not be taken until the Delegation reaches New York.

(b) If an approach is made by a representative of a country which the Department plans to support, a statement may be made to the effect that the United States is giving serious consideration to its candidacy.

(c) If an approach is made by a country whose candidacy the United States would definitely oppose, its representative should be informed that there is no present prospect of support for it.

It is further recommended that, unless special circumstances suggest the desirability of a contrary course in a particular case, states which may be admitted to membership in the United Nations at the forthcoming meeting of the General Assembly not be considered for election to these Councils at this time.

^{99a} Reference is to the Table printed on p. 190.

TABLE

PRESENT MEMBERSHIP ON U.N. COUNCILS
AND RECOMMENDED U.S. SLATES

PRESENT MEMBERSHIP	PROPOSED SLATE
SECURITY COUNCIL	
PERMANENT MEMBERS:	
China	
France	
U.S.S.R.	
U.K.	
U.S.	
NON-PERMANENT MEMBERS:	
<i>Two-Year Term:</i>	
Australia	
Brazil	
Poland	
<i>One-Year Term:</i>	<i>Two-Year Term:</i>
Egypt	Syria
Mexico	Colombia
The Netherlands	Belgium
ECONOMIC AND SOCIAL COUNCIL:	
<i>Three-Year Term:</i>	
Belgium	
Canada	
Chile	
China	
France	
Peru	
<i>Two-Year Term:</i>	
Cuba	
Czechoslovakia	
India	
Norway	
U.S.S.R.	
U.K.	
<i>One-Year Term:</i>	<i>Three-Year Term:</i>
Colombia	Uruguay
Greece	The Netherlands
Lebanon	Turkey
Ukrainian S.S.R.	Poland or Byelorusian S.S.R.
U.S.	U.S.
Yugoslavia	New Zealand
TRUSTEESHIP COUNCIL	
(Not yet organized)	
	If elections are necessary:
	<i>Three-Year Term:</i>
	Egypt
	Denmark
	Philippines
	(Preference for elective posts in order named).

DISCUSSION

1. *Security Council*

Under Article 23 of the Charter, the General Assembly each year elects three non-permanent members to the Security Council for a term of two years, "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." A retiring member is not eligible for immediate re-election.

Subject to the condition that members be capable of making an important contribution to the maintenance of international peace, the Department, on the basis of the present membership of the United Nations, has considered it desirable to include among the six non-permanent members of the Security Council :

- One member of the British Commonwealth
 - One country from Eastern and Central Europe
 - One country from Northern, Western and Southern Europe
 - Two countries from the other American Republics
 - One country from the Near East and Africa
- (SC-171/8, November 15, 1945).¹

It is to be noted that the above proposed categories provide for appropriate current representation of the Pacific-Far Eastern area in as much as China is a permanent member of the Security Council and Australia by virtue of its election last January to a two-year membership will be a member of the Council during the next year.

This distribution was attained in the elections held at London last January, when Egypt, Mexico, The Netherlands, Australia, Brazil and Poland were chosen as non-permanent members of the Security Council. The first three of these states will retire from the Security Council, in January 1947; Australia, Brazil and Poland will continue to serve for another year.

If the existing balance among the non-permanent members is to be retained, Egypt, Mexico and The Netherlands must be replaced by a Near Eastern or African State, a Latin American State and a Western European State.

Turkey, though originally favored by the Department for the Security Council at this election, has expressed a preference, for membership on the Economic and Social Council. At the same time Syria, which we had preferred for ECOSOC, is apparently the Arab League's candidate for the Security Council. It seems desirable to support this exchange of candidacies between the two countries.

Colombia was similarly slated as a replacement for Mexico, and no change in this selection is recommended. Colombia is favored as a matter of preference, rather than pursuant to commitment, since the United States' vote for Colombia at the Economic and Social Council election last January discharged any previous commitment.

Belgium is regarded as the logical successor to The Netherlands. Although Belgium will retain a seat on the Economic and Social

¹ *Foreign Relations*, 1945, vol. I, p. 1433 .

Council for two more years, it is nevertheless considered more desirable to support it at this time for election to the Security Council than Norway, Denmark, or Luxembourg, the other eligible Western European States which are now Members of the United Nations.

2. *Economic and Social Council*

Under Article 61 of the Charter, the General Assembly each year elects six members to this Council for a term of three years. A retiring member is eligible for immediate re-election.

The current membership of the Economic and Social Council is indicated in the Table on Page 3.

The existing geographic balance in the Council is as follows:

The Five Major Powers

Four Latin American Republics (Chile, Cuba, Peru, Colombia)

Four Eastern European States (Czechoslovakia, Greece, Ukrainian S.S.R., Yugoslavia)

Two members of the British Commonwealth (Canada, India)

Two Western European Countries (Belgium, Norway)

One Near Eastern or African State (Lebanon)

The present distribution of seats differs in some respects from that proposed in the Department before the elections held in London last January, and will probably be further modified as new states are admitted to the United Nations. It is suggested that, in the forthcoming election, the United States seek to change the existing distribution by the election of one additional member of the British Commonwealth and one additional Western European State, to replace two of the four Eastern European countries (not including the U.S.S.R.) now represented on the Council. The resulting geographic balance would be the same as that proposed by the United States representative last January, in conversations with the delegates of the other major Powers at London. (USGA/Gen 30/Conv 14, Jan. 11, 1946).²

This distribution would be attained if the United States, The Netherlands, New Zealand, Poland or the Byelorussian S.S.R., Uruguay, and Turkey were chosen to replace the six members of the Council whose terms expire next January.

The United States should be re-elected without difficulty, in view of the common agreement on the desirability of representation for all five of the major Powers on the Economic and Social Council.

The Netherlands, because it is an important factor in world economy, is suggested as a replacement for Greece. The Netherlands will retire from the Security Council in January.

New Zealand is indicated to succeed Yugoslavia because it volun-

² *Ante*, p. 153.

tarily withdrew from a deadlocked election in the General Assembly at London, thereby permitting Yugoslavia to occupy the last unfilled seat on the Council.

The Byelorussians S.S.R. or Poland is listed for election as the result of a process of elimination. Czechoslovakia will remain on the Council for another year. Generally, except in the case of the major Powers, it is felt that immediate re-election is undesirable, as it would result in deferring membership unduly for many states. Consequently, neither Yugoslavia nor the Ukrainian S.S.R. is included on the slate, and only the two states listed remain for consideration. While Poland is far more important than the Byelorussian S.S.R. as an economic factor, it must be remembered that it retains a seat on the Security Council for another year. When the election occurs, consideration should be given to supporting the Eastern European State whose candidacy the Soviet Union is most actively pressing.

Uruguay, a state whose political, economic and social policies are on the whole favorable from the United States point of view, is the preferred choice to succeed Colombia on the Council. This recommendation, however, is made subject to the possibility that the United States might agree to support some other American Republic chosen as a result of consultation among the delegations of the other American Republics. Before the results of such consultation are fixed, it is recommended that the United States discreetly encourage support of Uruguay's candidacy.

It seems desirable to respect Turkey's preference for membership on the Economic and Social Council and, at the same time, the Arab League's apparent choice of Syria for the Security Council.

3. Trusteeship Council

Article 86 of the Charter provides that the Trusteeship Council shall consist of the following Members of the United Nations:

- (a) those Members administering trust territories;
- (b) such of the five major Powers 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.

The Trusteeship Council can not be established until a sufficient number of states have become administering authorities as a result of the conclusion, by the states directly concerned, of trusteeship agreements for specified territories, and the approval of such agreements by the Security Council or the General Assembly. It is possible that the

General Assembly will approve a number of these agreements at its September session.³

If the U.K., France, and Belgium should become administering authorities, the Trusteeship Council could be brought into existence without an election, since China, the U.S.S.R., and the United States would automatically serve as the balancing powers.

If trusteeship agreements for Australia and New Zealand, as well as the U.K., France, and Belgium, should be approved by the Assembly in September, or if some other combination of states should become administering authorities, an election might be necessary. In this event, it is recommended that the United States support Egypt, Denmark and Uruguay, respectively, for the first, second and third elective posts.

Egypt is recommended because it is believed that an Arab State should be represented on the Trusteeship Council in view of the intense interest of the Arab states in the problem of trusteeship, unless Egypt should be elected to the Economic and Social Council.

Denmark is suggested because of the traditional interest of the Scandinavian countries in equal treatment in social, economic and commercial matters, one of the basic objectives of the trusteeship system, and the contribution which Scandinavian nationals might, on the basis of their role in the Permanent Mandates Commission, be expected to make in the Trusteeship Council.

The Philippines are recommended because it seems desirable, in view of their recent achievement of independence, for the United States to support them for some United Nations post and because the Philippine delegate shows a very strong individual interest in trusteeship questions and was very active on the subject at San Francisco and London.

4. *Procedure Prior to Elections*

It is recognized that these slates constitute optimum proposals from the point of view of the United States. In all probability they will undergo some modification during the course of pre-election negotiations with other countries. This is especially likely in cases where groups such as the Latin American Republics or the Arab League select candidates with regard to which the United States has no special objection. In such cases, after discreet advocacy of its own candidates, the United States Delegation may be well advised to concur in the ultimate decision of the group. It is believed that the procedure and formula outlined in Recommendation No. 4, above, will serve to reduce to a minimum the possibility of misunderstanding, disappointment, and charges of bad faith.

³ For documentation on this subject, see pp. 544 ff.

IO Files: SD/E/46

State Department Briefing Paper

[WASHINGTON,] September 4, 1946.

BACKGROUND PAPER

WHETHER UNITED STATES REPRESENTATIVES ON THE COMMISSIONS OF
THE ECONOMIC AND SOCIAL COUNCIL SHOULD BE UNDER FORMAL
INSTRUCTION

THE PROBLEM

The Council at its second session⁴ decided that commissions shall be made up of "one representative from each of . . . (12 to 18) . . . Members of the United Nations".⁵ The Council turned down the suggestions of several of the nuclear Commissions that members of the commissions should serve in their individual capacities rather than as government representatives and therefore should not be instructed.⁶ There is no statement to the effect that members of the commissions shall be instructed. The United States consistently has taken the position that better work can be done if members of the commissions are individual experts without instructions.⁷ The question is, therefore:

⁴ May 25–June 21, 1946, at New York; the first or organizing session had been held at London from January 23 to February 18.

⁵ At the London session the Economic and Social Council had established five commissions on a temporary basis pending final determination of the scope and composition of said commissions. These were described at the time as "nuclear" commissions and comprised the Commission on Human Rights (with a sub-commission on the status of women); the Economic and Employment Commission; the Temporary Social Commission; the Statistical Commission; and the Temporary Transport Commission; also established was the permanent Commission on Narcotic Drugs. At the second session in New York commencing May 25 the scope of the above-named temporary commissions was defined and their composition settled upon, thus establishing them on a permanent basis.

⁶ In respect of the question of the composition of the commissions of the Economic and Social Council United States policy at the Preparatory Commission, the first part of the first session of the General Assembly at London, and the two sessions of the Council in January–February and May–June had been generally to favor a commission membership that would be appointed on the basis of technical ability and professional competence, that is a nonofficial membership, though not without any reference to the governments of the countries from which the individual experts would be elected (see IO Files, documents USGA/Ia/SH Com/15, dated January 15, 1946, section I.A.5, and US/E/4, dated May 5, 1946).

⁷ In a working paper prepared for the use of the United States Delegation to the General Assembly at London this view was stated as follows:

"It is felt that the prestige of certain types of commissions will be enhanced if it is clear that they are to conduct their investigations impartially and without undue concern for the political views of particular Member states. Emphasis on the individual capacities of commission members should help to keep commissions to manageable size by reducing the necessity for widespread distribution among Member states. It should in many cases be easier to obtain the services of highly qualified experts and persons of outstanding prestige if they are appointed primarily on the basis of their personal qualifications" (IO Files, USGA/Ia/SH Com/15, January 19, 1946).

Should the United States Government, in the light of the Council's decision, formally instruct representatives on the various commissions in spite of its earlier position.

RECOMMENDATION

It is recommended that United States Members of the Commissions be provided with general instructions covering major issues. They should be given an opportunity to collaborate in the preparation of their instructions. In the Commission meetings the U.S. Members will of necessity speak for the Government of the United States, but they should be free to speak in the light of circumstances and their individual reactions, being guided, of course, generally by their instructions. They would, of course, rarely if ever announce that they were speaking as individuals. They should have the right, for tactical as well as other reasons, to seek special instructions.

DISCUSSION

The United States has based its attitude in the past mainly upon the arguments: 1) That the best men can be obtained for the job and they will do their best work only if they are free from all political interference and pressure and can think for themselves; 2) That the Commissions are necessarily small bodies which must nevertheless consider the interests of the entire world. Governmental representatives instructed to follow the interests of their own country cannot be expected to represent other countries; 3) The presence of the press at all meetings will limit instructed representatives to careful statements as a result of the fear of committing their governments.

On the other hand, it is clear that recommendations must so far as possible, be consistent with policies of governments if they are to be implemented. Members of the Commissions must be familiar with these policies and act on lines generally consistent with them if useful work is to be done.

Moreover, since many of the members will be specifically instructed and will speak with the full prestige of their governments, the United States Members will be at a great tactical disadvantage if they can argue only on the basis of their personal opinions.

Finally, it appears that the maximum of flexibility would be desirable. It is suggested that the recommendation outlined above gives this flexibility and, at the same time, answers the arguments on both sides so far as possible. It will, of course, be necessary for United States Members of the Commission to make it clear when they are speaking as individuals in order to prevent any misunderstanding from arising from the fact that they will be called "representatives".

501.BB/9-646

*Memorandum Prepared in the Division of International Organization
Affairs*⁸

SECRET

[WASHINGTON,] September 6, 1946.

Subject: Alternative Candidates for Council Posts.

I. *Introduction*

The basic memorandum prepared on the subject of slates for election to the three UN Councils lists in specific detail the states which will be supported by this government for election to all available posts. The United States Delegation to the General Assembly will engage in conversations with other Delegations in New York in an endeavor to secure general acceptance for its candidates. Very probably, however, it will be necessary to alter the proposed United States slates in order to produce a list of nominees which will be acceptable to the United States and will at the same time enjoy a reasonable prospect of election. The present memorandum is designed to provide general guidance as to the priority in which other states should be considered if our original choices for Council posts prove unacceptable.

It is important to note the criteria which must be observed in making selections for the various Councils. Article 23 of the Charter prescribes that, in the election of non-permanent members of the Security Council, due regard should be 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".

The Charter does not prescribe any particular set of qualifications for membership in the Economic and Social Council. It is clear, however, that the economic importance and the economic and social policies of the various states are among the important factors to be taken into consideration in selecting suitable candidates.

No special criteria are set forth in the Charter for election to the Trusteeship Council. The list of eligible states is, however, limited to those who will not already be members of the Council by virtue of their status as states administering trust territories or permanent members of the Security Council.

II. *Alternative Choices in Specific Geographical Areas*

(a) Latin America

The basic memorandum on the subject of slates contained a statement that the Latin American countries might select candidates of

⁸ Prepared originally as a "draft", this paper was approved later by other interested offices and set up on September 24 as a Departmental position paper (IO Files, document SD/A/C.1/37).

their own for the two Council positions open to them. In that event, the memorandum stated, the Delegation might be well advised to concur in the decisions of the Latin American countries, provided the United States has no special objection to the candidates selected.

If Colombia and Uruguay, our first preferences for the Security Council and the Economic and Social Council respectively, are not supported by the Latin American delegations, the United States would probably have no objections on political grounds to the selection of any other Latin American candidates except Argentina, Nicaragua, Honduras, or the Dominican Republic. These four countries would not be acceptable as candidates for either of the Councils. It is doubtful, however, that any Latin American republics except Colombia, Ecuador, Uruguay, and Venezuela will receive serious consideration as candidates for Council posts at the forthcoming Assembly session.

(b) Europe

(1) Security Council.

Belgium is our first choice among the European states to fill one of the three impending vacancies on the Security Council. The Department has been informed that a report that the Belgian Government is unwilling to be a candidate for this post is entirely without foundation. There seems at present to be no completely satisfactory alternative choice for Belgium, although Denmark and Norway are possibilities.

Denmark is not now a member of any Council. It is however, our choice for the second elective post on the Trusteeship Council and for membership on the Social and Statistical Commissions and on the Commission on the Status of Women.

Norway already enjoys considerable representation in United Nations bodies. It is serving a two-year term on ECOSOC; the Secretary-General of the United Nations and the Registrar of the International Court of Justice are Norwegians; and Norway is supported by the United States for election to the Human Rights, Statistical, Transport and Communications, and Fiscal Commissions.

(2) Economic and Social Council.

Denmark would be the logical alternative to the Netherlands for election to ECOSOC. In case Sweden should be admitted to membership in the UN before the elections are held, it would be a highly satisfactory choice for this Council because of its economic importance and its leadership in the field of social affairs.

South Africa would be the logical alternative to New Zealand as the British Commonwealth choice for ECOSOC.

In view of the fact that all Eastern European countries which are members of the UN are now holding or will hold Council posts under our original proposals, it seems impracticable to suggest alternative choices from that area.

(c) *Near and Middle East and Africa.*

If it should appear that Syria and Turkey, our preferred candidates for the Security Council and Economic and Social Council, respectively, cannot be elected, the United States might possibly be disposed to support Greece or Iran for one of the Council posts.

Greece is now completing a one-year term on the Economic and Social Council and would therefore presumably not be considered for reelection to that Council. Because Greece has twice been involved in matters considered by the Security Council and, at the beginning of September, was still engaged in a controversy before that body, its election to the Security Council might be undesirable. It might possibly be considered, however, for election to the Trusteeship Council if our preferred candidates should withdraw.

As regards the Security Council, the same objection might apply to some extent in the case of Iran. If the situation in Iran should develop favorably, however, so that Iran indicates a sincere desire and intention to act independently, the United States might possibly support Iran for one of the Council posts in the event that a vacancy should develop in our slates.

It seems desirable not to consider Iraq or Lebanon for positions on any of the Councils at this time.

(d) *Far East.*

The Philippines is not at present a member of any United Nations Council and is in effect our alternate choice for the Trusteeship Council. It is supported by the United States for membership on the Human Rights Commission and the Fiscal Commission of the Economic and Social Council.

501.BC/9-2646

The Canadian Embassy to the Department of State

CONFIDENTIAL

CONFIDENTIAL AND INFORMAL MEMORANDUM ON THE VIEWS OF CANADA
ON ELECTIONS TO THE SECURITY COUNCIL AND THE ECONOMIC AND
SOCIAL COUNCIL⁹

1. At present the six non-permanent members of the Security Council are:

For two-year term: Australia
Brazil
Poland
For one-year term: Egypt
Mexico
Netherlands.

⁹ Transmitted to the Department by the Canadian Embassy under cover of a letter dated September 26, not printed.

2. The United Nations Assembly in October will elect successors to Egypt, Mexico and the Netherlands. These states are not eligible for immediate re-election.

3. The Latin-American Republics appear to have agreed on Colombia. The Arab states (Egypt, Syria, Lebanon, Saudi-Arabia, and Iraq) have agreed on Syria and have secured the concurrence of Turkey and Iran. It is widely expected that Belgium will be the candidate of the Western European states for the succession to the seat of the Netherlands though there may be strong opposition to a state being a member at the same time of both the Economic and Social Council and the Security Council.

4. According to the Charter (Article 23 : 1), the primary consideration to be taken into account by the Assembly in elections to the Security Council is "the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization". The secondary consideration is "equitable geographical distribution".

5. In fact, however, at the elections in London in January scant attention was paid to the principle of functionalism and the two governing principles were the sharing of honours and equitable geographical distribution. The first principle means that a state (other than one of the Big Five) should not be a member at the same time of both the Security Council and the Economic and Social Council. The second principle means that various groups of states are each entitled not only to a seat on the Security Council but to agree among themselves on which of them should have the seat. Of the six non-permanent seats five, in the minds of the adherents of these principles, are divided as follows:

Western Europe (1)
The Soviet Zone of Europe (1)
Latin America (2)
Middle East (1)

The sixth seat was at London given to Australia and it is debatable whether this seat is considered as belonging to the British Commonwealth or to the area lying south of China and the Arab states and including the whole of Africa.

6. Regionalism, combined with the rotation of seats among the states members of the regional groups, is likely to produce a weak Security Council. It has already resulted in Syria being chosen as the Middle Eastern candidate. This has been done certainly with little regard being paid "to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purpose of the Organization". Two years from now it may

result in the two Latin American members of the Security Council being countries with little military or economic force to contribute to the preservation of peace.

7. The present system also means that the non-permanent members of the Security Council are not in fact being elected by the Assembly but that the Assembly is merely ratifying the decisions of regional groups. Not all states are members of any recognized regional group and some states which might be useful members of the Security Council will, as a result, be disqualified from membership in the Council.

8. From Canada's point of view the situation is especially serious. Since the United States is always on the Security Council, Canada can make no claim for membership on the basis of equitable geographical distribution. Canada belongs, moreover, to no organized regional group. If Latin America always has two seats on the Security Council, Western Europe one seat, Eastern Europe one seat, and the Arab bloc one seat—only one seat is left over for Canada, Australia, New Zealand, South Africa and India and for the other states which do not belong to one of the four regions. The argument will be made that that seat should go to a representative of the vast area lying south of China and of the Arab states and including the whole of Africa.

9. We would be serving neither our own immediate interests or the interests of the United Nations if we were to give support to the view that membership in one Council disqualified a state, other than one of the Big Five, from membership in the other Council. This would mean that Canada would be ineligible for membership in the Security Council until its term on the Economic and Social Council expires in January 1949 (i.e., Canada could not be elected until September 1948). By limiting the choice of candidates for the Councils it would weaken the Councils since they can do their most effective work only if they contain the states which have the greatest contribution to make to the solution of the problems with which they are dealing. Canada should therefore be prepared to oppose any movement which may develop in the Assembly to disqualify Belgium from membership on the Security Council because of its membership on the Economic and Social Council.

10. Should Canada stand for the Security Council this year, one of the main arguments for our standing (even if we expect to be defeated) would be that by so doing we would make clear our opposition to the acceptance of our [*four?*] undesirable conventions:

(1) The convention that the Assembly can properly disregard in elections to the Security Council the principle of functionalism set forth in Article 23 of the Charter;

(2) The convention that a state is ineligible for election to the Security Council if it is already a member of the Economic and Social Council;

(3) The convention that a number of regions of the world have a right to be represented on the Council by a state designated by them no matter what the qualifications of that state may be;

(4) The convention that only one member of the British Commonwealth, apart from the United Kingdom, should sit on the Security Council.

WASHINGTON, September 25, 1946.

501.BB/10-146

*Memorandum Prepared in the Division of International Organization Affairs*¹⁰

SECRET

[WASHINGTON,] October 1, 1946.

COMMENTS ON CANADIAN MEMORANDUM ON ELECTIONS TO UN COUNCILS¹¹

Our comments on this memorandum may be grouped in accordance with the four "conventions" with which it concludes.

1. "The convention that the Assembly can properly disregard in elections to the Security Council the principle of functionalism set forth in Article 23 of the Charter."

We agree that the Assembly should not disregard the functional principle, but we consider it equally harmful to disregard the geographic principle. As long as the five Great Powers are in a predominant position on the Security Council, there is no danger of a "weak" Council. We believe that, to be most effective, the Council should include representatives of the major geographic areas and of the British Commonwealth. We should remind the Canadians that it is not only the members of the Security Council, but all UN members, who contribute military and economic force to the preservation of peace. We should maintain, moreover, that a small state which speaks for the entire regional group to which it belongs on major issues wields an influence greater than that represented by its own military and economic strength.

2. "The convention that a State is ineligible for election to the Security Council if it is already a member of the Economic and Social Council."

We do not agree with this thesis as an invariable rule, and the Canadians should be reassured by our sponsorship of Belgium for the

¹⁰ Drafted by David H. Popper.

¹¹ *Supra*.

Security Council at this time. At the same time, we would ordinarily prefer a wide distribution of Council posts among the members of the Organization. It is important that the smaller states, which are already dissatisfied because they play so small a part in UN operations, be granted as much voice as possible in UN activities, although frankly we would not now expect that every small state would some day achieve membership on the Security Council.

3. "The convention that a number of regions of the world have a right to be represented on the Council by a State designated by them no matter what the qualifications of that State may be."

(a) We could not agree that a regional group has an inherent right to demand that other states necessarily respect its choice of candidates from among its own membership. But it is only realistic to acknowledge that regional choices, and logrolling among regional groups, are to be expected. Normally, we would proceed to select our own candidates from the areas concerned and attempt to persuade the appropriate regional groups to accept our choices. If, however, we failed in the attempt, we should be inclined to accept the candidate chosen by a regional group, provided we had no special objection to it as a candidate.

(b) We do not feel that Council members from a given regional area must necessarily, or should always, be members of an organized regional group. In this connection, it may be well to explain generally to the Canadians how the Department came to support Syria for the Security Council, stressing the fact that Turkey was our original candidate.

4. "The convention that only one member of the British Commonwealth, apart from the United Kingdom, should sit on the Security Council."

(a) We should explain to the Canadians that our conception of the proper geographic allocation of seats among the non-permanent members of the Security Council, as determined in the Department prior to the General Assembly session at London, includes one member of the British Commonwealth, in addition to the United Kingdom. We might assure the Canadians that we do not intend to bracket the Dominions with "the vast area lying south of China and of the Arab states and including the whole of Africa." In Africa, this "vast area" involves only two UN members, Liberia and Ethiopia, which we place in the NEA group; in the Far East, the only UN members concerned are the Philippines and India.

(b) It seems to us that the Security Council, which is a political body, should roughly reflect the existing division of political forces. On this basis, we do not see how the British Dominions can expect to

occupy more than one seat among them, particularly if only one seat is allocated to the Soviet satellites.

501.BB/10-146: Circular telegram

The Acting Secretary of State to the Diplomatic Representatives in the American Republics

RESTRICTED

[WASHINGTON,] October 1, 1946—2 p. m.

At early opportunity please convey informally following views to FoMin.

This Govt has expressed view in response to inquiry of Urug FoMin and suggestions of certain other Amer FonOffs that no commitments should be made by Amer Govts with regard to the support of specific AmReps for election to principal organs of United Nations until delegations meet in NYC for General Assembly. This Govt holds to this view and has made no commitments. However, in view postponement meeting¹² and presence several delegations from other AmReps in this country it is recognized that some informal discussion of views regarding selection of AmReps for these posts is inevitable. Dept wishes inform FoMin informally of its view that following countries merit sympathetic consideration for two major posts: for Security Council, Colombia; for Economic and Social Council, Uruguay.

Above views are communicated for FoMin for his information. Dept not making any firm commitment at this time and considers desirable continue discussion this subject among delegations in NYC before final decision.

For Embs info Dept does not wish encourage further discussion of candidacies through you at this time, but would of course be glad know any views FoMin may volunteer. This instruction prompted by evidence that some AmReps actively campaigning for support now.¹³ Dept wishes its tentative views known before further commitments are made by other govts.

Mexico and Venezuela known to be soliciting support for ECOSOC. Dept prefers Uruguay because of high qualifications including East

¹² The date for the convening of the General Assembly had been postponed from September 23 to October 23. This, a second postponement, was necessitated by the slow progress of the Paris Peace Conference. For United States Delegation Minutes of those meetings of the Council of Foreign Ministers at the Paris Peace Conference dealing with the postponement question, see vol. III, pp. 313-321, 364-370, 383-390, and 398-404, *passim*.

¹³ Venezuela had made several overtures to the United States as early as January 22 and as recently as September 26 (IO Files, United States Delegation Briefing Book entitled "Elections of Members of Security Council, Economic and Social Council and Trusteeship Council [1946, New York]").

Coast location since Cuba, Colombia, Peru and Chile now on ECOSOC.¹⁴

ACHESON

IO Files : SD/A/91

Memorandum of Conversation, by G. Hayden Raynor, Special Assistant to the Director of the Office of European Affairs (Matthews)

CONFIDENTIAL

[WASHINGTON,] October 2, 1946.

Participants: Mr. C. P. Hebert, Counselor of the Canadian Embassy
Mr. Wailes, of BC
Mr. Hayden Raynor, of EUR

[Here follows discussion of the Canadian Embassy memorandum sent to the Department on September 26. "The conversation centered on the four conventions contained at the end of Paragraph 10 of the Canadian memorandum. In our conversation we followed generally the points made in Mr. Popper's memorandum of October 1. . . ."]

After completing our discussion of the Canadian memorandum I referred to the inquiry he had made at our last meeting relative to the make up of the ECOSOC.¹⁵ I stated that we were in full agreement that the economic importance of a state was an important factor in determining the membership of this Council. I quoted to him the pertinent paragraph in our working paper on alternate candidates for Council posts which sets forth this very clearly. I added, however, that we differ from their view on the matter of membership by the Big Five. (Mr. Hebert had suggested that the Canadians felt that only the Big Three should be continuous members.) I stated that we felt, not necessarily because of the importance of all of the Big Five from the economic point of view, but because of the concept of Big Five unanimity on which the United Nations had been built, that the Big

¹⁴ Replies to this circular are found in the Briefing Book named above. In general these expressed cooperative interest while at the same time pointing out that Venezuela, Argentina, and Mexico were actively interested in their own candidacies.

¹⁵ This refers to a meeting held on September 16 at which Mr. Hebert ". . . informed us that he was instructed to ascertain informally our reaction to the following proposal. He stated that they felt that in the economic world Canada and certain other states such as the Netherlands were equally as important as France and China and should be so recognized in the ECOSOC. His proposal is this: The Big Three (the US, UK and USSR) should always have seats on the ECOSOC. Half of the remaining fifteen seats should always be filled from a group of twelve important economic states such as Canada, the Netherlands, Sweden, presumably France and China, Australia, Brazil, etc. Mr. Wailes and I promised to ascertain what the reaction of the Department might be to this suggestion and to talk to him informally about it later." (IO Files: Document US/A/14).

Five should be continuously represented on all major organs of the United Nations.

During the discussion I inquired if Mr. Hebert had received any Canadian views on the makeup of the Trusteeship Council. He indicated that their first preference was for an European state, either Sweden or Denmark, and that if two seats were elected they felt the other seat should be held by a non-European state. He indicated that he had supposed that the South American countries would feel entitled to this seat and that in that event they had been prepared to favor Brazil. He indicated that Egypt would be an acceptable candidate to them for the second seat. As in his previous conversation he indicated a distinct lack of enthusiasm for the Philippines as a candidate and urged that consideration be given to India as a member of this Council but not this year.

Mr. Hebert seemed entirely satisfied with the informal views expressed to him. I think with the exception of Syria that we will find the Canadians and ourselves in quite close agreement in New York on the question of slates.

501.BD/10-946

Memorandum by David H. Popper of the Division of International Organization Affairs

SECRET

[WASHINGTON,] October 9, 1946.

SELECTION OF ECOSOC COMMISSIONS¹⁶

1. *Results of the Elections*

On October 2 the Economic and Social Council selected the members of eight commissions which it had created to work in specific fields. The table appended to this memorandum lists the membership of the Commissions.¹⁷

Thirty-nine of the 51 members of the United Nations have been given places on one or more Commissions. By common consent, each of the Big Five has a seat on each Commission. India is represented on six Commissions. The following states are represented on four Com-

¹⁶ At the third session of the Economic and Social Council which extended from September 11 to October 3 the Council determined the terms of reference and composition of the Population Commission and the Fiscal Commission. It then selected the States to designate representatives on all of the now permanent commissions (except the Narcotics Commission, to which the membership had been elected immediately at the London session), namely Economic and Employment, Human Rights, Social, Status of Women, Statistical, Transportation and Communications, Fiscal, and Population.

¹⁷ Table not appended.

missions: Australia, Canada, Czechoslovakia, the Netherlands, Poland, the Ukrainian SSR, and Yugoslavia.

Eight Latin American States are unrepresented on the Commissions (Argentina, Bolivia, Dominican Republic, El Salvador, Haiti, Honduras, Nicaragua, Paraguay). In the Near Eastern-African area, Ethiopia, Liberia, and Saudi Arabia are without representation. Among the Western European states, Luxembourg did not receive a seat.

Total representation on all Commissions, by regional groups, is indicated in the following table:

REPRESENTATION ON ECOSOC COMMISSIONS

<i>Group</i>	<i>Number of States</i>	<i>Number of seats on eight Commissions</i>
Big Five	5	40
India	1	6
Smaller Eastern Europe	5	19
Latin America	20	19
British Dominions	4	13
Smaller Western Europe	5	12
Near East-Africa	10	10
Far East	1	1
	—	—
Total	51	120

2. Original Instructions to the Delegation

The basic instructions to the Delegation, as contained in the Position Paper of September 3,¹⁸ called for the inclusion of nine of the smaller Eastern European States on the six Commissions which had been previously created by the Council, as against fifteen such seats for Latin American countries. The lists as chosen gave fourteen seats to the smaller Eastern European countries and fifteen to the Latin American States, with five seats for the Eastern European bloc as against four for the Latin Americans on the Fiscal and Population Commissions, which were created at this session of ECOSOC.

3. Attempts To Reach a Compromise

Following several telephone conversations on the subject, Mr. Hendrick¹⁹ of OA returned to Washington on September 19 from a visit to New York with a description of negotiations which were being carried on with the Soviets, British and others with a view to reaching complete agreement so that the matter could be presented to the Council and voted upon without delay or acrimonious debate. On the basis of tentative commitments which the Soviets were making

¹⁸ Not printed.

¹⁹ James P. Hendrick of the Division of International Organization Affairs.

at that time, it was understood that the margin of disagreement with the Soviets was relatively small; that the Soviet representatives indicated we might have almost as many Latin American countries on the compromise slate as on the original; and that they felt we should lose some Western European seats. No specific information, however, was formally supplied to the Department on the proposed composition of the six Commissions. It was indicated that Mr. Stampar,²¹ Delegate of Yugoslavia and Acting Chairman of the Council, thought that the tentative compromise slate gave too much representation to the Eastern satellites.

On receipt of this information, the Delegation was requested by telephone to state in writing the present position with regard to slates, giving the details as to the composition of each Commission. The response to this request came to us in telegram #595 from New York, September 21.²² This telegram indicated that the Soviets not only would not accept the compromise slate but also were making additional demands which would raise the smaller Eastern representation to 17 seats on the six Commissions (as compared with 9 on the original U.S. list and 13 on the compromise slate).

4. *Department's Views on Compromise*

As a result of this information the Department's Membership Team held a meeting on September 23 in which it decided that it would reluctantly accept the compromise slate as it had been handed to Mr. Stampar as the limit of its concessions to the Soviets. The Team felt that the representation afforded the Soviet bloc under this so-called "Stampar list" was more than generous to the Soviet bloc on a proportional basis, considering that it comprises only 6 of the 51 UN members. Certain additional changes were authorized, but these would not have increased the representation of the Eastern group. It was stated that, if an agreement upon this basis were unobtainable, the Department preferred that the Delegation revert to support of the original list of candidates prepared in the Department and included in the Position Paper of September 3, and left to the Delegation's discretion the methods to be followed in order to produce a generally accepted slate as close to the original list as possible. (Telegram No. 205 to New York, September 24).²²

5. *Department's Opposition to Further Concessions*

On September 25 Mr. Hyde²³ telephoned to say that the outlook for any agreement on the slates was dark and to get our reaction on the

²¹ Dr. Andrija Stampar.

²² Not printed.

²³ Louis Hyde, Adviser to the United States Representative on the Economic and Social Council.

possibility of making further concessions to the Russians in a final attempt to reach unanimous agreement on the slates. The changes suggested by Mr. Hyde would have raised the representation of the smaller Eastern European countries on the six Commissions to 15 seats as against 13 given to them under the Stampar list and 9 in our original slate. Mr. Hendrick and Mr. Popper told Mr. Hyde that this appeared to give the six UN members in the Soviet bloc a far higher representation than that accorded to any other group or region. They told Mr. Hyde that they seriously doubted the Department would agree to the Russian demands, but that they would inform him more definitely after consultation with the officers concerned. As a result, telegram No. 216, September 27,²⁴ was sent to New York confirming the fact that there was no change in the basic instructions for the Commission slates but permitting a few alterations which would not have increased the representation of the Eastern group. It was specifically stated that the Department did not approve placing Poland on the Economic and Employment Commission.

6. *Prospect of Agreement on Favorable Basis*

On September 30 Mr. Hyde telephoned us to say that it appeared that an agreement might be reached on the basis of only 12 seats for the Eastern group. It was indicated that the Russians would not insist on placing Poland on the Economic Commission, and that they also agreed that Yugoslavia should receive only three seats on the six Commissions, including the Commission on Women instead of the Transportation Commission. This seemed encouraging, since it indicated we might reach unanimous agreement on a basis more favorable to us than the Stampar list.²⁵

7. *Consultation with Mr. Acheson*

On October 1 and 2 Mr. Hyde spoke with the Department in four separate telephone conversations during which matters were moving very rapidly. At this stage Mr. Hyde told us that Mr. Winant had received authorization from Mr. Acheson to reach an agreement with

²⁴ Not printed.

²⁵ In a revision of this memorandum drafted on October 14 Mr. Popper wrote at the beginning of this paragraph: "On September 30 Mr. Hyde telephoned the Department from a public phone in the Delegates' lounge at Lake Success. Since he could be overheard by other people, he had to talk in guarded language, and his exact meaning was difficult to ascertain. We understood him to say that it appeared an agreement might be reached on the basis of only 12 seats for the Eastern group. . . ." At the end of the paragraph in the revised memorandum there appeared a parenthetical statement: "(Mr. Hyde has since informed us that what he was attempting to convey was that, if no agreement were reached with the Soviets and a vote were taken, we could elect a slate which contained only 12 seats for the Eastern Group on the six original commissions.)" (501.BD/10-1446)

the Russians on the basis of 14 seats for the smaller Eastern European countries on the six original Commissions, plus two seats for the Eastern satellites on each of the two new Commissions (Population and Fiscal). In his last conversations Mr. Hyde gave the impression that the matter was now being handled at Mr. Winant's level and was largely out of his (Mr. Hyde's) hands.²⁶

8. Changes in the Final Stage

During these conversations Mr. Hyde dictated to us the tentative slates as they stood on October 1, before the telephone conversation between Mr. Acheson and Mr. Winant. A comparison of these slates with those finally elected shows that, at the final stage, five seats were transferred from other states to the Eastern group, against one from an Eastern group state to a Latin American state. Norway and Poland were substituted on the Economic and Employment Commission for Egypt and the Netherlands, although the Department had strongly opposed both these changes. Greece had been displaced from the Transportation and Communications Commission by Yugoslavia, and was thus reduced to a single seat on the Commissions. Byelo-Russia had replaced Norway on the Human Rights Commission; the Ukraine had replaced India on the Population Commission and had also replaced Denmark on the Fiscal Commission. As a result of these changes it will be observed that the smaller Eastern European group was limited to one seat on the Commission for Women and the Statistical Commission, which are relatively unimportant from the standpoint of policy. On the contrary, the smaller Eastern European group has three seats on each of the following Commissions: Economic and Employment, Human Rights, Social, Transportation and Communications, and Fiscal, as well as two seats on the Population Commission. On all of these more important Commissions it has at least as many representatives as any other group and in some cases more.

²⁶ In the revised memorandum of October 14 Mr. Popper wrote an additional paragraph in section 7, following this paragraph: "Mr. Winant had in fact telephoned Mr. Acheson and had informed the latter that the Department had suggested limiting the representation of the smaller Eastern European countries on the six original Commissions to 13 seats; that the British were prepared to settle on the basis of 15 seats for these countries; and that he (Mr. Winant) felt sure he could reach an agreement on the basis of 14 seats. Mr. Acheson authorized Mr. Winant to reach an agreement on this basis. In a second telephone conversation, after the event, Mr. Winant said that he had agreed to proportionate representation for the smaller Eastern states on the two new Commissions (Population and Fiscal). Mr. Acheson apparently assumed this to mean that the smaller Eastern group had received two seats on each of these Commissions." (501.BD/10-1446)

501.BD/10-1046

*Memorandum Prepared in the Department of State*²⁷

Draft

[WASHINGTON,] October 10, 1946.

Remarks of Mr. Leroy Stinebower²⁸ at Membership Team Meeting
October 10, 11:00 a. m.

Mr. Stinebower, who had returned from New York a few days previously, discussed with the Membership Team his recollection of the events which had taken place in the process of reaching an agreement with the other members of the ECOSOC preparatory to the election of the members of 8 Commissions by the Council.

Mr. Stinebower stressed the fact that final agreement was reached after Mr. Winant had talked directly with Mr. Acheson by telephone and had received approval for raising the Soviet representation on the 6 original Commissions from 13 to 14 states. Mr. Stinebower took the view that if there was any dissatisfaction with the final results, it should be attributed to a failure to keep Mr. Acheson adequately informed about the problem, as a result of which Mr. Acheson took a decision which was not in accord with the instructions sent to New York by the Membership Team.

Mr. Stinebower also emphasized Mr. Winant's desire to reach unanimous agreement with the Soviets on the slates, as a desirable method of procedure and as a method of possibly gaining sympathetic consideration by the Soviets for our plan for an Economic Commission for Europe. The final agreement, Mr. Stinebower stated came after a long evening session during which Mr. Winant negotiated with the Soviets and the British. At that stage the Soviets were insisting on 15 Eastern European seats on the 6 original Commissions while our limit was 13 seats. Finally it was agreed to split the difference and give the Eastern European bloc 14 seats. Since the Soviet representation on all 8 Commissions thus rose to 19 seats it was considered necessary to raise the Latin American representation 1 seat to preserve parity. Mr. Stinebower understood that the concept of parity had been specifically accepted in these final negotiations. He made the point

²⁷ Drafted by Mr. Popper of the Division of International Organization Affairs.

²⁸ Leroy D. Stinebower, Special Assistant to the Assistant Secretary of State for Economic Affairs (Thorp), also serving at New York as United States Deputy Representative on the Economic and Social Council.

that the negotiators linked together the seats allocated to the British Dominions and India and that this total too reached 19 seats.²⁹

Mr. Stinebower further stated that no member of the Council appeared to be aggrieved at the result of the elections except Greece, which had only one seat as compared with two for Lebanon. He commented on the fact that there was no sizable dissatisfaction among the four Latin American members of the Council, who had demanded a total of 22 seats for the Latin American states. He also explained the loss of Liberia on the ground that the Big Three considered it was too backward to form [*perform*] its responsibilities on any Commission.

Mr. Stinebower explained the inclusion of Poland on the Economic and Employment Commission but noted that the Soviets had insisted on this concession as a prerequisite for unanimity. He indicated that Mr. Acheson had approved by telephone the addition of Poland on this Commission as the additional Soviet seat.

Mr. Stinebower further declared that it proved important [*impossible*] to leave any Commission seat vacant in order to save them for Sweden, which is not yet a member of the United Nations. Finally, he noted that reaching unanimity it was possible to keep countries off the Commissions when we did not wish them seated. In this connection he mentioned specifically how difficult it was to keep the Dominican Republic representative, Miss Bernardino, off the Commission on the Status of Women.

IO Files: US/A/M (Chr.)/7 (Part 2)

Minutes of the Second Part of the Seventh Meeting of the United States Delegation, Held at New York, Pennsylvania Hotel, October 22, 1946, 11:30 a. m.

SECRET

[Here follow list of names of persons (20) present,³⁰ and brief mention of the topics discussed by the Delegation in the earlier part of the meeting.]

²⁹ In a revised memorandum drafted October 11 Mr. Popper wrote, following this paragraph: "When the Soviets continued to insist on giving still another seat to the Byelo-Russian SSR, we indicated that our absolute maximum allotment for the Eastern group was 19 seats for 8 Commissions. We said that if the Soviets wanted an additional seat for Byelo-Russia, they would have to reduce the representation of some other Eastern state. Eventually the Soviets acquiesced, but this necessitated a considerable reshuffling of seats involving both the Eastern group and other countries." (501.BD/10-1146)

³⁰ For the composition of the U.S. Delegation to the General Assembly and its advisory staff, see pp. 37-42.

Election of Officers of GA Committees

Mr. Sandifer, in raising this problem, pointed out that while most of the officers who were elected at the first part of the session in London would be present at the current meetings, according to present information, the Chairmen of Committees 2, 3, and 4 as well as four of the Rapporteurs and two Vice Chairmen would not be present. He pointed out that the absence of the Chairman created a problem regarding the composition of the General Committee.³¹ He presented for approval the recommendations contained in Document US/A/26.³² These provided that the United States should support a proposal to elect as the three new chairmen the heads of the Delegations from those States which held the chairmanships in London, and that the United States should generally favor filling the vacancies for Vice Chairmen and Rapporteurs by election of members of the same delegations which held the positions in London.

It was brought out in the discussion that Foreign Minister Olszewski of Poland would probably be adequate as the new Chairman of Committee 2 although his knowledge of French was only fair and he did not speak English. In response to a similar question regarding Ambassador Blanco as Chairman of Committee 4, Ambassador Dawson stated that, although elderly and not in good health, Blanco was an experienced diplomat with excellent knowledge of French and fair knowledge of English, and that he would be adequate as Chairman.

Decision

The four recommendations in Document US/A/26 were approved.

³¹ This subject was discussed informally on October 19 between Mr. Andrew Cordier, Executive Assistant to the Secretary-General of the United Nations (Lie) and Mr. Durward V. Sandifer, Principal Adviser, United States Delegation Staff (Chief of the Division of International Organization Affairs in the Department) and two members of Mr. Sandifer's staff. Mr. Cordier "indicated that Secretary-General Lie was in favor of allowing the vice-chairmen of these committees to serve as chairmen. . . . [Mr. Sandifer] expressed the view that it would be more satisfactory to elect a new chairman from the state holding the chairmanship in London, so that the same distribution of states on the General Committee would be continued and the principle would be recognized that chairmen were elected in part for their individual capacities. Mr. Cordier expressed sympathy with this view and urged that some work be done on it prior to the Thursday morning plenary session when such elections as were decided upon would take place." (IO Files, document US/A/19) The United States Delegation staff had produced two working papers by October 21 which embodied in tabular form the principle of selection of new committee chairmen from the country holding the position at London. (IO Files, documents US/A/24 and US/A/25, neither printed)

³² Not printed. This U.S. Delegation position paper is found in the IO Files.

Election of New Members to the Security Council

Mr. Sandifer explained that it would be necessary to elect three States to non-permanent membership on the Security Council and presented the following list of candidates:

<i>Candidates</i>	<i>Alternates</i>
Colombia	Any other American republic which the Latin American Delegation may agree upon except Argentina and the Dominican Republic.
Belgium	Denmark or Norway
Syria	Greece or Iran

Mr. Sandifer explained that these countries had been selected after careful consideration in the light of the requirements of Article 23, par. 1, in order to preserve the balance of membership in councils as originally worked out at the London meetings.

Mr. Dulles pointed out that, in view of the method of determining membership on the Atomic Energy Commission, this change in the composition of the Security Council would result in the replacement likewise of three members on the AEC which seemed unfortunate. He raised the possibility of not altering the Commission. Mr. Fahy stated that the question had been explored and it was felt that nothing could be done to prevent the replacement, adding that the new representatives of the AEC would have to be educated on atomic energy problems and they and their governments brought up to date on the development of views within the AEC.³³

Decision

The Delegation approved the support of Colombia, Belgium, and Syria as non-permanent members of the Security Council (with the qualification mentioned below with respect to Greece).

Election of Members to ECOSOC

Mr. Sandifer explained that it would be necessary to elect six new members to the ECOSOC to replace those whose terms had expired and presented the following as recommended candidates:

Uruguay
The Netherlands
Turkey
Poland or Byelorussian S. S. R.
New Zealand
United States

Mr. Sandifer pointed out that although this slate would reduce the representation of the Eastern European countries from four to three,

³³ For documentation on this subject, see pp. 712 ff.

the replacement of Yugoslavia by New Zealand had been made in view of the fact that when the elections were held in London, New Zealand withdrew in favor of Yugoslavia with the understanding that she would receive support at the next election. It was generally recognized in the Delegation, however, that this portion of the slate would be likely to create the greatest difficulties.

Senator Vandenberg raised serious question as to the exclusion of Greece. He pointed out that she was being removed from ECOSOC, that she was denied a seat on the Security Council, that she had no significant post in any of the commissions, and that she was forced again and again at the Paris Conference to accept adverse decisions. He expressed fear that with such a succession of disappointments at the hands of her allies, Greece would begin to question whether she had made the right choice of partners. The Senator felt that he could not overemphasize the problem in view of the fact that Greece was in such a key position from the point of view of the United States peace pattern.

General discussion followed of possible recommended candidates for whom Greece might be substituted. Mr. Sandifer pointed out that to give Greece a position on the ECOSOC would require replacement either of Turkey or The Netherlands, which would be difficult. Mr. Wadsworth suggested that to a certain degree the position and importance of Turkey is similar to that of Greece.

Senator Vandenberg suggested that it might be possible to substitute Greece for Syria on our Security Council slate but Mr. Wadsworth brought out the point that it seemed possible that a complaint involving Greece might come before the Security Council in the near future and that it might be better, therefore, if Greece were not a member.

Senator Vandenberg and Senator Connally both expressed the view, in which there was general concurrence, that the matter should be brought to the attention of the Secretary.

Decision

At the suggestion of Senator Austin, the Delegation approved the recommended slate subject to a further attempt to rearrange it to include Greece after consultation with the Secretary of State.

Election of Members to the Trusteeship Council

The Delegation then turned its attention to the recommended slate for the Trusteeship Council in case it should be organized at this session. Mr. Sandifer explained that our recommended preference was for Egypt, Denmark and Philippines for the elective positions to the Council in the order named.

With respect to Egypt, Mr. Dulles raised a question as to the political desirability of supporting an Arab State for membership in the light of the Palestine problem. Mrs. Roosevelt and Mrs. Douglas likewise queried whether it was necessary to pick Egypt if only one member was to be elected. The suggestion was therefore made that Egypt might be placed as second choice rather than first.

After some discussion, Mr. Dulles pointed out that the problem was at the present time a remote one in view of the uncertainty as to whether or not the Trusteeship Council would be organized and an elective member chosen at this session. He moved that the matter be deferred.

Decision

The Delegation agreed that a decision on candidates for elective members to the Trusteeship Council should be deferred for the present.

IO Files: US/A/55

*Memorandum of Conversation, by G. Hayden Raynor of the United States Delegation Staff of Advisers*³⁴

SECRET

[NEW YORK,] October 24, 1946.

Subject: Matters in Connection with General Assembly³⁵

1. *Slates*. Mr. Gore-Booth³⁶ this morning told me that we could now consider official the information he had previously given me that the British are supporting the candidacy of India³⁷ for the Security

³⁴ Mr. Raynor's Departmental position was Special Assistant to the Director of the Office of European Affairs.

³⁵ The record of the discussions between members and staff of the United States Delegation and members and staff of other delegations on *all* matters relating to affairs of the General Assembly is found in the documentary series US/A/1 ff. in the IO Files.

³⁶ P. H. Gore-Booth, Assistant Principal Adviser to the British Delegation.

³⁷ Mr. Gore-Booth had first mentioned this to Mr. Raynor on October 21 "unofficially" (IO Files, document US/A/42). Also on October 24, in a general conversation with Mr. Raynor, Mr. Michael Tandy of the British Delegation "... wondered what we would think of the substitution of India for Syria on the Security Council slate. I was non-committal". (IO Files, document US/A/66) Mr. Tandy in a conversation on the same date informed Mr. Robert McClintock of the United States Delegation "... in confidence that the British were considerably disturbed by the pretensions of India for a seat on the Security Council. He said the British were fearful that if they did not acquiesce to the Indian claim 'the Indian Delegation would throw itself in the arms of the Soviet bloc'. Mr. Tandy said that the British Delegation had assumed that if India were to be sponsored for membership in the Security Council it would automatically replace Belgium as a candidate." (IO Files, document US/A/49).

The Government of India broached its candidacy officially to the Department of State on October 23 when Sir Girja Bajpai, Indian Agent General, called on the Director of the Office of Near Eastern and African Affairs (Henderson). Mr. Henderson in his memorandum of conversation recorded that after Sir Girja had stated the position of the Government of India that "Sir Girja then said that he

Council instead of Belgium. He said that the British had explained this to Mr. Spaak. He added that they had made no commitments to the Indians for next year in case they were defeated this year on the basis that to support them next year would almost be to sabotage the then candidacy of Canada. He also told me that the British Delegation had expressed preference for Poland rather than White Russia for the ECOSOC. He also informed me that he understood Greece had been campaigning among the Latin American Delegations with some success.

He informed me that the British Delegation had discussed at some length whether or not it would be wise to approach the Soviets with the objective of attempting to reach an agreement on the Council slates. He said their decision had been not to attempt this as success would seem very unlikely and it did not seem to them that any very good purpose would be served by such an attempt. He said they felt that it should be unnecessary in view of the Assembly's Rules of Procedure which eliminate nominations from the floor and provide for secret balloting. He did say that he had been instructed to inform the Soviets what the British views are on this matter and to solicit as a matter of information whatever views they might have on it.

[Here follows discussion of other matters.]

IO Files : US/A/82

Memorandum of Conversation, by Charles W. Yost of the United States Delegation Staff of Advisers

SECRET

[NEW YORK,] October 30, 1946.

Subject: Slates for the Security Council and the Economic and Social Council

I described to Mr. Novikov³⁸ our projected slates for the vacant memberships on these Councils, emphasizing that these slates are

did not know what our position was and whether we had already committed ourselves to some other country to replace Egypt. Mr. Henderson said that it was not our policy definitely to commit ourselves prior to the elections in New York but that the Department had drawn up a provisional slate on which Syria tentatively appeared as a replacement for Egypt. He stated that our slate was drawn up at a time when we were unaware of India's possible candidacy and at a time when it appeared desirable to include an Arab country because of developments in that area. Mr. Henderson added that aside from the question of regionalism, we felt strongly that small nations should receive appropriate recognition on the Council in order to avoid the implication that the Council was being packed with large powers. He went on to say that India certainly could not be included in the category of small nations and that indeed India was on the verge of emerging even from the category of middle powers. He said, however, that there was nothing to prevent reconsideration of our tentative slate, that he appreciated the cogency of India's claim for membership, and that he would be glad to submit the Government of India's arguments for inclusion to the proper committee of the Department for consideration." (501.BC/10-2346 and IO Files, document US/A/56)

³⁸ Kirill V. Novikov, Secretary General of the Soviet Delegation.

wholly tentative at this stage. Mr. Novikov said that the Soviet Delegation is considering this question within the next day or two and that he will let me know the Soviet preference as soon as Mr. Molotov's³⁹ decision is known. (It would appear from this and other indications that within the next day or two the Soviet Delegation may be going over its position on all the principal issues before the Assembly with the view to making decisions on these subjects before Mr. Molotov becomes involved in the meeting of the Council of Foreign Ministers.)

IO Files: US/A/M (Chr.)/13

Minutes of the Thirteenth Meeting of the United States Delegation, Held at New York, Hotel Pennsylvania, November 1, 1946, 9:00 a. m.

TOP SECRET

[Here follow list of names of persons (32) present, and Delegation discussion of first item on the agenda.]

Elections to the Security Council

Senator Austin requested Mr. Popper to report on the recent developments regarding the slates for the Security Council. Mr. Popper reported that the conversations were still in an exploratory stage. It was possible that other preferences would be secured within the next few days, at which time it may be necessary to have more definite decisions. He expected that the question would arise in Committee I at the end of next week. The United States slate was not changed from its previous slate of Belgium, Colombia and Syria.

Mr. Popper then read the following telegram of October 29⁴⁰ from Secretary Byrnes regarding the Greek candidacy:

“After thorough consideration of all factors involved I have concluded that it would be unwise under present conditions for us to support Greece for SC or ECOSOC. Although desirous of giving US support to Greek Government, I believe Greek membership on SC would not strengthen SC or our position therein and might prove embarrassing to Greece which has already been involved in two cases before SC and if elected would be in vulnerable position in cases involving other powers. Singling out Greece for reelection to ECOSOC would upset desirable geographic balance and would also violate principle of rotation of Council membership. Delegation may wish to consider Greek membership on any new bodies created by Assembly such as proposed Committee for Codification of International Law⁴¹ if size of that body permits or any new group that may be constituted to consider site matters.”

³⁹ V. M. Molotov, Soviet Foreign Minister.

⁴⁰ Telegram 250 from the Department (501.BB/10-2346).

⁴¹ For documentation on this subject, see pp. 525 ff.

Senator Vandenberg said that he had talked with the Secretary about this matter and it was agreeable to him to drop Greece from consideration for the Security Council. He stated that he simply wanted to say in extenuation that Mr. Herschel Johnson⁴² agreed with his point of view, but nevertheless the Senator would withdraw his previous suggestion that Greece should be considered.

Indian Candidacy

Mr. Popper reported that there was a strong tendency to support India for the Security Council developing among the United Kingdom and the Dominions and apparently also from Russia. The Indian Delegation had stated that it had twelve to fourteen votes for its candidacy for the Security Council.

Mr. Popper reported that the Delegation had been advised by the Department that if it was unprofitable to support Syria, India might be supported.⁴³ However, it was not certain whether Belgium or Syria would have to give way to India if a change were necessary. He said that the Department was opposed to dropping Belgium because that would reduce the representation from Western Europe. He said that he thought that it would be better to drop Syria since both Syria and India were from the general middle-eastern region.

Mr. Wadsworth pointed out that it was true that India was tied to the Middle East in the organization of the Department of State and was geographically in somewhat the same area as Syria. However, he felt that the Middle East area itself was a very vital one and should have a representative on the Security Council. The only possible alternatives were Greece, Turkey and Iran. The same argument applied to all three possibilities, that they were under Russian pressure. The Turks did not want to have membership on the Security Council; therefore, the state must be an Arab state. Egypt was now on the Security Council and could not be reelected. Then the next best candidate was Syria. Moreover, Syria had the support of the other Arab states and also of many South Americans. Mr. El Khoury⁴⁴ told Mr. Wadsworth that he had definite assurance of support from Gromyko.⁴⁵ El Khoury had sent his men to talk with each of the Eastern European bloc and found that each had instructions to vote for Syria. Mr. Wadsworth thought that the tide was running to support Syria and India and drop Belgium.

⁴² The Acting United States Representative at the United Nations.

⁴³ Reference may be made to telegram 252, October 29 from the Department (501.BC/10-2946) and memorandum of telephone conversation between Director of the Office of Special Political Affairs Hiss (in Washington) and Mr. John C. Ross of the Delegation Staff (in New York), October 31 (501.BC/10-2946), neither printed.

⁴⁴ Mr. Faris al-Khoury, Head of the Syrian Delegation.

⁴⁵ Andrei A. Gromyko, Representative on the Soviet Delegation.

Mr. Villard said that he agreed entirely with Mr. Wadsworth. He thought the Delegation should stick to Syria. He saw no valid reason for putting up India as a candidate. He noted that it was Russia that was interested in putting that country forward. He thought the reason for that was to eliminate a western state from the Security Council.

Mr. Dulles thought it would be a great mistake to switch from Belgium to India. The latter was a government groping toward independence and had a parlous domestic situation. It lacked a firm government that could speak with effectiveness. Moreover, it was much more apt to be in the Soviet bloc than was Belgium. He noted that at lunch with Mr. Novikov the latter had said that he wanted India on the Sub-Committee on Trusteeship Agreements. Mr. Bloom added that the Russians had suggested in this connection that India would be acceptable to the Arab states.

Mr. Wadsworth said that Mr. El Khoury had come to see him late the previous evening to say that he had talked with the Indians, who had assured him that India was not a candidate if it meant displacing Syria. India wished to replace Belgium or Colombia. Thus, Mr. Wadsworth said, all the countries in that part of the world agreed that Syria was the best choice.

Senator Connally stated that he was all for the Indians, but noted that the lack of experience of India as a nation and its large amount of trouble at home made it questionable for the Security Council. He thought a nation should learn to walk before it tried to run. He did not think that Belgium should be kept off the Security Council.

Mr. Sandifer pointed out that the Delegation had received a telegram from the Department stating that it still supported the slate and wished the Delegation to continue to support it as long as possible. The Department was definitely opposed to India.

Senator Austin inquired whether anyone wished to propose a change in the Security Council slate. Hearing no motion, he declared that the slate remain unchanged.

IO Files : US/A/98

Memorandum of Conversation, by Adlai E. Stevenson, Alternate Representative on the United States Delegation to the General Assembly

SECRET

[NEW YORK,] November 2, 1946.

Yesterday Gromyko asked for a frank discussion of slates for ECOSOC and advanced Russia's emphatic wish for the reelection of Yugoslavia and the election of Byelorussia to succeed the Ukraine. I asked him what priorities he had in the event we could not support both and he refused to express himself but obliquely suggested that if we would support Poland and Byelorussia they might be satisfied.

He also indicated that if he could count on our support for two candidates for ECOSOC they would go along with our slate for the Security Council.

I told Gromyko that I would report the United States position to him at an early date.

He assured me again that his Delegation had not yet discussed the question of permanent headquarters and that he would communicate with me as soon as they had, which he suspected would be early next week.⁴⁶

IO Files : US/A/99

Memorandum of Telephone Conversation, by Randolph Harrison of the United States Delegation Staff of Advisers

SECRET

[NEW YORK,] November 4, 1946.

Dr. van Roijen, of the Netherlands Delegation, telephoned me this morning to say that as the result of a Netherlands Delegation meeting this morning, and pursuant to instructions received from The Hague, it had been decided that the Netherlands definitely desired to be a candidate for a seat on ECOSOC rather than to try for a seat on the Trusteeship Council. Dr. van Roijen added, however, that the Netherlands Delegation did not wish to put forward their candidacy for a seat on ECOSOC unless they were sure of a reasonable chance of success. They particularly wish to know whether they could expect support from the various Latin American Delegations. He said that he would very much appreciate information from the American Delegation along those lines as soon as possible.

IO Files : US/A/105

Memorandum of Conversation, by G. Hayden Raynor of the United States Delegation Staff of Advisers

SECRET

[NEW YORK,] November 4, 1946.

I inquired of Mr. Tandy during the course of a conversation today if the British are still supporting India for the Security Council. He replied that they are; that they have no alternative. He added, however, that they felt the election of India is quite unlikely and that they had told this to the Indians. He also confirmed the information that on their first vote the British will vote for India, rather than for Belgium.

He also confirmed information from other sources that Belgium is now completely ready to accept the responsibility of membership on the Security Council. This is the first admission to this effect from

⁴⁶ For documentation on this subject, see pp. 60 ff.

the British of what we had already learned from the Belgians themselves.

IO Files : US/A/118

Memorandum by Henry S. Villard of the United States Delegation Staff of Advisers to the Principal Adviser (Sandifer) and Interested Political Officers

SECRET

[NEW YORK,] November 8, 1946.

Subject: Arab Slate for Councils Elections

1. Mr. Wadsworth and I have been informed, last evening and today, that the Arab Delegations, having received appropriate instructions, have decided unanimously that their candidates are:

Syria, for Security Council
Lebanon, for ECOSOC
Iraq, for Trusteeship Council

2. The Egyptian Ambassador to the United States,⁴⁷ speaking as "the Senior Arab Representative to the United States", made special point of saying he would go all out to plead full election of this slate. Adding that he "was sacrificing an interest of his own country" in thus supporting Lebanon, he urged that that State was a far more logical choice than the Netherlands for ECOSOC, Belgium being already a member. The Netherlands, he felt would wait until next year when Belgium went off, thus maintaining continuity of representation of the Belgian-Netherlands economic union.

3. Mr. Wadsworth and I gather anew that there will be extensive small-power support for this Arab slate, despite any *preference* we may express to the contrary, unless such expression of preference carry with it strongly expressed definitive *opposition* to a specifically-named state on the Arab slate. Our understanding of the Department's views is that no such opposition is to be expressed.

IO Files : US/A/124

Memorandum of Conversation, by G. Hayden Raynor of the United States Delegation Staff of Advisers

SECRET

[NEW YORK,] November 8, 1946.

Subject: Slates

During a conversation with Mr. Gore-Booth this afternoon at Lake Success I told him that our proposals which had hitherto been described as tentative were now firm. He indicated that the British were in agreement with us with the exception of India rather than Belgium initially for the Security Council. They will undoubtedly support

⁴⁷ Mahmoud Hassan.

India as long as there is a chance for her to be elected, and if and when that should be foreclosed they will switch to Belgium.

I believe there is some doubt as to Uruguay in their mind, inasmuch as Mr. Gore-Booth seemed a bit depressed when I suggested that we were not too pleased over the efforts being made by Argentina in this matter.

IO Files : US/A/135

*Minutes of Informal Meeting of Certain Political Officers of the
United States Delegation Staff of Advisers*

SECRET

[NEW YORK,] November 13, 1946.

Participants: Messrs. Sandifer
Dawson
Wadsworth
Raynor
Hall
Allen
Popper

An informal meeting was held on November 13, to discuss the prospects of election for our slate for the Economic and Social Council, which we felt to be growing dimmer as a result of developments during the last few days.⁴⁸

⁴⁸ This refers to the growing success of the Lebanese candidacy for election to the Economic and Social Council (see Villard memorandum of November 8, p. 222) and the dimming prospects for the election of Uruguay to the Latin American vacancy on that organ. The Latin American candidacy had been subject to a growing confusion arising out of the contending aspirations of three other candidates—Argentina, Mexico, and Venezuela, and the apparent inability to agree upon one candidate. The confusion was further heightened by a vigorous campaign by Argentina; and by the apparent withdrawal on October 31 of Uruguay (despite Uruguayan disclaimers). In a caucus of Latin American delegations for a further discussion of Economic and Social Council candidacies on November 13 Mexico and Venezuela received six votes each, Argentina four votes and Uruguay none. (See IO Files, documents US/A/94, 101, 103, 113 and 132)

The Uruguayan situation was a source of anxiety for the United States Delegation. Ambassador Dawson had minuted Senator Austin on November 1 regarding the problem: "Unfortunately, the Uruguayans have been lamentably inactive in pushing Uruguay's candidacy in spite of the strong encouragement we have given them. . . . I inquired of Blanco [Juan Carlos Blanco, Head of the Uruguayan Delegation] why he or members of his delegation did not take a more active part in furthering Uruguay's candidacy, adding that, as he knew, we had gone to considerable lengths in making known our sympathetic attitude. After some urging on my part, he said that he would talk with some of the other Latin American delegates and particularly with those who are members of the Washington diplomatic corps and consequently his close personal friends." (IO Files, document US/A/96) In reporting a conversation with Señor Blanco that took place on November 4 Ambassador Dawson informed Senator Austin: "In the course of our conversation, Blanco intimated that the United States had not taken a sufficiently strong stand in backing Uruguay's candidacy. I took sharp issue with him and asked him if he were not aware of our circular telegram [see circular telegram of October 1 p. —]. He said that he knew of this but that he thought we could have gone further, particularly here in New York, in inducing countries claiming prior commitments to support Uruguay. . . . I told him that he must realize that we cannot impose a candidacy or exert pressure and that it was my opinion that we had gone considerably further in the case of Uruguay than we could probably do normally." (IO Files, document US/A/103)

It was pointed out that there was a danger that the Netherlands and New Zealand might not be elected as the candidacies of Yugoslavia and Lebanon for reelection were pushed, particularly since the Arab States might not support the Netherlands. It was also noted that no Latin American State might be elected if the American representatives did not reach an agreement on the Latin American candidate they should all support. The desirability of such an agreement from our point of view was stressed. Some disagreement was expressed with the conduct of the Uruguayans in the campaign, first because of their apathy and later because of their tendency to seek outside support by agreeing to vote for candidates not on our slate.

Those present agreed that it was of first importance that we secure all possible support for the Netherlands, New Zealand and Turkey. It was agreed specifically that the Uruguayans should be approached with this in view, in the light of their apparent commitment to the Lebanon. It was remarked that some other Latin American States might have made a similar commitment in seeking support for their candidacies. It was noted that the only way in which our favored candidates—including, of course, ourselves—could be supported under these circumstances would be for such Latin American States to drop the single Soviet satellite included on our slate and to vote for the Lebanon instead.

There was considerable discussion of our attitude toward the Lebanese candidacy. Mr. Wadsworth explained the view of the Arab States that one of their number should be represented on each United Nations Council and stressed the special importance of ECOSOC in linking the Arab States with the United Nations and assisting in the advancement of our Middle Eastern policies. He suggested that the Arab States might have a better claim on our support for one seat than the Latin Americans for their fourth seat on the Council, even though Syria was on our slate for the Security Council.

Mr. Sandifer and Ambassador Dawson remarked that it would be impossible even to intimate that we would not support a fourth Latin American State for election to ECOSOC. Mr. Sandifer also stated that while the Arab States should have proper representation in the organization as a whole, this did not mean that an Arab State must necessarily sit constantly on ECOSOC. It was noted that the Arab representation on the ECOSOC commissions was very satisfactory. Mr. Sandifer also stated that the basic decision on the slate had been made in the Department earlier, and that no changes in the slate could be considered here. Reference was also made to the undesirability of reelecting any member of ECOSOC other than the Big Five.

On this matter Mr. Wadsworth said that the Arab State representatives regarded the Lebanon as the best candidate to act in their com-

mon interest, but that if the reelection feature were the only undesirable element in the situation the Arab States would probably agree to substitute Egypt. As to our attitude with regard to the Lebanese candidacy, Mr. Wadsworth said that he was informing the Arabs that we were not supporting Lebanon but were not opposing its election. He was opposed to the exercise of any pressure in this connection.⁴⁹

501.BB/11-1646

*Memorandum by John C. Ross, Senior Adviser to the United States Delegation, to the Political Officers*⁵⁰

SECRET

[NEW YORK,] November 16, 1946.

The question of whether there should be any change in the Department's slates for the elections coming up on Tuesday has been reconsidered in the Department and the decision reached that there should be *no* change in our present slates.

It follows, therefore, that all of the political officers and others concerned should campaign actively among the other delegations in support of our slates with particular reference to Belgium for the Security Council.

IO Files : US/A/M (Chr.)/22

Minutes of the Twenty-Second Meeting of the United States Delegation, Held at New York, Hotel Pennsylvania, November 19, 1946, 9 a. m.

SECRET

[Here follow list of names of persons present (31), and discussion concerning the first item in a Delegation consideration of the agenda for plenary sessions of the General Assembly projected for that day.]

⁴⁹ On November 19 the members and staff of the Delegation were informed in a Delegation memorandum dated November 18 that the Latin American delegations at a morning meeting on November 18 had definitely settled the question of a Latin American candidacy for ECOSOC with a unanimous decision to support Venezuela, after Mexico had withdrawn (IO Files, document US/A/149).

⁵⁰ For the names of the thirteen officers who were assigned to the United States Delegation as Political Officers, see footnote 65, p. 41.

Council Elections

Mr. Sandifer expected that the greater part of the session would be taken up with the elections to the Security Council and the Economic and Social Council. He recalled that the United States slate for the Security Council was Belgium, Colombia, and Syria. It appeared from present evidence that the latter two would be elected on the first ballot. Other contenders included India, and there was just a possibility that it might be elected on a second ballot. In any case, the United States would continue to support Belgium unless some drastic change in the situation arose on the floor. Senator Austin inquired who might determine how the vote should be cast in that event. Mr. Sandifer replied that Senator Austin should make that decision with the advice of the Political Officers. Senator Austin stated that this matter was settled.

Mr. Sandifer recalled that the United States slate for the Economic and Social Council included the Netherlands, New Zealand, Poland, Venezuela, and Turkey. He noted that Lebanon was a strong contender.

[Here follow brief discussion of two other items and a lengthy review of the troops question then pending before the First Committee.]

501.BB/11-1946: Telegram

Senator Austin to the Secretary of State

SECRET

PRIORITY

NEW YORK, November 19, 1946—11 p. m.

[Received 11:33 p. m.]

828. Elections held in General Assembly plenary session today to choose three members of Security Council and six members of ECOSOC⁵¹ produced following results:

Colombia, Syria, and Belgium were elected to Security Council on first ballot, gaining 51, 45, and 43 votes, respectively. The unsuccessful candidates were India (13 votes), Norway (4 votes), and Canada, Cuba, Greece, and Turkey with one vote apiece.

Only four of the six ECOSOC posts were filled in course of four ballots held after Security Council election. In the first ballot, with 36 of the 54 votes cast as the necessary majority, the US, Venezuela, and New Zealand were elected, with 51, 46, and 44 votes, respectively. Lebanon received 41 votes on the second ballot and was declared elected. In the third and fourth ballots, taken after a luncheon recess, no candidate received the requisite two-thirds majority of the 52 votes

⁵¹ For General Assembly proceedings on the balloting at the two meetings on November 19, see United Nations, *Official Records of the General Assembly, First Session, Second Part, Plenary Meetings*, pp. 975 ff.; hereafter cited as GA (1/2), *Plenary*.

cast. General Assembly President Spaak thereupon postponed subsequent voting until the next plenary meeting, which a member of the Secretariat indicated would be held on December 6.

Voting for the remaining eligible candidates in the first four ballots is shown in the table below :

<i>Country</i>	<i>1st ballot</i>	<i>2nd ballot</i>	<i>3rd ballot</i>	<i>4th ballot</i>
Lebanon	35	41 (elected)		
Netherlands	33	30	29	28
Turkey	30	32	28	29
Byelorussian SSR	25	22	25	28
Yugoslavia	27	27	22	19
Poland	10	6 (eliminated)		

Poland attempted to withdraw in favor of Yugoslavia after the first ballot, but Spaak held that this was not possible under the General Assembly rules of procedure.

On the first ballot, the US voted for itself, Venezuela, New Zealand, The Netherlands, Turkey and Poland. On the second ballot, the US switched its support from Poland to the Byelorussian SSR, acting in accordance with Dept's position paper SD/A 31, of August 6, 1946. After the second ballot, USDel, following consultation with advisers and political officers, decided to vote for the Byelorussian SSR and The Netherlands for the two posts remaining to be filled. Byelorussian SSR was supported on the ground that it was important to give one seat to the eastern group, two of whose members are currently retiring from ECOSOC. The Netherlands was supported rather than Turkey because, after the election of Lebanon, this seemed most nearly in accord with the basis upon which our original slate had been selected and because it seemed undesirable from the standpoint of geographical distribution to elect a second Middle Eastern state to the Council. (Before the elections, commitments had been made to support both The Netherlands and Turkey).⁵²

During the luncheon recess, this information was communicated to the Turkish Ambassador, who stated that he considered the US still bound by its commitment and any departure therefrom a violation of our pledge. As the General Assembly was just about to reconvene for its 4 p. m. session when this news was received, Senator Austin telephoned directly to the Secretary,⁵³ and under his instructions voted on

⁵² During the luncheon recess and between the two plenary meetings this Delegation decision was communicated to the following by Mr. Raynor in separate conversations: Mr. Paul Gore-Booth of the British Delegation, Mr. Escott Reid of the Canadian Delegation, Minister Harry Andrews of the South African Delegation, Mr. Paul Hasluck of the Australian Delegation, and Minister Eriksson of the Swedish Delegation (501.BB/11-1946).

⁵³ See footnote 67, p. 237.

the third and fourth ballots for Turkey rather than The Netherlands,⁵⁴ and voted for the Byelorussian SSR for the second remaining vacancy.

During the luncheon recess Gromyko had asked Senator Austin for the support of USDel for Byelorussia and Yugoslavia. After the telephone conversation with the Secretary and before the third ballot, the Senator told Gromyko that we would vote for Byelorussia but that we would not be able to vote for Yugoslavia.

AUSTIN

IO Files : US/A/152

Memorandum of Conversation, by Randolph Harrison of the United States Delegation Staff of Advisers

SECRET

[NEW YORK,] November 20, 1946.

Participants: Mr. Fack of the Netherlands Delegation
Mr. van Roijen, of the Netherlands Delegation
Mr. Randolph Harrison

Both Mr. van Roijen and Mr. Fack, of the Netherlands Delegation, sought me out to express their deep concern and disappointment over the action of the United States in withdrawing its support from the Netherlands for a seat on the ECOSOC. Mr. Fack said that losing the vote of the United States was bad enough in itself, but since the act of the United States was generally known due to newspaper publicity, he felt that it would undoubtedly influence other nations to withdraw their support from the Netherlands. Mr. van Roijen and Mr. Fack both expressed the earnest hope that the decision of the United States on this subject was not final and that it would reinstate the Netherlands in its slate.

⁵⁴ Mr. Raynor records the following in a memorandum of November 19: "Following Senator Austin's conversation with the Secretary, and in accordance with the Senator's express instructions, I told Dr. van Roijen [of the Netherlands Delegation] that because of a commitment to Turkey we had found it necessary on the next ballot [the third ballot] not to vote for the Netherlands. I explained to Dr. van Roijen that up to this point we had been informing other Delegations that we were voting for the Netherlands and that the time of receiving these instructions did not permit us to inform others of this change. I stated that on the next ballot, in my opinion, this would mean the loss of only one vote to them and should not in itself do any particular harm to their candidacy. I explained, of course, that this decision had nothing whatsoever to do with our relations and high regard for the Netherlands but had been dictated by other broad considerations which he could appreciate. He was most courteous but obviously the information came to him as a serious shock and disappointment." (501.BB/11-1946)

501.BD/11-46

Memorandum of Telephone Conversations, by the Director of the Office of Special Political Affairs (Hiss)

[WASHINGTON,] November 20, 1946.

As a result of the discussion in the morning meeting in Mr. Acheson's office I called Mr. Ross and gave him the following information.

It had been the general consensus of the discussion this morning that the United States should support both Turkey and the Netherlands for the remaining two seats on the Economic and Social Council and should, therefore, drop its support for Byelo-Russia. There was unanimity in the recognition of the strategic importance of Turkey and it was felt essential that the United States should, therefore, continue its support for Turkey. Mr. Clayton pointed out the economic importance of the Netherlands, emphasizing especially that the Netherlands could be counted on as a supporter of our important trade policy.⁵⁵ A comparison of economic importance between the Netherlands and Byelo-Russia demonstrated the desirability of the Netherlands, which had just ceased to be a member of the Security Council, being elected to the Economic and Social Council. It was recognized that if we cease to continue our support of Byelo-Russia a probable consequence will be that Byelo-Russia will not be elected and this in turn would mean an unbalance as between regions. (The eastern European region was overbalanced last year because of the unexpected election of Yugoslavia as well as the anticipated election of the Ukraine. Election of the Netherlands and Turkey would mean no eastern European state elected this year. The only eastern European states which would then be on the Council for the next year would be Czechoslovakia and the U.S.S.R.) It was suggested that in as much as the eastern European region had been overrepresented to the extent of one state last year it would redress the balance to have them underrepresented to the extent of one state this year. It was, however, further recognized that Senator Austin had made a commitment to Gromyko yesterday to support Byelo-Russia. It was not clear whether this commitment had been fully complied with by our votes of yesterday or whether it represented a continuing commitment. In any event we had earlier committed ourselves to support Turkey and the Netherlands.

⁵⁵ For documentation on this subject, see pp. 1260 ff.

Mr. Acheson's decision, which he wished communicated to New York, was that while the consensus of the Department's views was that we should support Turkey and the Netherlands the effect of dropping our support for Byelo-Russia upon the Council of Foreign Ministers' negotiations should be considered.⁵⁶ In view of the fact that Senator Austin will be consulting the Secretary further on this whole subject, it was suggested that a final decision should be left to the Secretary who would naturally be in the best position to take into account all the over-all factors.

Subsequently Mr. Ross called me back and said that he was at the moment with Senator Austin who had been considering the Economic and Social Council elections situation in the light of the Department's views as I had earlier conveyed them to Mr. Ross. Mr. Ross said that the Senator considers his commitment to Gromyko of yesterday is a continuing one and not limited simply to the ballots taken yesterday. He said that the Senator feels it would damage his relations with the Soviet Delegation for the United States forthwith to cease its support of Byelo-Russia. Consequently the Senator would like to propose to the Secretary the following procedure: The Senator would inform the Turkish, Dutch and Soviet Delegations, and other delegations also, that we had intended on the fifth vote to vote for Turkey and Byelo-Russia as we had done on the third and fourth ballots. He would then say further that we plan to continue with that program on the fifth vote when it is taken but that if another ballot or ballots were required we will in such ballots vote for Turkey and the Netherlands. Mr. Ross said the Senator felt this would put all parties concerned on notice as to our intentions.

After talking to Mr. Acheson I called Senator Austin and said Mr. Acheson had asked me to convey the Department's views on this as follows: The Senator knows the shading of his commitment to Gromyko. In view of his feeling that a procedure of the kind he has suggested is necessary under the terms of his commitment and to preserve his relations with the Soviet Delegation, we are prepared to go along and would not object to this proposal being recommended to the Secretary by Senator Austin. However, if it were not for Senator Austin's commitment, we would prefer to have us in the next ballot vote for Turkey and the Netherlands. The Senator said that he would convey this message to the Secretary and would talk with the Secretary about the matter.

⁵⁶ The Secretary of State was in New York at this time attending the current session of the Council of Foreign Ministers; see vol. II, pp. 965 ff.

501.BB/11-2046

Memorandum of Conversation, by John C. Ross, Senior Adviser to the United States Delegation

SECRET

[NEW YORK,] November 20, 1946.

Following my telephone conversation with Mr. Hiss on the question of election to the Economic and Social Council slates I went over the points we had discussed with Senator Austin.

Senator Austin felt that to drop Byelorussia at this time would be embarrassing to him in view of the commitment which he had given to Ambassador Gromyko to support Byelorussia.

Gromyko had urged that the United States support Yugoslavia and Byelorussia. The Senator had indicated we could not support Yugoslavia⁵⁷ but would support Byelorussia. Following his telephone conversation with the Secretary just before the four o'clock session of the Assembly yesterday when it was decided that the United States would support Turkey and Byelorussia, the Senator had gone to Mr. Gromyko and confirmed that we would not support Yugoslavia but would support Turkey and Byelorussia.

The Senator and I then tried to find a formula that would give him a fair release from his commitment to Gromyko and which would, at the same time, give some encouragement to the Dutch in line with the views developed in the Department this morning.⁵⁸ It occurred to us that these objectives might be accomplished if we were to make it known to the Russians, the Turks, and the Dutch that on the next (fifth) ballot we would again vote for Turkey and Byelorussia but that if this ballot should again result in a stalemate we would then vote for Turkey and the Netherlands, dropping Byelorussia at this point. If instead of resulting in a stalemate one of these three countries should be elected on the fifth ballot, then we would determine in the light of the circumstances which of the remaining two countries we would vote for.

⁵⁷ The following is recorded in a memorandum by Mr. Ward P. Allen, a Political Officer on the Delegation Staff, of a conversation with Ambassador Vlada Popovich, Representative on the Yugoslav Delegation, on November 26: ". . . Ambassador Popovich stated that he assumed that the United States was still opposed to Yugoslavia. He remarked that it would be unfair to oppose her and favor Turkey in view of the latter's well-known neutrality during the war. . . . Reaffirming our support for Byelorussia, it was suggested to him that where the United States had to choose among Yugoslavia, Netherlands and Turkey for the remaining post, he could understand that we would naturally favor either of the other two, with whom our relations were excellent and with whom no trouble had arisen concerning airplanes or other matters." (IO Files, document US/A/160) See vol. VI, pp. 867 ff., regarding these references.

⁵⁸ See memorandum of telephone conversations, *supra*.

We then discussed this briefly with Mr. Sandifer and I discussed this on the telephone with Mr. Hiss. He in turn discussed this proposal with Mr. Acheson and called back, speaking to Senator Austin and telling him that Mr. Acheson's reaction was that if the Senator felt that this proposal was the wisest one in view of the tactical situation then the Department would certainly go along. However, Mr. Acheson felt, subject of course to the Senator's views and the Senator's discussion with the Secretary, that the conclusions reached earlier in the morning as stated in my memorandum of conversation with Mr. Hiss were probably sound.

Senator Austin then telephoned Secretary Byrnes. He read to the Secretary my memorandum of conversation with Mr. Hiss and then explained, as stated above, the nature of his commitment to Gromyko. He then indicated the possible way out and the reaction which Mr. Acheson had to this proposal.

The Secretary made it very clear that despite the conclusions and reasons developed in the Department earlier this morning, he was perfectly clear in his own mind that the decision he had made yesterday for us to support Turkey and Byelorussia was the right one. He made it clear that the considerations he had in mind outweigh those advanced with regard to dropping Byelorussia in order to restore the Netherlands.

With reference to what our position should be after the next ballot the Secretary felt that we should not make any statement indicating that we would then support Turkey and the Netherlands. He said this would be too inflexible and would involve a commitment which we might find it difficult to get out of. He said that we might let it be known that our commitments would stand only for the next ballot. He said that if conditions then change we wouldn't consider ourselves bound. He felt that the Senator should hold himself free.

The Secretary felt that we should inform the Turks, the Dutch, the Russians and the Byelorussians where we stand. He did not seem to feel there was much point in taking the initiative in spreading our position among other delegations, although it was my impression that he felt if other delegations should ask us our position we should be free to state it. In closing the conversation the Secretary said his reaction right now was to stick by Byelorussia, which remark, in its context, seemed to imply quite clearly that the Secretary felt we should stick by Byelorussia, not only on the next ballot but any succeeding ballot.

501.BD/11-2046

Memorandum of Telephone Conversation, by the Director of the Office of Special Political Affairs (Hiss)

[WASHINGTON,] November 20, 1946.

Mr. Ross called me back and said that Senator Austin had talked with the Secretary and had informed him of the Department's views as set forth in a separate memorandum of conversation of today on the same subject. Mr. Ross said that the Secretary had not been impressed by the Department's arguments. The Secretary had decided that the Senator should tell the other delegations concerned that on the next ballot we will vote for Turkey and for Byelo-Russia and that thereafter we will consider ourselves as not being necessarily obligated to any delegation, reserving freedom of action to determine our vote after seeing the results of that ballot. The Secretary had emphasized the desirability of our maintaining the utmost flexibility. However, Mr. Ross said that it was clear from the Secretary's conversation with Senator Austin that the Secretary's mind is set in the direction of our continuing to support Turkey and Byelo-Russia. Mr. Ross had the impression that it would take considerable in the way of new developments to cause the Secretary to change his view on this.

Mr. Ross said that the Secretary left it to the discretion of Senator Austin as to how many other delegations should be informed of our position. Apparently the Secretary was aware of the fact that it would not be possible to keep our position a secret but had felt it was not desirable to make a public statement of the matter. Mr. Ross said the Secretariat is hoping that further plenary sessions can be postponed until December 6 in order to permit uninterrupted committee work. If further balloting is postponed until then there is certainly every likelihood of considerable inquiry developing on the part of other delegations and of the press as to the U.S. position.

Senator Austin plans to inform Dr. Van Kleffens⁵⁹ at dinner tonight of our position and is sending a note today to Gromyko. In view of the fact that we will continue on the next ballot to support Turkey, the Senator is informing the Turkish Delegation indirectly (I assume through Mr. Villard and Mr. Wadsworth).

⁵⁹ Dr. E. N. van Kleffens, Deputy Head of the Netherlands Delegation to the General Assembly and Netherlands Representative on the Security Council.

IO Files : US/A/155

*Memorandum by David Popper of the United States Delegation Staff of Advisers*⁶⁰

SECRET

[NEW YORK,] November 20, 1946.

If the Netherlands is not elected to the Economic and Social Council, it may be desirable, by way of compensation, to support the Netherlands for the Trusteeship Council whenever that agency is set up. It will be recalled that the Netherlands Delegation at one stage indicated that it might be inclined to stand for the Trusteeship Council rather than the Economic and Social Council.

The successful conclusion of the negotiations with the Indonesians might provide a more favorable atmosphere for the Netherlands candidacy on the Trusteeship Council than would previously have been the case.⁶¹

I would suggest that we consider substituting the Netherlands for Denmark on our Trusteeship Council Slate. The Danes do not appear to have shown any special interest in a position of this sort, and we have had at least one bad experience with an unenthusiastic candidate.⁶² I believe the Netherlands could make at least as good a contribution to the work of the Trusteeship Council as the Danes, and I think it very desirable from our point of view that the Netherlands should not be excluded completely from the United Nations Councils.

An alternative possibility would be to substitute the Netherlands for Egypt. This could be justified on the ground the Arab states were already represented on both the Security Council and ECOSOC, and on the ground that it is not politically expedient for us to support an Arab state for the Trusteeship Council in view of the Palestine situation.⁶³ In this connection it should be noted that, a few days ago, the Arab states agreed that Iraq would be their candidate for this council. We have always considered Iraq unacceptable.

501.BD/11-2146

Memorandum of Conversation, by the Acting Director of the Office of European Affairs (Hickerson)

[WASHINGTON,] November 21, 1946.

Mr. Reuchlin, Counselor of the Netherlands Embassy, came in to see me at his request today and made an eloquent plea for U.S. support

⁶⁰ Addressed to Messrs. Sandifer, Ross, and Raynor.⁶¹ For documentation on the situation in the Netherlands East Indies, see vol. VIII, pp. 787 ff.⁶² This refers to the earlier United States support of Uruguay for a position on the Economic and Social Council described in preceding pages.⁶³ For documentation on this subject, see vol. VII, pp. 576 ff.

for the Netherlands in the pending election of states to the Economic and Social Council. In addition to an excellent restatement of Netherlands general qualifications on economic grounds for the place, Mr. Reuchlin stated that there were important political reasons why the United States should support the Netherlands. He said that the U.S. Government is interested in seeing the Netherlands Parliament approve the recently initialled agreement with the Indonesian leaders⁶⁴ and he fears that if we do not support the Netherlands for ECOSOC, it may cost the agreement votes in Parliament. I told Mr. Reuchlin that I felt that the Netherlands had an excellent case for membership on general grounds but that his complicated political arguments frankly left me a little cold.

I told Mr. Reuchlin that last night Senator Austin had informed Mr. Van Kleffens that the U.S. would vote for Turkey and Byelorussia on the next ballot and that thereafter we would consider ourselves completely free to vote in any way we considered wise. Mr. Reuchlin brightened perceptibly and said that he assumed that this meant that we would vote for the Netherlands. I replied that his assumption was incorrect; that the statement meant exactly what it said and that our vote would depend upon circumstances at the moment.

JOHN HICKERSON

IO Files : US/A/154

*Memorandum by George Wadsworth, Minister to Syria and Lebanon
and Adviser on the United States Delegation Staff*⁶⁵

SECRET

[NEW YORK,] November 21, 1946.

Subject: Turkey's Candidacy for Economic and Social Council

The Turkish Ambassador,⁶⁶ after calling by special appointment this morning on Senator Austin regarding the subject noted above, called on me with a view to asking that I make careful memorandum of his views in the matter.

It was, he said, a matter to which he attached "much importance"; he had spoken "frankly and in all sincerity" with Senator Austin. He had marshalled his ideas clearly and presented them substantially as follows:

"Turkey appreciates highly American support for a seat on ECOSOC; but, in all frankness, there appears to be a contradiction between principle and practice in extending such support. In practice two

⁶⁴ For documentation on this subject, see vol. VIII, pp. 787 ff.

⁶⁵ Addressed to Senator Austin, Mr. Ross, and the Political Officers.

⁶⁶ Mr. Huseyin Ragip Baydur, Head of the Turkish Delegation.

wrongs have been done Turkey, one before the elections of last Tuesday and the other during the balloting.

"The result of the second wrong was that Turkey was not elected. It had received 30 votes on the first ballot, 33 on the second. Only 3 more were needed for the election. It was American action and only American action which prevented Turkey receiving on the third ballot well over the 36 votes needed for election.

"To explain these two wrongs:

"The first was when in the thinking of the American Delegation, the seat held by Greece was considered to be a European seat. The elections in London had given two seats to Near Eastern countries, Greece and Lebanon. Turkey posed its candidature for the Greek seat. This was told the Department of State several weeks ago. We thought at the time, as apparently did the Department, that Egypt would be the Arab candidate to replace Lebanon.

"What later happened seems to have been that the American Delegation decided not to support Lebanon for reelection and, consequently, to support Turkey for the Lebanese seat and the Netherlands for the Greek seat. But we were supporting an Arab state and the Arab states were supporting us. Obviously this could not be for the same seat. What the American Delegation did in fact do was to support us for a seat which did not exist. It was clear some time ago that an Arab state (Lebanon by choice of the Arab states) would hold that one seat. The American Delegation, in reality though not by intention, voted for two seats, Turkey and the Netherlands, for the Greek seat.

"What then should be American action in the face of the resulting situation? The essence of solution appears to lie in returning the Greek seat to its original setting. If this be done, the American and an ample number of other Delegations will support Turkey. This involves, of course, "dropping" the Netherlands; but, when a wrong is to be righted, the best approach is to return to first truths.

"Senator Austin has said that he will vote for Turkey on the next ballot; but he appears to feel that further than that he cannot commit himself. I feel that, if he adopts my premise, we shall be elected on that ballot; but I do not agree that, if there be need for further balloting, he should not support us all the way through.

"Elsewise, the American Delegation would simply be saving appearances: One vote for us, then a shift to Netherlands. If this were to become known, as these things do become known, the Netherlands election would be assured.

"Let us assume that Byelorussia is elected on the next ballot, with Turkey and Netherlands running a close second and third and Yugoslavia a poor fourth. Then, for the next balloting, Yugoslavia would have to drop out of the race; and it would be between Turkey and Netherlands. That is just the moment when support for Turkey would be most needed; when the issue as to Turkey's succession to the Greek seat would have to be faced most squarely.

"Now for the second wrong. That was when, after the first two votes, members of the American Delegation spread the word—and I have it from several Latin-American colleagues—that it would vote for Netherlands and Byelorussia on the ground that Lebanon, a Near Eastern State having been elected, it felt it need no longer support Turkey.

“Fortunately, the wrong was partially righted by Mr. Villard’s twelfth-hour intercession;⁶⁷ but it came too late to do more than bring about the stalemate with which the Assembly was faced. We were saved, but not elected as would assuredly have been the case had the third vote not been prejudiced by the earlier circulated word of American renunciation of support for Turkey.

“What now should be done? The answer would seem to be the same as to the first question, i.e., support Turkey to the end *and* let it be known that that is to be done. Elsewise, an odd sort of conclusion would seem to be forced on us, i.e., that we would have a better chance of election were we to become a Soviet satellite.

“As a last comment, remember that the Russians asked you to support their satellite candidate. Did you ask that in return they support your candidate Turkey? We do not ask for the Russian vote, nor do we ask you to ask for it; but, were they to give it, it would prove that they can be amiable towards us, and that would be all to the good. We simply submit these thoughts for your consideration.”

I assured the Ambassador that I had taken careful notes of his exposition and would prepare a memorandum thereof for Senator Austin and Mr. Henderson, as he had requested.

501.BB/11-2246

*Memorandum by G. Hayden Raynor of the United States Delegation
Staff of Advisers to Senator Austin*

SECRET

[NEW YORK,] November 22, 1946.

Subject: Economic and Social Council Elections

Our abandonment of the Netherlands is having a most unfortunate, although natural, reaction on them. Reports reaching us by the “grapevine” indicate that members of the Netherlands Delegation have been stating to other people that this illustrates that the United States can not be depended upon, that it is unfortunate that a friend who has proved himself a true friend should be thrown over because of pressures of a “nuisance type”, and that they wonder if it is worth standing

⁶⁷ No documentation is provided here on a sharp disagreement that arose at this time within the United States Delegation Staff of Advisers as to whether Mr. Henry S. Villard (Adviser, Political Officer, and within the Department the Deputy Director of the Office of Near Eastern and African Affairs) was consulted in the Delegation’s decision to drop Turkey from the United States slate on November 19 between the second and third ballots (memorandum by Mr. Popper, November 21, 501.BB/11-2146, and memorandum by Mr. Villard, November 25, 501.BB/11-2546). It is stated in Mr. Villard’s memorandum that Senator Austin’s decision to consult with the Secretary of State by telephone at that time was due to an intervention in the situation by Mr. Villard after he had had a talk with the Turkish Ambassador, a successful intercession in the event as the Secretary directed that Turkey’s name be restored to the United States slate; see telegram 828, November 19, from New York, p. 226.

by a country if an unpredictable reaction of this type may be expected in return.

It is my opinion that our decision to vote for Byelorussia and Turkey on the next ballot is tantamount to the election on that ballot of Byelorussia, assuming that the Soviets are normally keen on the matter. If they do display normal keenness, they can be expected to concentrate the votes now distributed between Byelorussia and Yugoslavia in favor of Byelorussia and thus elect Byelorussia.

If this comes about the next ballot would then be between the Netherlands and Turkey. As I understand it, decision has already been made in favor of Turkey as between these two. If my analysis, therefore, is correct, as I see it we have already abandoned the Netherlands.

In view thereof I am raising in the Department the question as to whether it would be advisable to support the Netherlands for the Trusteeship Council. If this is done we must have a decision on a very firm basis because it would be even more than the goodwill of the Dutch can be expected to understand to repeat the ECOSOC experience on another Council election.

I think it is very important that we make a prompt decision as to what we will do on the second ballot. Until such decision is made I do not think it is wise for us to talk on this subject with other Delegations. In fact, I think that if we have indeed abandoned the Netherlands that it would be better to confine this act to ourselves alone and not damage the position of the Netherlands further by telling other Delegations of our action.

501.BB/11-2246 : Telegram

The Acting Secretary of State to Senator Austin

SECRET

WASHINGTON, November 22, 1946—7 p. m.

293. For Gadel. Our reasons for preferring Netherlands to Byelorussia as candidate for ECOSOC are set out below for your consideration when subject is next discussed by Secretary and USDel: (1) Among remaining candidates for three-year membership on ECOSOC, Netherlands is only state willing and able to collaborate wholeheartedly in creation and implementation of ITO, in our view, most important tasks to be undertaken by ECOSOC. (2) Netherlands has demonstrated unswerving fidelity to western democratic principles in all organs UN and Van Kleffens has made particularly notable contribution to work of SC. In view this record, failure of US to support Netherlands might have adverse reaction not only upon Netherlands but upon other small western European states as well.

ACHESON

501.BB/11-2346

*Memorandum by G. Hayden Raynor of the United States Delegation
Staff of Advisers to Senator Austin*

SECRET

[NEW YORK,] November 23, 1946.

Subject: ECOSOC Slate—The Netherlands

1. In addition to the reasons advanced in Department's 293 of November 22 for preferring Netherlands to Byelorussia with which I fully agree, I submit the local situation must also be taken into account. It is as follows:

a. We have just as much of a commitment to the Netherlands as we have to Turkey or Byelorussia (I do not believe at this stage of balloting that we really have a commitment beyond the next ballot to anyone).

b. The Netherlands "hat would not be in the ring" except for the fact that her name appeared on our slate.

c. We have told other delegations from the beginning that the Netherlands was a candidate in whom we were especially interested.

d. As late as during the luncheon recess on the day of the election we campaigned actively for the Netherlands.

e. In addition to supporting our policy strongly over the past year in the Security Council and elsewhere, Netherlands has been one of our few supporters here in the General Assembly on such matters as Relief and Contributions to the Budget. It could have been counted on to go down the line with us on Spain (perhaps the only European state to do so).

2. I am not urging in view of decision already taken that we vote for the Netherlands rather than Turkey, but that if Byelorussia is not elected on the next ballot that on the following ballot we vote for the Netherlands rather than Byelorussia.

IO Files : US/A/158

*Memorandum of Conversation, by Henry S. Villard of the United
States Delegation Staff of Advisers*

SECRET

[NEW YORK,] November 25, 1946.

Mr. Esin⁶⁸ approached me at Lake Success today in regard to our position on Turkey's candidacy for the Economic and Social Council. He expressed the strong hope that we would continue to support his country whether it took one or more ballots. I explained that we would

⁶⁸ Seyfullah Esin, Adviser to the Turkish Delegation, Director-General of the Turkish Ministry for Foreign Affairs.

certainly vote for Turkey on the next ballot but that our course of action after that, if further balloting were necessary, had not been finally decided.

Mr. Esin then said that he wished to urge the United States Delegation not to mention the position described above in conversation with members of other delegations. He said that the element of uncertainty as to our course of action following the fifth ballot would only cast doubt in the minds of those whose support Turkey was endeavoring to enlist in its candidacy. He referred particularly in this connection to the Latin American States, and said that the lack of a clear cut attitude on our part would only weaken Turkey's case.

I assured Mr. Esin that the United States Delegation had in fact adopted a policy of not discussing its position on the two remaining Economic and Social Council seats pending final clarification of our intentions.

Mr. Esin also urged that when we had finally made up our minds on the slate, which he hoped would be to support Turkey all the way through, we would notify other delegations of our decision. He felt that this was especially important in the case of the Latin Americans, who would probably follow the United States' lead and whose vote might well be the deciding factor in the situation.

IO Files : US/A/161

Memorandum of Conversation, by Charles W. Yost of the United States Delegation Staff of Advisers

SECRET

[NEW YORK,] November 26, 1946.

Brigadier Williams⁶⁹ said that Mr. Spaak⁷⁰ and Mr. Lie⁷¹ are fearful that, unless some steps are taken informally to come to a general agreement on the Economic and Social Council slates, balloting will continue indefinitely without any substantial change in the situation resulting from the last ballot. They were hopeful that the United States, British and Soviet Delegations might come to some agreement which would result in the prompt election of one eastern European and one other state to the remaining seats on the Council. I told Brigadier Williams that as far as I knew no such informal arrangements as he mentioned had been made. I said that the United States position was very difficult, that our calculations had been upset by the unanticipated election of Lebanon and that we had made at least qualified commitments to both Turkey and the Netherlands. I

⁶⁹ Brigadier Williams was attached to the Office of the Secretary-General.

⁷⁰ Paul-Henri Spaak, President of the General Assembly.

⁷¹ Trygve Lie, Secretary-General of the United Nations.

added, however, that it was my impression that our present intention is to vote for Byelorussia and Turkey on the next ballot, leaving to future developments our decision as to our subsequent course of action. Brigadier Williams said that he would continue his contacts with other Delegations and inform me of the results of these contacts. He said that he believed the Secretary-General might advise Mr. Spaak, if there were no final results from the next ballot, to postpone subsequent balloting until there had been a further opportunity for informal consultation among the Delegations.

He also said that he understood that there was some thought of proposing the Netherlands for a seat on the Trusteeship Council in order to console them for a possible defeat in the Economic and Social Council balloting. He, however, understood that the Netherlands did not desire a seat on the Trusteeship Council at this time, although they might wish to be a candidate for the Council in some future year.

501.BD/11-2746

Memorandum of Conversation, by the Acting Secretary of State

[WASHINGTON,] November 27, 1946.

The Netherlands Ambassador called today to discuss US support for the election of the Netherlands to ECOSOC and to discuss informally the Netherlands-Indonesian Agreement. Dr. Loudon pointed out that he was in New York when it was learned that the US had abandoned its support for the Netherlands as a member of ECOSOC and that he had consequently instructed Mr. Daubanton and Mr. Reuchlin, his Ministers in Washington, to voice the protest of his country to the State Department. The Ambassador expressed official disappointment at our move and said that the Netherlands regarded itself as a more important nation economically than Turkey. I observed that the US fully appreciated the economic importance of the Netherlands and the support which the Netherlands was expected to give to our proposals for broadening the bases of world trade. I explained, however, that the election of Lebanon had confused our position since it left us with three candidates for two positions. I added that the matter was being handled personally by the Secretary and that it was my understanding that the Secretary was discussing our position with Senators Austin, Connally and Vandenberg this afternoon. I advised the Ambassador that if his Government wished to discuss the matter further it should be taken up in New York.

[Here follow personal remarks by Dr. Loudon about the Netherlands-Indonesian agreement.]

IO Files : US/A/169

United States Delegation Position Paper

SECRET

[NEW YORK,] December 4, 1946.

U. S. SLATE FOR TRUSTEESHIP COUNCIL

1. *The Problem*

On October 22 the Delegation deferred action on the Trusteeship Council slate recommended by the Department of State pending developments in Committee 4. That slate consisted of Egypt, Denmark, and the Philippine Republic in the order named.

As the prospect now appears good for action on a sufficient number of trusteeship agreements⁷² to make it possible to establish the Council at this session of the Assembly, it is necessary to establish a slate which the Delegation will support in the election. The number of members to be elected will be either two or four depending upon the number of agreements approved.

2. *Recommendations*

(1) The following slate is proposed for consideration as a result of consultation among the Advisers principally concerned with this matter. The question is concurrently under consideration in the Department of State.

First seat—Iraq

Second seat—Netherlands, or Brazil, or Denmark

Third seat—Philippine Republic, or Brazil, or Denmark

Fourth seat—Brazil, or India, or a Soviet satellite

(2) If a full slate is not elected on the first two ballots the Delegation should be given authority to cast its vote in such a manner as to produce the closest possible approximation to our desired slate.

[3.] *Discussion*

(1) The substitution of Iraq for Egypt is based upon the decision of the Arab states to support Iraq as their candidate. The votes controlled by the Arab League may be important in securing the two-thirds majority in the Assembly necessary to approval of the trusteeship agreements.

(2) *a.* Support for the Netherlands has been suggested in the event that it is not elected to the Economic and Social Council and if it desires to be a candidate.

b. Brazil is an active contender for a seat on the ground of the contribution it could make to the Council as a Latin American state with experience in the administration of undeveloped tropical

⁷² For documentation on this subject, see *post*, pp. 544 ff.

territory. It is believed that it could secure a number of votes in the Assembly for approval of the trusteeship agreements. Brazil will remain on the Security Council for another year.

c. Denmark is suggested because of the desirability of including a progressive country interested in equal treatment in social, economic, and commercial matters. The Danes have not been approached on this subject and have given us no indication that they would be interested in the post.

(3) The Philippine Republic, a newly independent state, has shown a consistent interest in trusteeship problems and desires a seat on the Council.

(4) In view of the heavy representation which the Western democracies will have on the Council, it might be desirable from the point of view of adequate balance to support India or a Soviet satellite. This might be particularly true if no Soviet satellite is elected to the Economic and Social Council this year.

501.BE/12-446

*Memorandum by the Director of the Office of Special Political Affairs
(Hiss) to the Under Secretary of State (Acheson)*

[WASHINGTON,] December 4, 1946.

Mr. Dulles⁷³ called me from New York this morning and said that he had just learned from Senator Austin that consideration was being given to our supporting the Netherlands for the Trusteeship Council. He said that he understood the background of this proposal and appreciated the motives which lead to it; however, he said that he thought it would completely destroy the chances of getting the Trusteeship Council established at this session for the following reasons:

The Soviets, the Chinese, the Indians and others have been asserting that the proposed trusteeship agreements are merely devices by which the colonial powers will make the trust territories colonial dependencies. Consequently their tendency is to defeat approval of the trusteeship agreements unless the administering powers agree to far-reaching amendments. The proposed administering powers, in turn, are clearly not willing to go very far in accepting major changes. The strength of our position has been our insistence upon the desirability of some form of trusteeship supervision which can only be accomplished if agreements are approved and the Trusteeship Council established. We have pointed out that unless the agreements are approved there will be no international supervision. This, we say, should not be

⁷³ John Foster Dulles, Alternate Representative on the United States Delegation and Representative of the United States on the Fourth Committee of the General Assembly (Trusteeship).

satisfactory to those claiming to be the chief advocates of the interests of dependent peoples.

Mr. Dulles says that if word gets around that we are going to support the Netherlands for membership on the Trusteeship Council this would assure the Council having a majority of the colonial powers and would let the Soviet-Chinese-Indian bloc oppose the approval of the agreements more effectively on the ground that no good could be expected from creation of such a Trusteeship Council in any event. Mr. Dulles said he felt so strongly about this point that he might have to drop out of representing us on trusteeship matters if we were to support the Netherlands for the Trusteeship Council. He said he had only just heard the point this morning and that he feels Senator Austin now thoroughly understands his views.

I explained to him that the Senator had been discussing this very point with the Secretary and that I did not know what, if any, decision the Secretary had reached. He said that he would himself get in touch with the Secretary.

I pointed out to Mr. Dulles that the proposed Netherlands action in granting autonomy to the East Indies had seemed to remove much of the stigma of their being a colonial power. Mr. Dulles disagreed and said that in the work of the Trusteeship Committee of the General Assembly the Netherlands have supported the colonial powers 100 percent, much more so that [*than?*] we ourselves have. Consequently they are in the Assembly completely identified with the colonial powers.

I said that I would call his views to the attention of others in the Department.

Mr. Dulles added that at the moment, unless some such development as our committing ourselves to support the Netherlands for the Trusteeship Council occurs, he is optimistic as to the prospects of establishing the Trusteeship Council at this session. Consequently he considers the issue a real and current one.

IO Files: US/A/M (Chr.)/32

Minutes of the Thirty-Second Meeting of the United States Delegation, Held at New York, Hotel Pennsylvania, December 5, 1946, 9:00 a.m.

SECRET

[Here follow list of names of persons present (28), and Delegation discussion of another subject.]

Trusteeship Council Slates

Mr. Sandifer recalled that in the previous discussion on the Trusteeship Council slates the decision had been postponed since it was not

certain that there would be a Trusteeship Council. Now, however, it appeared that a Council would be set up and our slate must be ready. He recalled that earlier the Department's slate had been Egypt, Denmark and the Philippines. However, on later consideration, the following recommendation had been drawn up (US/A/169) : ⁷⁴

"2. Recommendations

(1) The following slate is proposed for consideration as a result of consultation among the Advisers principally concerned with this matter. The question is concurrently under consideration in the Department of State.

First seat—Iraq

Second seat—Netherlands, or Brazil, or Denmark

Third seat—Philippine Republic, or Brazil or Denmark

Fourth seat—Brazil, or India, or a Soviet satellite

(2) If a full slate is not elected on the first two ballots the Delegation should be given authority to cast its vote in such a manner as to produce the closest possible approximation to our desired slate."

Mr. Dulles said that whether there were enough agreements negotiated to establish a Trusteeship Council depended largely upon what the Council was going to be like when it was set up. He said there would be a lot of log-rolling in order to get the agreements passed. It was very apparent that there was no desire to have a Trusteeship Council if it was to be dominated by the colonial powers. He pointed out that one-half of the Trusteeship Council was to consist of administering authorities and, since the Council operated by a majority vote, if another colonial power were added to the Council there would be a majority of colonial powers. He thought that if that kind of a Council were to be established there would be no Council for there would be no agreements concluded. Specifically, he thought, placing the Netherlands on the Council might prevent the creation of that body.

Mr. Dulles agreed that it was vital to have an Arab member on the Council in order to have the necessary agreements concluded, since the Arab bloc plus the Soviet bloc was an important factor. Iraq had handled itself very well in the Trusteeship Committee. Originally, he had opposed Iraq because of its attitude on Palestine but now he thought it was necessary to elect it to the Trusteeship Council.

Mr. Sandifer pointed out that Iraq was the choice of the Arab states.

Senator Austin noted that Brazil was very anxious to be elected. Mr. Dulles said that he would like to see Brazil on the Council. He noted that Mexico always voted with Russia in Committee IV. Ambassador Dawson noted that Brazil was the only country which had made a strong plea for membership. Mr. Gerig noted that Cuba was actively competing.

⁷⁴ United States Delegation Position Paper dated December 4, p. 242.

Mr. Dulles said that he favored the list in the position paper US/A/169 with the elimination of the Netherlands and also provided that there was a Latin American state which would bring to the United States position the votes it needed. Senator Austin commented that he thought that if Brazil were assured of our support it would work for the United States.

Mr. Sandifer pointed out that Brazil was on the Security Council and had another year to serve on that body. He thought that on the face of it, that raised the question as to whether it was desirable to give another Council seat to Brazil, or wanted to elect some other Latin American state. Mr. Dawson commented that Cuba and Peru were both possibilities, but they were both on the Economic and Social Council. He noted that Argentina was not pushing its candidacy.

Mr. Raynor said that he would be agreeable to eliminating the Netherlands, provided it was placed on the Economic and Social Council slate in the next ballot. He thought Mr. Dulles' arguments were cogent for not supporting the Netherlands for the Trusteeship Council. He noted, in passing, that the reason the Netherlands had pushed its candidacy for the Economic and Social Council was because it had learned it was on the United States slate.

Senator Austin polled the Delegation on eliminating the Netherlands from the Trusteeship Council slate and this was unanimously approved.

Senator Vandenburg urged strongly that the Netherlands should be put on the Economic and Social Council slate, because he said the Netherlands was being thrown out the window in the Assembly's selections. Senator Austin agreed, and said that the Delegation should think over whether it wished to substitute the Netherlands for Turkey or Byelorussia.

Mr. Dulles inquired when the information might be passed to Iraq that the United States would support it for the Trusteeship Council. Mr. Sandifer replied that he thought the Department could be consulted quickly during the morning. Mr. Dulles said that since he had given the Secretary a memorandum on the question, he thought that clearance could be quickly obtained. He requested that the matter of handling the tactics of informing the Iraq Delegation should be left to him and Mr. Wadsworth.

Senator Austin reported that Brazil came around to see him every day to inquire how he was progressing with the Brazilian Trusteeship Council candidacy.

Mr. Sandifer said he would like to have the Delegation's reaction as to whether India or a Soviet satellite be supported for the fourth seat. Mr. Sandifer apologized for the use of the term "Soviet satellite" in Document US/A/169. Mr. Dulles thought the word "or" in the

phrase "India or a Soviet satellite" was superfluous. The choice for the third seat should also be decided between Denmark and the Philippines, Mr. Sandifer said.

Mr. Gerig pointed out that if the Strategic Area Agreements of the United States were approved, there would be four elected Members on the Trusteeship Council. In answer to Mr. Dulles' question, he said that he thought the Assembly could elect members to fill those seats on a contingent basis.

Mr. Allison said that the Far East Office of the Department felt very strongly that the Philippines should be supported for a Trusteeship Council seat. If there were to be four elected members, the office would like the Philippines to have the third seat. The Department felt that the Philippine Republic should be included as a new country, recently free, and because the Far East was represented only by China. Also the Philippines badly wanted to be a member. Mr. Allison said that General Romulo⁷⁵ frequently asked him about his candidacy.

Mrs. Roosevelt said that she would like to see Denmark rather than India on the Council. She thought the Philippines should be selected. Mr. Raynor said that he would like to see slate consisting of Denmark and the Philippines. Mrs. Roosevelt continued that the Danish Representative on Committee III was an extremely able person. She thought that the Danish background would be useful in the Trusteeship Council and that it would bring a healthy note to its discussions, whereas India would probably not do so.

Senator Austin polled the Delegation and secured unanimous approval for the Trusteeship Council slate as follows:

First seat: Iraq
 Second seat: Brazil
 Third seat: Philippine Republic
 Fourth seat: Denmark

The meeting adjourned at 9:30 a.m.⁷⁶

⁷⁵ Ambassador Carlos P. Romulo, Head of the Philippines Delegation.

⁷⁶ In telegram 928, December 5, 5:30 p.m., from New York, the tentative slate approved by the Delegation was named, a brief summary given of the Delegation's discussion, and the Department's "views on the subject" requested "at earliest convenience". In the fourth paragraph of the telegram Senator Austin stated that "Although point was not specifically discussed, it is apparently consensus of delegation that, if a full slate has not been elected after the ballots, delegation should be given authority to cast its vote in such manner as to produce closest possible approximation to our desired slate." (501.BE/12-546)

In telegram 308, December 6, 7 p. m., to New York, the Acting Secretary of State (Acheson) informed the Delegation that "Although preferring Philippines as candidate for one of first two seats, Department approves slate recommended in your para one on basis Delegation's estimate of importance of proposed TrustCo [Trusteeship Council] slate to issue of obtaining wide GA support for approval of pending trusteeship agreements and consequent establishment TrustCo. . . . Procedure outlined your para four is acceptable." (501.BE/12-546)

501.AD/12-646

*Memorandum of Telephone Conversation, by the Acting Secretary
of State*

[WASHINGTON,] December 6, 1946.

Senator Austin called me this morning and asked for my advice on the following three matters:

[Here follows discussion of the question of finding a site for the permanent headquarters of the United Nations.]

The second point on which he wished instructions was the question of our support of Turkey, the Netherlands or Byelo-Russia for a place on ECOSOC. He said that under the direction of Secretary Byrnes there had been transmitted to Turkey and Russia a statement of our intention to vote for Turkey and Byelo-Russia on the next ballot and then consider ourself free to take whatever course the situation convinces us we should take. He said there were three situations that might develop on which he would like our advice. However, as our conversation progressed, he mentioned only two.

The first is the question of what he should do in case of a deadlock on this ballot.

The second situation he foresaw was the election of one country, perhaps Byelo-Russia, leaving our decision to be made as to which of the other two we should vote for on succeeding ballots. I told him that he must ask Secretary Byrnes how this question should be handled. We understood that the number one country on which we should center all the way through was Turkey. It was not yet understood that Mr. Byrnes wished us to advise Turkey that we planned to do so. Senator Austin said he would have a talk with Mr. Byrnes about this point.

As between the Netherlands and Byelo-Russia, we understand that Mr. Byrnes wishes to support Byelo-Russia because of the wide considerations of policy. We understand, however, that he does not wish to make our position known to the Russians. Senator Austin said that he would try to see Secretary Byrnes and get his specific instructions on this point.

[Discussion followed on the third subject named by Senator Austin. It concerned an informal proposal by Mr. Lie for a Deputy Secretary-Generalship of the United Nations.]

DEAN ACHESON

501.BB/12-846

Memorandum of Conversation, by G. Hayden Raynor of the United States Delegation Staff of Advisers

TOP SECRET

[NEW YORK,] December 8, 1946.

Dr. van Royen⁷⁷ told me in greatest confidence this noon that Belgium wished to resign its seat on the Economic and Social Council in order to enable the Netherlands to have a place on this Council. He asked me if I would check with our charter constitutional experts in an effort to ascertain whether or not in their opinion there was any way this could be accomplished without opening the whole matter up to new elections which might conceivably develop in neither Belgium nor the Netherlands being on the Council.

After checking with our experts I informed Dr. van Royen that as we saw it Rule 88 which called for a by-election was the only rule applicable and that therefore as much as we would like to see the solution worked out, we were unable to select the method which would avoid the risk mentioned above. He then told me that the latest thinking in the Belgian and Dutch Delegations on the subject was to put the matter up frankly to the Assembly asking for a vote on a hypothetical basis as to whether if Belgium resigned the Assembly would elect the Netherlands. This is not a final decision and is subject to further consideration between the Belgian and Netherlands Delegations.⁷⁸

501.BB/12-1346

Memorandum of Telephone Conversation, by the Associate Chief of the Division of Dependent Area Affairs (Green)

[WASHINGTON,] December 13, 1946.

Mr. Gerig⁷⁹ telephoned this morning to say that the Delegation was considering the slate for elections to the Trusteeship Council. Its present slate, approved by the Department, consisted of Iraq and Brazil. Ambassador Dawson and Mr. Hall⁸⁰ had reported, however,

⁷⁷ Dr. J. H. van Roijen, Representative on the Netherlands Delegation.

⁷⁸ After two ballots on December 7 Byelorussia was elected to ECOSOC. This had the result of narrowing the field to the Netherlands and Turkey, and after two more ballots at the same meeting had failed to effect an election the President of the Assembly declared the voting postponed to a later time (GA (I/2), *Plenary*, pp. 998-1006, *passim*). When the balloting was resumed on December 12 there followed a complicated parliamentary situation, which may be traced *ibid.*, pp. 1222-1231. This in turn resulted in the withdrawal of Belgium from its ECOSOC seat, then the election of Turkey and the Netherlands in that order.

⁷⁹ Benjamin Gerig, Adviser on the United States Delegation Staff, and within the Department, Chief of the Division of Dependent Area Affairs.

⁸⁰ Carlos Hall, Adviser on the United States Delegation Staff.

that Mexico was rapidly becoming a more important candidate than Brazil. The Mexicans were campaigning actively, and claim to have obtained sixteen of the Latin American votes and the six Arab votes. Senator Austin felt so deeply committed to Brazil that he could not switch his vote to Mexico if Brazil did not withdraw its candidacy. The question was being considered, therefore, as to whether the Delegation should now vote for Brazil on the first ballot but not campaign for the Brazilian candidacy. If the first ballot revealed that Mexico was in the lead the Delegation might then switch its vote to Mexico on the second ballot. Mr. Gerig asked that I consult ARA on this matter.

I subsequently telephoned Mr. Miner⁸¹ of SPA since he has been handling the slate question. Mr. Miner said that he had received similar information from Mr. Popper in New York but had been unable to consult ARA on this matter. Mr. Miner asked that I check with Mr. Gerig to make sure that Mr. Dulles would have no objection to the selection of Mexico since Mr. Hiss had previously understood that Mr. Dulles was not satisfied with the Mexican approach to trusteeship questions. I then telephoned Mr. Gerig who said that, while the Delegation had had some doubts about Mexico early in the Assembly, the Mexican representatives in Committee 4 had been very helpful throughout the discussions, whereas, the Brazilian representatives had contributed absolutely nothing. On the question of monopolies, only Mexico and Uruguay had supported the United States position. Mr. Gerig did not think, therefore, that Mr. Dulles would have any objection to the selection of Mexico. I gave this information to Mr. Miner who said that he would consult ARA as soon as possible and prepare a telegram on the Department's position.

I asked Mr. Gerig whether any consideration had been given to the contingent election of two additional seats to the Trusteeship Council in order to anticipate approval of the United States trusteeship agreement by the Security Council. Mr. Gerig said that nothing had been done on this point and that he felt it was too late to raise it in the Plenary Session.⁸²

⁸¹ Robert G. Miner of the Office of the Director of the Office of Special Political Affairs.

⁸² The Department replied in telegram 321, December 13, 7 p. m., that it had "no objections to Gadel supporting Mexico instead of Brazil for TC, if Gadel considers such action desirable, and provided previous commitment to Brazil discharged". (501.BB/12-1346)

With the adoption by the General Assembly of seven trusteeship agreements on December 13 (see pp. 544 ff.) the conditions requisite for the constitution of the Trusteeship Council were fulfilled, and the Assembly proceeded to entertain a resolution submitted by the Fourth Committee calling for the same (GA(I/2), *Plenary*, pp. 1266 ff.). Final action was deferred until December 14 when the General Assembly elected Iraq and Mexico to the two seats on the new Council available on an elective basis; see *ibid.*, pp. 1320 ff.

This action by the General Assembly completed the establishment of the last of the principal organs of the United Nations and so of the Organization itself.

II. UNITED STATES POLICY REGARDING QUESTIONS RELATING TO THE VOTING PROCEDURE OF THE SECURITY COUNCIL OF THE UNITED NATIONS UNDER ARTICLE 27 OF THE CHARTER OF THE UNITED NATIONS AND THE FOUR POWER STATEMENT OF JUNE 7, 1945

501.BC/3-2246 : Telegram

*The United States Representative at the United Nations (Stettinius)
to the Secretary of State*

[Extract]

NEW YORK, undated.

[Received March 22, 1946—9:16 p. m.]

Unnumbered. For Hiss⁸³ and Bancroft.⁸⁴ Following is text submitted by Soviet to Chairman of Committee of Experts⁸⁵ just prior to today's meeting.

Text Translation Original Russian

Amendments to the redraft of the provisional rules of procedure for the Security Council proposed by the Soviet representative.⁸⁶

⁸³ Alger Hiss, Director of the Office of Special Political Affairs in the Department of State. For documentation relating to the organization and arrangements effected for the conduct of United States relations with the United Nations, see pp. 1 ff.

⁸⁴ Harding F. Bancroft of the Division of International Security Affairs. At this time the United States Delegation to the United Nations (hereafter referred to as the Permanent Delegation) was being organized in New York and Mr. Bancroft was about to be detailed there as an adviser on matters relating to the Security Council with specific reference to the work of the Committee of Experts.

⁸⁵ The Committee of Experts was established by the Security Council on January 17 to draft permanent rules of procedure for that body. It was composed of a representative of each of the eleven members of the Security Council, and at this time the chairman of the committee was the Chinese delegate, Mr. Yuen-li-Liang.

⁸⁶ The Soviet proposal, submitted by the Soviet delegate on the committee, Mr. Orekhov, was presented against this background: The Security Council at the time was operating under a set of temporary rules drafted by the Preparatory Commission of the United Nations (for documentation on the Preparatory Commission see *Foreign Relations*, 1945, vol. 1, pp. 1433 ff.), Rule 19 of which dealt with the Council's voting procedure in very general terms as follows: "Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice." In its initial stint at London (January 17-February 8) the Committee of Experts on February 5 turned out a provisional re-draft of the provisional rules of procedure, but the rule on voting, now Rule 30, remained the same (for this set of rules, under which the Security Council operated until April 9, see United Nations, *Official Records of the Security Council, First Year, Supplement No. 2*, pp. 1 ff., annex 1a; hereafter cited as SC, 1st yr., 1st series, Suppl. No. 2).

At the last meeting in London on February 8 delegates of the Committee were asked to be prepared, upon the re-convening of the Committee in New York in March, to submit any new rules of procedure, or revision of rules then in use, in which they might be interested. When the Committee did reassemble in New York on March 20 it was presented with a memorandum dated March 18 from the Secretary-General of the United Nations entitled "Statement on the Rules of Procedure of the Security Council". Among other things the Committee was invited by the Secretary-General to consider the importance of the distinction between

Footnote continued on following page.

[Here follows section on the Soviet proposal for Rule 19 of the provisional rules of February 5.]

"Rule 31. Should the Security Council consider a dispute, provided for by Article 33⁸⁷ of the Charter, a party to the dispute shall abstain from voting in accordance with paragraph 3 of Article 27⁸⁸ of the Charter.

Should the Security Council consider a situation provided for by Article 34⁸⁹ or any other dispute which does not fall under Article 33, all the members of the Security Council are entitled to participate in voting.

The decision of whether the question under consideration by the Security Council is of procedural nature and also of whether the question under consideration is a dispute or situation and whether this dispute is of the nature referred to in Article 33 of the Charter shall be regarded as accepted if it is voted for by seven members of the Security Council including the concurring votes of all the permanent members of the Security Council.[""]

[Here follows Soviet proposal for new Rules 32, 33, and 40.]

[STETTINIUS]

"dispute" and "situation" with reference to the voting procedure of the Security Council under Article 27, in the light of the experience of the Security Council during the sessions in London in January and February. It was at this point that the Soviet proposal was presented. It may be noted parenthetically that in the Department of State meanwhile a rather general approach was being taken to the whole question of rules of procedure.

The Soviet proposal was printed as Committee of Experts document S/Procedure/17, March 22, 1946 and the Secretary-General's memorandum as document S/Procedure/12, March 18, 1946; the Secretariat memorandum is printed in SC, *1st yr., 1st series, Suppl. No. 2*, pp. 8 ff., annex 1b.

The Russians submitted four proposed rules of procedure, both amendments to existing (provisional) rules and wholly new rules. Only the rule relating to voting under Article 27 (proposed Rule 31) is considered here.

⁸⁷ Article 33 states: "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."

⁸⁸ Article 27 reads: "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."

⁸⁹ Article 34 reads: "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."

501.BC/3-2846 : Telegram

*The United States Representative at the United Nations (Stettinius)
to the Secretary of State*

URGENT

NEW YORK, March 28, 1946—1 p. m.

RESTRICTED

[Received 1:10 p. m.]

12. For Ross⁹⁰ and Blaisdell⁹¹ from Johnson.⁹² There is set forth below a memorandum of conversation between Mr. Lawford,⁹³ U.K. Delegation and Mr. Joseph E. Johnson:

I called on Mr. Lawford at the Savoy Plaza on the evening of March 26 at his suggestion to discuss the work of the Committee of Experts.

He began by saying that Sir Alexander's⁹⁴ instructions in general envisaged close cooperation with the United States Delegation, and in the course of the discussion, he made this even clearer by reading an instruction relative to the proposed Soviet amendments.

[Here follows discussion of the Russian proposals for Rules 19, 32, and 33, which are not being considered here.]

On the third Soviet proposal,⁹⁵ Mr. Lawford said that they had requested instructions and legal opinion. He read to me extracts from the legal opinion, which he commented did not help a great deal. He indicated that he thought that Section II (2) of the Four Power statement at San Francisco⁹⁶ put us in a rather difficult position on

⁹⁰ John C. Ross, Deputy Director of the Office of Special Political Affairs.

⁹¹ Donald C. Blaisdell, Associate Chief of the Division of International Security Affairs.

⁹² Joseph E. Johnson, Chief of the Division of International Security Affairs, detailed to the Permanent United States Delegation to the United Nations as a general technical advisor, and at this time representing the United States on the Committee of Experts.

⁹³ Nicholas V. Lawford, officer in the United Kingdom mission at the United Nations.

⁹⁴ Sir Alexander Cadogan, British Representative on the Security Council.

⁹⁵ Proposed Rule 31.

⁹⁶ For the Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council, June 7, 1945, issued by the United States, the United Kingdom, the Soviet Union and China at the United Nations Conference on International Organization at San Francisco, and subscribed to by the Delegation of France, see Department of State *Bulletin*, June 10, 1945, p. 1047. For documentation concerning the San Francisco Conference, see *Foreign Relations*, 1945, vol. 1, pp. 1 ff.

The two parts of Section II of the Four Power Statement read:

"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."

this matter. He then read a three point attempt to define the dispute prepared in the Foreign Office which he said he would give me a copy of as soon as he could because on this point particularly they had been instructed to work very closely with the U.S. (No mention had been made of working with anybody else!) Copy attached.

I commented that one idea we had was that it might be possible to get agreement on lumping disputes and situations so that neither the party who brought a dispute or situation to the attention of the Council nor any member or members named as being involved, could vote. This would, of course, have to be adopted by general agreement, presumably by unanimity.

As to procedure for handling this matter, Mr. Lawford said that Cadogan had told him that he thought it important for the committee to discuss the question first and that any high level or Big Five negotiations should only be held after committee discussions. Indicating general agreement with this, I said that while I had not taken this up with Mr. Stettinius yet, I thought the best procedure might be to have a general discussion in the committee, of this issue, and that I was prepared to say that in my opinion such a rule as paragraph 3 of rule 31 would be a violation of the spirit of the Yalta formula.⁹⁷

Mr. Lawford and I both agreed that it was most important, in dealing with rules which either incorporated or expanded articles of the Charter, to make sure that no violation of the Charter occurred in dealing with them.

(Attachment)

United Kingdom suggestions for rules dealing with the definition of a dispute (prepared in Foreign Office and handed to J. E. Johnson by Mr. Lawford under instructions March 27; see memorandum of conversation between Mr. Lawford and Mr. Johnson on March 26.)
Begins:

(A) Definition of a "dispute".

In deciding under Chapter VI of the Charter whether a matter brought before the Security Council by a state is a dispute, or a situation, the Security Council shall hold that a dispute arises:

(1) If state or states bringing the matter before the Security Council, and the state or states whose conduct is impugned, agree that there is a dispute;

⁹⁷ For the "Yalta voting formula" agreed upon by the United States, United Kingdom, and the Soviet Union at the Crimea Conference on February 7, 1945, see *Foreign Relations, The Conferences at Malta and Yalta, 1945*, p. 682, or Department of State *Bulletin*, March 11, 1945, p. 394; references in this text are to the Dumbarton Oaks Conference Draft of the United Nations Charter. This formula was incorporated into the United Nations Charter as Article 27.

(2) Whenever the state or states bringing the matter before the Council allege actions or intentions of another state are endangering, or are likely to endanger, the maintenance of international peace and security, and state or states which are subject to these allegations contest some or all of the facts or inferences to be drawn from the facts;

(3) Further, if a state bringing a matter before the Council alleges that another state is violating the rights of a third state and the latter supports the contention of the first state, then the third state shall also be deemed to be a party to the dispute.

(B) Submission of cases in writing.

Any state bringing a dispute or situation before the Security Council shall furnish a full written statement of the grounds of fact and law on which its case is based, for circulation to members of the Council before the discussion is opened. *Ends.* [Johnson.]

STETTINIUS

IO Files: US/S/CE/3

*Memorandum by the Director of the Office of Special Political Affairs (Hiss)*⁹⁸

SECRET

[NEW YORK,] March 28, 1946.

COMMENTS ON THE "DISPUTE" AND "SITUATION" PROBLEM⁹⁹

Purposes of Article 27(3) of the Charter Are Clear

As Mr. Noyes demonstrates in his memorandum of March 23¹ (first two paragraphs of item 2), it is clear that the purpose of the abstention provision in Article 27(3) was to avoid having any Power a judge in its own case.

However, it does not follow from this that every determination of whether a particular case is a dispute turns upon this objective. There can be other distinct but valid reasons why a member nation may wish to insist that it is not a party to a dispute.

⁹⁸ Presumably Mr. Hiss was in New York with the Permanent Delegation at the time he drafted this paper.

⁹⁹ This subject insofar as it related to the voting problem had been under study at the Permanent Delegation from the time the Delegation was established at New York in mid-March, with specific reference to the issue between the Soviet Union and Iran to be considered by the Security Council when it re-convened at New York on March 25; see vol. VII, pp. 289 ff.

¹ Not printed. Charles P. Noyes was assigned to the Permanent Delegation as a special assistant to the United States Representative (Stettinius); this position was later formalized to constitute an advisorship on Security Council matters.

From the point of view of the abstention provision in Article 27(3) there would be good reasons for insisting that the determination of whether or not a dispute exists, and who the parties to that dispute may be, should be determined by procedural vote. Certainly no permanent member of the Council could argue with good grace that it should have the right to veto a determination that it should not vote in questions arising under Chapter VI.² On the other hand, from the point of view of the substantive determination (for other purposes of the Charter) of whether a particular case is or is not a dispute, there is good ground for the argument that this should not be regarded as a matter of mere procedure. The apparent impasse which results from these considerations is of significance only insofar as it affects the determination of who may and may not vote on particular motions. The impasse was solved at London by the British and French representatives waiving any right to vote without admitting that the matter was a dispute. This experience indicates a practical reaction to the problem which might be generalized.

Suggested Formula for Determining Abstention

On the basis of the foregoing analysis, it would appear that a solution would be found by concentrating on defining by rule those who should abstain in specified situations. The rules might recite the purpose of the abstention provision in Article 27(3) along the lines indicated above, and then provide that to give effect to these provisions the principle of abstention should apply in cases analogous to disputes, *i.e.* where charges are officially preferred by complaining State regardless of whether or not the case is technically a dispute for the purposes of the Charter. Obviously the abstention provision would apply in any case which is technically found to be a dispute. However, where no finding that a dispute technically exists has been made, the purposes of the abstention provision, Article 27(3), can best be effectuated by a determination of qualification to vote separate and apart from a determination of whether a particular case is a dispute. This separate determination would not involve a debatable interpretation of the Charter, that being generally agreed to by hypothesis if there is agreement as to the purposes of the abstention provision in Article 27(3). Consequently, this determination may appropriately be made by a procedural vote.

² Chapter VI of the Charter is concerned with the pacific settlement of disputes and relates therefore to the conciliatory function of the Council as contrasted with the Council's "policeman" function under Chapter VII (action with respect to threats to the peace, breaches of the peace, and acts of aggression).

This is, in effect, exactly what occurred in London in the Syrian-Lebanese case by reason of the voluntary action of the British and French representatives.³ There, there was no technical finding that a dispute existed, and the British and French Governments might very well have resisted any such finding for general purposes of the Charter. At the same time they recognized that they should not participate in voting in the case; made no assertion that they had a right to veto any decision that they should not vote; and, therefore, in substance preferred to be guided on this point by majority sentiment of the Council.

Course To Be Followed If the Above Proves Unacceptable

It would seem that even if the above suggestion proves unacceptable in the Committee of Experts, it would still be valuable for us to have presented it in order to clarify the basic issue involved and to try to separate two distinct concepts that are involved. If it is not accepted, we will probably have to free [*face?*] frankly the fact that we have reached an impasse on the determination of voting qualification; but if the general purpose of the abstention provision, Article 27(3), receives general agreement, an impasse may prove to be not too important. It would then be plain that no permanent member which insisted upon vetoing a resolution whose sole purpose was stated to be the disqualification of that member from voting would be placed in a most untenable position vis-à-vis world opinion, and this would also apply to votes by that member cast on subsequent substantive resolutions under Chapter VI. This result would salvage all that can practically be salvaged in the event of impasse in any event and would prevent the opprobrium to which the Council would subject itself if the matter were left at the impasse stage with no procedure settled for an indefinite period.

In other words, if the suggestions proposed above are not accepted, our next course will simply be to agree to rules of procedure which do not specify the nature of the vote required in determining, for the sole purpose of settling voting qualifications, whether a dispute exists. Such rules would of course still leave open voluntary action of the kind taken by the British and French in the Syrian-Lebanese case, thus still making it possible to settle the issue of voting qualifications without determining whether a dispute exists—which would mean effectuating the purpose of Article 27(3) in situations as well as all technical disputes.

³ For documentation on this subject, see vol. VII, pp. 751 ff.

501.BC/4-846

*Memorandum by the Counselor of the Department (Cohen)*⁴

[WASHINGTON, April 8, 1946.]

THE EFFECT OF ABSTENTION FROM VOTING

Article 27(3) provides:

"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."

It should be noted that the Charter provides that a party to a dispute shall abstain from voting. It does not expressly provide that if a party to a dispute is a permanent member, its concurrence shall not be required. Yet it is clear that the intent of the Charter is that such concurrence may be dispensed with when a permanent member which is a party to a dispute abstains from voting as it is required to do under the Charter.

If a permanent member's concurrence is not necessary when it is required to abstain from voting, there would seem to be no sound reason why its concurrence should be required if it voluntarily abstains from voting.

There was it is true some informal committee discussion in San Francisco that looked the other way, but this discussion was never publicized nor were any authoritative decisions communicated to the Conference at the time the Charter was adopted.

There certainly is no compelling reason for requiring the concurrence of a permanent member if it voluntarily abstains from voting. Every legitimate interest of a permanent member is protected when it is given the right to register its nonconcurrence. If it fails to avail itself of the opportunity granted and deliberately abstains, it should be deemed to have waived its right of concurrence.

There may be many matters on which a permanent member may not wish to vote in the affirmative and still may not wish to exercise its veto. It is absurd to insist that a permanent member must veto a proposal if it cannot vote for it.

If a permanent member deliberately withdraws from participation

⁴ Handed by Mr. Cohen to Harding Bancroft of the Division of International Security Affairs on April 8; transmitted by Mr. Bancroft to the Director of the Office of Special Political Affairs (Hiss) on April 9. The memorandum printed *infra* was transferred in the same way. The two were described subsequently by Mr. Hiss as "paper 1" and "paper 2".

in any proceedings of the Council, it cannot be urged that it was intended to give it the right to stop all further proceedings until it chose to return. While the hope was expressed at San Francisco that no member would withdraw from the Organization, yet it was conceded that a member could withdraw if it wished. Yet it was never suggested that the withdrawal of a permanent member would put an end to the Security Council. But that is exactly what would happen if the abstention of a permanent member is considered the equivalent of a negative vote on every substantive question.

The requirement that seven members of the Council must vote affirmatively to make any substantive decision is a requirement that cannot be waived. It was placed in the Charter to prevent action by a rump Council. But the concurrence of the permanent members was a special right given to the permanent members in view of the special responsibilities they assumed. To retain that right, the permanent member must be present and register its nonconcurrence.⁵

501.BC/4-846

Memorandum by the Counselor of the Department (Cohen)

[WASHINGTON, April 8, 1946.]

THE DETERMINATION OF THE RIGHT TO VOTE

Article 27(3) of the Charter provides that in decisions under Chapter VI a party to a dispute shall abstain from voting.

There is no express provision in the Charter determining whether a matter constitutes a dispute or requires a determination of that question before the issue arises as to the right of a party to vote on a particular issue.

In these circumstances if the right of a member of the Council is challenged, it would seem that the Chairman in determining initially the right of the challenged member to vote should determine (1) whether the matter before the Council is a dispute and (2) whether the member whose vote is challenged is a party to the dispute. The Chairman's determination can of course be overruled by the Council by a procedural vote. All decisions of the Chairman are procedural and no decision of the Chairman should require a substantive vote to overrule.

To require a substantive vote to overrule the Chairman would obviously place excessive power in the hand of the Chairman.

⁵ A notation by Mr. Hiss on the transmittal "chit" reads: "paper 1 doesn't consider q[uestion] of US Govt commitment to others of Big 5", a possible reference to the June 7, 1945 Statement of the Four Sponsoring Powers.

To require a substantive vote to sustain the Chairman in a case of this kind would make it impossible to disqualify a member from voting in a dispute to which it is a party without its consent. Such a result was obviously never contemplated by the framers of the Charter.

The Charter is clear and explicit. It provides that a party to a dispute shall abstain from voting under Chapter 6. It does not say that a member may vote unless the Council affirmatively determines that it is a party to a dispute.

When, therefore, a member's right to vote is challenged, the Chairman must rule whether or not the member has a right to vote under the Charter. If the Chairman's determination is not satisfactory to the Council, it can be overruled by a procedural vote.⁶

501.BC/4-1246

Memorandum by the Associate Chief of the Division of International Security Affairs (Bancroft) to the Director of the Office of Special Political Affairs (Hiss)

[WASHINGTON,] April 12, 1946.

Joe Johnson reported on the telephone this morning that the Committee of Experts, through the use of subcommittees, expects to complete its consideration of the Rules relating to the conduct of business this week. Meetings have been held regularly twice a day by the Committee and two meetings are scheduled for today.⁷

Accordingly, there is every likelihood that early next week the Committee will commence and perhaps complete its consideration of the Rules relating to the determination of a dispute v. situation and relating to the determination of who must abstain from voting under Article 27, 3.

Although Joe Johnson has done all he can to retard the Committee's

⁶ Notation by Mr. Hiss on transmittal "chit": "paper 2 doesn't cover a 'situation'". A third paper drafted by Mr. Cohen and transmitted to Mr. Hiss via Mr. Bancroft is not attached to the two documents under consideration and has not been found in the Department's files.

⁷ The first phase of the work of the Committee of Experts in New York ended on April 5 when the Committee submitted to the Security Council a report recommending the adoption of 23 rules of procedure regarding meetings, agenda, representation, and credentials, and secretariat. Intended to replace or supplement rules 1-15 of the provisional rules of the Security Council drawn up by the Preparatory Commission and adopted by the Council during January-February, the report also proposed the adoption of a supplementary rule regarding communications from nongovernmental sources. The Security Council on April 9 adopted the new rules, with minor amendments; these were incorporated into United Nations document S/35 (see SC, *1st yr., 1st series, Suppl. No. 2*, pp. 15 ff., annex 1c). Rule 30 of the February rules (voting) became Rule 27 in the April 9 rules.

excessive haste, he has not been able to control it.⁸ I suggested to him that in such circumstances he should make every effort to obtain agreement among the Committee members to the United States desiderata on the question of abstention from voting by parties to a dispute; and that we were hoping to clear a statement of such desiderata with Mr. Hiss and Mr. Cohen today. In the meantime, the memoranda prepared by Mr. Cohen and Mr. Hiss on the question could serve as a basis for his arguments.

The members of the Committee who are the proponents of excessive speed are the Soviet and French representatives. The basis of their position is that their experts on procedure will not be in New York long and they want to get the job completed before they go.

It might now be appropriate for Mr. Stettinius to have an informal conversation with Mr. Gromyko⁹ and M. Bonnet¹⁰ with a view to slowing down the processes of the Committee. He could very appropriately point out that the work of the Committee of Experts should be continuing in nature, and that to adopt Rules on such important subjects as are now before the Committee without adequate consideration would serve in the long run to retard rather than to expedite the work of the Security Council.¹¹

501.BC/4-1246 : Telegram

*The United States Representative at the United Nations (Stettinius)
to the Secretary of State*

[Extracts]¹²

SECRET URGENT
[via Courier]

NEW YORK, April 12, 1946—8:30 p. m.

71. Daily Secret Summary . . .
Committee of Experts . . .

⁸ A comprehensive program for the work of the Committee of Experts as regards rules of procedure was outlined in a memorandum of April 3 drafted by the Associate Chief of the Division of International Security Affairs (Bancroft); by April 9 it had been approved within the Department and was ready for transmission to the Permanent Delegation (501.BC/4-946).

⁹ A. A. Gromyko, Soviet Representative on the Security Council.

¹⁰ Henri Bonnet, French Representative on the Security Council.

¹¹ No record of such an approach by Mr. Stettinius has been found in the Department's files.

¹² Attention is invited to the special procedure used in this compilation with regard to the printing of extracts in daily summary telegrams. As these telegrams are multi-subject, the usual *Foreign Relations* practice of describing omissions in a bracketed note is not followed. Instead, omissions are indicated by dots when such omissions involve subjects in the summary telegrams other than proposals under discussion by the Committee of Experts relative to Article 27.

The next document discussed was S/Procedure/51,¹⁴ a group of additional rules proposed for inclusion in the chapter on conduct of business. These were originally part of a list submitted by the U.S. representative¹⁵ and which were discussed by a three-man sub-committee appointed April 11. . . .

The U.S. representative, at the close of the meeting, explained that during the course of the meeting he had received new instructions from his government concerning Rule A¹⁶ (S/Procedure/51), which had already received general agreement in substance from the committee. Since his government had raised important questions of principle relating to it, he requested that the committee defer final approval of Rule A for several days;¹⁷ this was granted. . . .

STETTINIUS

501.BC/4-1346: Telegram

The Secretary of State to the United States Representative at the United Nations (Stettinius)

SECRET

WASHINGTON, April 13, 1946—11 a.m.

18. For Johnson from Hiss. Text of proposed Rules of Procedure¹⁸ discussed in telephone conversation April 12 between Johnson and Bancroft is as follows:

Rule B—"In announcing the results of a procedural vote, the President shall indicate the number of members voting in favor of the proposed action and shall state whether the proposed action has been taken.

In announcing the results of a substantive vote, the President shall indicate the number of members voting in favor of the proposed action, and the permanent members concurring; the number of members voting against and the permanent members voting against; and the number of members abstaining and the permanent members abstain-

¹⁴ This document contained nine draft rules, "A" through "I".

¹⁵ Joseph E. Johnson.

¹⁶ Regarding Rule A, see footnote *, p. 288.

¹⁷ Presumably this was the result of the telephone conversation between Mr. Bancroft in Washington and Mr. Johnson in New York described in Bancroft's memorandum, *supra*.

¹⁸ A Permanent Delegation memorandum dated May 6 identifies these rules as (new) "rules in lieu of S/Procedure/51/Rev. 1, Rule A" (IO Files, document SD/S/137). These were proposed by the Counselor of the Department, Mr. Cohen, who wrote in a memorandum of April 12, apparently the basis of this telegram, "I am in doubt whether it is wise to submit rules of procedure which may affect the trend of thinking on some of the most delicate voting questions until we have had chance to discuss our views informally with members of the Council and their experts.

"If we must go into these questions now, I should suggest that the following two rules should be submitted. . . ." (501.BC/4-1246)

ing. Unless a permanent member abstaining, affirmatively indicates that it does not concur, it shall not be deemed to have exercised its veto right, but shall be deemed to be willing to concur without voting on whatever action the Council may take by an affirmative vote of seven members including the concurring votes of the other permanent members."

Rule C—"In accordance with Article 27(3) a party to a dispute shall abstain from voting on non-procedural matters, and in announcing any vote on any such matter the President shall record any member which he deems to be a party to a dispute within the meaning of Article 27(3) as not voting. If any member of the Council appeals a ruling of the President either that a member shall abstain or shall not abstain from voting, the President's ruling may be overruled by a procedural vote."

Further telegram follows.¹⁹ [Hiss.]

BYRNES

501.BC/4-1346 : Telegram

The Secretary of State to the United States Representative at the United Nations (Stettinius)

SECRET

WASHINGTON, April 13, 1946—2 p. m.

19. For Johnson from Hiss. Reference our telegram April 13²⁰ sending text of two rules for use in informal conversations with the representatives on the Committee of Experts.

In general, after discussion with Mr. Cohen, we feel that you must make it clear to the Committee that its agreement on any rule of procedure must be regarded only as tentative and not binding on the United States. In other words, your acceptance as a representative on the Committee of an agreed rule of procedure is an *ad referendum* acceptance and is subject to approval here.

We still retain our view that controversial rules should not be discussed prematurely by the Committee of Experts and would therefore prefer the Committee to consider rules which are susceptible of prompt agreement and do not involve Charter interpretation.

We are not prepared to recommend Rule B set forth in the earlier telegram as the firm position of the United States Government. However, it can be used to promote discussion in the Committee of Experts or elsewhere and may be helpful in your efforts to persuade the other

¹⁹ Telegram 19, April 13, 2 p. m., *infra*.

²⁰ Telegram 18, *supra*.

members to the view that a permanent member may abstain from voting on the Council without exercising a veto.

The question of the matters before the Council to be decided by a procedural vote or by a substantive vote is one that should be considered by the Committee of Experts in its entirety and not in its application to a single case. We would recommend that the Committee could usefully consider an inventory of matters which should be determined by the Council by substantive and by procedural votes. This would enable the Committee members to see the problem as a whole and to evaluate the extent to which Council action must be taken by one or the other types of vote.

We suggest that Rule C be used as a first step in discussion only if the Committee determines to proceed to the immediate consideration of Rule 31, proposed by the Soviet representative or another specific rule dealing with other problems set forth in Rule C. [Hiss.]

BYRNES

501.BC/4-1546: Telegram

The Secretary of State to the United States Representative at the United Nations (Stettinius)

SECRET

WASHINGTON, April 15, 1946—8 p. m.

24. To Johnson from Hiss. We transmitted to you today by pouch Minutes of the Twenty-ninth Meeting of Committee of Five Deputies at San Francisco on May 29, 1945.²¹ We call your attention to discussion on pages three to six inclusive, where Sobolev²² opposed Pasvolsky's²³ proposal that Conference answer list of questions on application of voting procedure on ground that Security Council itself after its organization should decide questions rather than Conference.

In our recommendation that Committee of Experts could usefully consider inventory of matters which should be determined by procedural or by substantive vote and in suggesting to Committee specific rules calling for procedural or substantive votes of Council, US is in effect carrying out procedure suggested in San Francisco by Soviet representative. [Hiss.]

BYRNES

²¹ Not printed.

²² A. A. Sobolev, member of the Soviet Delegation to the San Francisco Conference.

²³ Leo Pasvolsky, Adviser, United States Delegation to the San Francisco Conference.

501.BC/4-1546: Telegram

*The United States Representative at the United Nations (Stettinius)
to the Secretary of State*

[Extract]

SECRET URGENT NEW YORK, April 15, 1946—9:30 p. m.
[via Courier]

74. Daily Secret Summary
Committee of Experts

The bulk of the day's discussion attached to the Soviet proposal to amend Rule 31 (Item 3; S/Procedure/17). At the outset, Professor Stein, the USSR representative,²⁴ contended that the present rules on voting now in force are not precise enough, and that his amendment was intended to clarify the voting procedure using as the juridical basis the four-power declaration at San Francisco and the Charter itself. "The text is clear," Professor Stein said. "It should be adopted or rejected as you like."

Mr. Hasluck, the Australian representative, then questioned Stein as to what his amendment meant when it referred to, in paragraph two of his proposal,²⁵ ". . . any other dispute which does not fall under Article 33 . . ." Stein replied that the Charter enabled the Security Council to discuss many types of disputes although its principal responsibilities related to those under Article 33.

Chairman Liang, giving his interpretation of the legal status of "disputes", concluded, after a detailed analysis of the Charter's references to disputes, that it would *not* be in accordance with the spirit of the Charter to limit the application of the abstention clause of Article 27, Par. 3, to disputes brought up under Article 33.

Mr. Johnson, U.S. representative, agreed with the chairman's remarks and added that he could not in any case accept a rule of procedure limiting the obligation to abstain from voting solely to the type of disputes referred to in Article 33. The Egyptian representative, Mr. Saba, associated himself with the chairman's and Mr. Johnson's remarks, as did the U.K., French, Brazilian and Polish representatives.

Prof. Stein then said that since it was agreed that there were two types of disputes it was necessary "from the logical viewpoint" to dis-

²⁴ Professor B. E. Stein had replaced Mr. Orekhov on March 28 as Soviet delegate in the meetings of the Committee of Experts.

²⁵ The Soviet proposal is found in New York's unnumbered and undated telegram which was received in the Department on March 22; see p. 251. Paragraph two reads: "Should the Security Council consider a situation provided for by Article 34 or any other dispute which does not fall under Article 33, all the members of the Security Council are entitled to participate in voting."

tinguish between these two. The Council's first duty is to distinguish between the two, and the second duty, after they have made a distinction is to decide whether the parties to the dispute should abstain from voting. He was not convinced that the voting process should be the same for both distinct types of disputes.

It was agreed that under Article 34, the Council first must decide to "investigate any dispute . . ." and second, must decide "whether the continuance of the dispute . . . is likely to endanger the maintenance of international peace and security."

Liang agreed that there could be a distinction in disputes but added that they had different consequences. However, these had no bearing on the voting procedure, and Article 27(3) was effective in both cases. Johnson enlarged this point and stated that since a party to a dispute should not be a judge in its own case, a permanent member of the Council should not have the right to prevent determination of what particular class of dispute exists.

The committee discussed this problem further but adjourned at 1:00 p. m. until Tuesday, April 16, without coming to a decision. Since the Security Council meets at 11:00 a. m. Tuesday, April 16, the committee will probably meet at 3:00 p. m. Tuesday, for continued discussion on the Soviet veto proposal, and probably will take up immediately Paragraph 3 thereof.

In the course of Sunday, April 14, and Monday, April 15, U.S. representative Johnson informally and confidentially presented copies of the suggested U.S. revision of Article (A)—(S/Procedure/51)—relating to announcement of votes²⁶ to his U. K., China, U.S.S.R. and French colleagues on the committee of experts, in the order given.

In each case Johnson made it clear that this was a *suggestion* on which the U.S. would like comments. He referred specifically to the two discussions in San Francisco on this point among representatives of the Big Five, and explained that this background was the reason for showing copies at this time only to representatives of the permanent members. Lawford and Chaumont²⁷ made no comment on the substance. Liang thought China would accept the concept of abstention. Stein, while he made clear the need to talk to Gromyko, said that he personally was not in favor of forcing a state to vote if it wished to abstain. This is perhaps significant in light of the fact Johnson told Stein in detail of Lavrentiev's position at San Francisco.

Johnson also discussed with Lawford and Liang the proposed rule relating to parties to a dispute (Department's urtel 18).²⁸ Both Liang

²⁶ That is, Mr. Johnson distributed texts of Rule B as set forth in telegram 18, to New York, April 13, p. 262.

²⁷ Mr. Chaumont was the French delegate on the Committee of Experts.

²⁸ See Rule C, telegram 18, April 13, p. 262.

and Lawford had doubts as to whether there was sound legal basis for this procedure. Johnson has not yet had time to discuss this matter with Chaumont and Stein.

STETTINIUS

501.BC/4-1646: Telegram

*The United States Representative at the United Nations (Stettinius)
to the Secretary of State*

[Extract]

SECRET URGENT
[via Courier]

NEW YORK, April 16, 1946—10:15 p. m.

81. Daily Secret Summary. . . .
Committee of Experts. . . .

Discussion on the Soviet proposal (S/Procedure/17) was then resumed and dealt with paragraph three of item three.²⁹ Liang pointed out that this paragraph actually consisted of three parts:

1. Whether the question under consideration by the Council is one of procedure shall be approved by a vote of seven members of the Council including concurring votes of all the permanent members;
2. Whether the question under consideration is a dispute or a situation shall be approved by a vote of seven members of the Council including concurring votes of all the permanent members;
3. Whether the dispute is of the nature referred to in Article 33 of the Charter shall be approved by a vote of seven members of the Council including concurring votes of all the permanent members.

General agreement was reached on point one, since it stemmed directly from the San Francisco declaration by the Big Five.³⁰ However, several members contended that it was not necessary to spell out such a rule since the San Francisco declaration existed to guide the Council.

The Polish representative pointed out that some questions were obviously procedural and others obviously substantive, therefore a rule stating exactly which questions were procedural should be drawn up. Johnson (U.S.) declared he would like to see each question labeled as to whether it was procedural or substantive and the rules of procedure drawn up accordingly. Lawford (U.K.) agreed with this, say-

²⁹ Paragraph 3 reads: "The decision of whether the question under consideration by the Security Council is of procedural nature and also of whether the question under consideration is a dispute or situation and whether this dispute is of the nature referred to in Article 33 of the Charter shall be regarded as accepted if it is voted for by seven members of the Security Council including the concurring votes of all the permanent members of the Security Council."

³⁰ i.e., the June 7, 1945, Statement by the Four Sponsoring Powers; see footnote 96, p. 253.

ing his government would like clear, comprehensive and automatic decisions as to whether voting should be on a procedural basis or not. Hasluck (Australia) said everyone recognized that there was a clear division on most questions as to whether they required substantive or procedural vote, but that the committee should try to reduce the middle ground of doubtful questions to an area as small as possible. These would have to be settled by *ad hoc* decisions.

The committee then proceeded to the second part of the problem. Hasluck questioned what the political effects of rules drafted on this problem would be, since a party to a dispute, if unscrupulous, could remove a future ban on its participation in voting by using the veto in the early stages of the question. Chairman Liang, speaking as the Chinese representative, reminded the committee that the Yalta formula was set up only with the Dumbarton Oaks documents as a basis. Thus, he cautioned, when the Yalta formula mentions "disputes" it also means "situations." He added that any widening of the veto power should be guarded against, since the sponsoring powers who made the San Francisco declaration pledged to the smaller nations only limited use of the veto. Adoption of the Soviet proposal's interpretation could hardly be considered consonant with such a pledge, he reasoned. Johnson subscribed to Liang's remarks and pointed out that two points were involved: 1) Decision as to whether a dispute or situation exists; and 2) Decision as to who, under Article 27(3) are parties to a dispute. 1) is clearly substantive, but he could not accept such a rule unless it also included a rule on 2).

STETTINIUS

501.BC/4-2446: Telegram

*The United States Representative at the United Nations (Stettinius)
to the Secretary of State*

[Extract]

SECRET

URGENT

NEW YORK, April 24, 1946—10 p. m.

[via Courier]

105. Daily Secret Summary

Committee of Experts . . .

The Security Council's Committee of Experts met at Hunter College at 10:30 a. m. Wednesday, April 24, and proceeded to discussion of Item 3 of S/Procedure/17, the Soviet proposal for the redraft of Rule 31.³²

³² The Committee of Experts had put this question aside and considered other matters during the period April 17-23.

The Committee agreed at request of Soviet representative Stein to discuss the third point in the third paragraph of this item, which says that the "decision . . . whether the dispute is of the nature referred to in Article 33 of the Charter shall be regarded as accepted if it is voted for by seven members of the Security Council, including the concurring votes of all the permanent members of the Security Council."

Van Blokland (Netherlands) gave a prepared statement which dealt primarily with the second point in the third paragraph of Item 3. This concerns the vote on the decision as to whether the question under consideration is a dispute or a situation. Van Blokland felt that the rule should be concerned not only with the vote on this question but also with the problem of determining whether the question is a situation or dispute.

The burden of his argument was that procedures should be set up to narrow the doubtful area between the two questions and make it easier for the Council to decide whether the matter was a situation or a dispute. In effect, his criterion for determining whether a dispute exists in a doubtful case is if a situation violates justice and international law and somebody brings it to the Council's attention. As an example, he said if troops of one country lined the border of another country this could be considered only a situation, but if the first country conducted fifth column activities and charged that this was a fact, then the situation thus became a dispute. He left himself open on how the Council would decide on this point if the claim that a dispute exists was challenged by some other state. He understood both sides of the argument but leaned to the idea of considering it a procedural matter.

At this point, Stein called the Committee's attention to the fact that they had agreed to discuss the third point of the paragraph and therefore requested the views of the members on this.

Liang (China), Lawford (U.K.) and Johnson (U.S.) all stated that they thought the decision relating to this point should be by substantive vote, but each insisted that the rule should contain provisions setting forth the obligatory abstention from voting of Council members who were parties to the dispute in question.

Hasluck (Australia), and de la Colina (Mexico), although agreeing tentatively on this point, did not express firm opinions on Stein's specific proposal. Hasluck brought up the question of the binding effect of the four-power statement at San Francisco. Johnson and Chaumont

(France) stated categorically that it is binding on the five powers, Chaumont specifically including France on this point.³³

Hasluck denied that it bound any but the five powers, while de la Colina declared that this was at least a moot point. Johnson agreed with de la Colina and pointed out that at San Francisco, committee 3(1) had agreed not to vote on this point. Stein argued that the four-power statement was binding on all, basing his argument on the fact that he knew of no existing document which contradicts this interpretation.

Stein, at this point, indicated that he wished to summarize the debate, but Johnson, with Stein's permission, proceeded to summarize the arguments he had presented in the committee on the three parts of the third paragraph of the Soviet proposal for Rule 31.

1) With respect to determining whether a procedural or substantive decision is involved, Johnson stated that the final paragraph of the four-power statement at San Francisco made it clear that such a decision must be substantive. However, he could not accept a rule such as the Soviets proposed unless there had previously been spelled out the vote by which decisions under each rule, where a decision is required, were to be taken. Indeed, he was not sure that even then the Soviet rule would be desirable.

2) As to the decision whether a situation or dispute exists, that also is substantive. Here again, however, Johnson opposed any rule on this point unless coupled with a satisfactory rule taking care of the distinct and separate issue of determining who are to be considered parties to a dispute for the purposes of Article 27(3).

3) The decision whether the dispute is of the kind referred to in Article 33 is also substantive. Johnson opposed, however, a rule to cover only this question under Chapter VI and did not wish to accept it unless coupled with as many rules as the committee would draft relating to other decisions under Chapter VI. Moreover, the question of abstention of parties would also have to be considered in connection with this rule.

Stein declared, after Johnson's summary, that the USSR attached great importance to these amendments since they felt that the absence of rules of procedure on these points would hamper the work of the Council. The lack, or absence, of precise rules, he added, may have consequences not only of juridical but also political importance, and may block the work of the Council and affect its prestige.

He noted that even those who admitted they are bound by the four-power statement do not want these rules. He pointed out, "without criticizing", that such binding includes the obligation to carry out the four-power statement with implementing rules. He came to the conclusion after the statements made by Liang, Hasluck, Johnson and

³³ See footnote 96, p. 253.

Lawford on the Soviet proposals, that the committee should present an objective report to the Council, not at once, but in the near future, on the discussion on Rule 31 of the Soviet proposal.

As the meeting closed, Johnson requested permission to speak first at the next meeting in connection with certain remarks Stein had made in his summary and particularly on Stein's proposal that a report should be made to the Council on the various views on the Soviet amendment. Hasluck also reserved the right to speak on these points at the next meeting. The committee meets again at 10:30 a. m. Thursday, April 25.

After the meeting, in a brief discussion with Chaumont, Johnson said that he opposed such a report as unnecessary and undesirable. Chaumont said that if his delegation agreed on this, he would support Johnson's opposition to such a report.³⁴

501.BC/4-2646 : Telegram

*The United States Representative at the United Nations (Stettinius)
to the Secretary of State*

SECRET URGENT

NEW YORK, April 26, 1946—12:10 p. m.

[Received 1:44 p. m.]

113. Attention Hiss. Request instructions regarding position on Rule A of S/Procedure/51, revision 1, in light of the following.³⁵

As you will recall Johnson, acting under instructions, reserved the U.S. position on this rule and at his request Committee deferred further consideration of it. Subsequent to receipt of your Nos. 18 and 19 of April 13, Johnson handed copies of rule B set forth in former to representatives of U.K., France, China and U.S.S.R. explaining purpose of this rule and stating that he realized it, in effect, would constitute a reversal of decision reached by Big Five at San Francisco, June 11[?], 1945. He said that his Government had given further consideration to this question and believed that abstention of permanent members parties to a dispute was both desirable and consistent with provisions of Charter.

Johnson has now ascertained the views of his four colleagues as follows. The French are rather in favor of the proposed rule. The British see no objection to the proposed rule but believe it would be

³⁴ At the meeting on April 25 Mr. Johnson made a prepared statement declaring his opposition to the Soviet request that a special report be made on the Committee's consideration of the Soviet rule for voting contained in the proposal for a new Rule 31. This statement was incompletely reported in telegram 110, April 25, from New York, not printed. (501.BC/4-2546)

³⁵ See telegram 71, April 12, 8:30 p. m., from New York, p. 261.

difficult to reach agreement on it. The Chinese apparently share the British view. Stein, on the other hand, states that he has consulted his Government and that it is opposed to such a rule. While a permanent member cannot be forced to vote he said, against its wishes, the Charter clearly imposes a special obligation on permanent members and they should not be encouraged by such a rule to abstain. Moreover, there might be serious practical difficulties if so many abstain as to make an affirmative vote impossible.

It appears certain that discussion on rule A of S/Procedure/51 will take place early next week. Johnson has indicated to all four of his above-mentioned colleagues that he may submit the proposed amendment to this rule at that time, but has made no final decision on this point.

In view of the facts that this rule would, in effect, reverse a five-power agreement and that Soviet Government opposes it, Johnson desires instructions regarding its submission to Committee as a whole. If he is not to introduce it, what attitude should be taken toward present rule A? If it is introduced and Stein announces his opposition, what course should be followed?

It is our tentative view that rule A, as it stands, can be accepted without prejudicing possible later amendment along the lines suggested in proposed redraft.

STETTINIUS

501.BC/4-2646 : Telegram

The Acting Secretary of State to the United States Representative at the United Nations (Stettinius)

SECRET

WASHINGTON, 26 April 1946—1 p. m.

37. For Johnson from Hiss. This relates to Rule A of S/Procedure/51/Rev. 1 (reurtel No. 113 of April 26).

Inasmuch as Rule A does make it mandatory on the President after a vote is taken to state whether the question voted on has been carried, we believe that it would be a mistake for the Committee of Experts to adopt Rule A as it now stands without having considered the question of the voluntary abstention of a permanent member.

It seems to us that this is one of the cases where it is preferable for the Council to have no rule of procedure than to have one on which unanimous agreement has not been reached. Furthermore, in view of the fact that our proposed Rule B has been shown only to the representatives of the permanent members and not to the representatives of the other members of the Council, it would be helpful to have the views of those governments. We see no reason why the Committee of Experts

should reach a decision on this question in great haste and would prefer to have it discussed at some length and over a period of time.

Stein's opposition to the rule appears to be not against its practical operation but against the existence of the rule itself. His admission that a permanent member cannot be forced to vote against its wishes appears to us to indicate that he would not necessarily attack the validity of a resolution of the Council on a substantive matter which was adopted by the necessary majority except for a permanent member who voluntarily abstained. This seems further to indicate that there is no necessity for having a rule on this subject at the present time.

As far as his arguments against the rule are concerned, we are willing to admit that the permanent members have a special obligation to vote on questions coming before the Council but this does not mean that the Charter itself demands that they must vote on every issue where they are willing to accept a decision of the Council without affirmatively voting for it.

We are not particularly impressed with his second argument that there might be practical difficulties in obtaining the necessary majority if permanent members are permitted to abstain. The same reasoning would apply to the abstention of non-permanent members which under the Charter and according to past practices of the Council is clearly permissible.

Accordingly, you should urge the Committee not to adopt Rule A in its present form. [Hiss.]

ACHESON

501.BC/5-346 : Telegram

The Acting Secretary of State to the United States Representative at the United Nations (Stettinius)

SECRET URGENT WASHINGTON, May 3, 1946—2 p. m.

44. For Johnson from Hiss. We are transmitting today by pouch minutes of Twenty-fourth Meeting of Committee of Five Deputies on May 26, 1945.³⁷ We call to your attention section on pages 1 and 2 entitled "Answers to Questions on Voting Procedure." Note that Committee approved of answers contained in Annex D and "recommended that the revised draft would also be considered by the five delegations."

Question 22 contained in Annex B reads as follows:

"In case a decision has to be made under Chapter VIII, Section A, or under the second sentence of Chapter VIII, Section C, paragraph 1,

³⁷ Not printed.

will a permanent member of the Council be entitled to participate in a vote on the question whether the permanent member is itself a party to the dispute or not?"

The answer to question 22 as contained in Annex D reads as follows:

"This question seems to be based on a most unlikely hypothesis. But if a permanent member of the Council were involved in a dispute and argued in the Council that he was not involved in a dispute, the Council would presumably make its decision on this point by a vote of seven including the votes of the permanent members other than the permanent member who was alleged to be involved in the dispute."

Hartley³⁸ who drew up minutes of this meeting informs us that answers to these questions were never referred to Five Delegations or to Conference. At Twenty-ninth Meeting of Committee of Five Deputies on May 29, 1945, Deputies came to the conclusion that Security Council itself after its organization rather than Conference should answer the question. This decision which was proposed by Sobolev was brought to your attention in Amdel 24 of April 15, 1946.

This telegram for your information in your discussions in Committee of Experts and does not represent change of Department's position set forth in Amdel 19, dated April 13, 1946.³⁹ [Hiss.]

ACHESON

501.BC/5-2946 : Telegram

*The United States Representative at the United Nations (Stettinius)
to the Secretary of State*

SECRET

NEW YORK, May 29, 1946—4:30 p. m.

251. There follows the substance of a memorandum of conversation regarding voting in the Security Council, which took place on May 28, 1946, between Cadogan, accompanied by Lawford and Gore-Booth,⁴⁰

³⁸ Robert W. Hartley, technical expert on the U.S. Delegation.

³⁹ No further progress was made in the Committee of Experts at this time on the question of voting, the Committee reporting to the Security Council on May 13 that "It was the view of certain members of the Committee that this chapter [that is, the chapter entitled "Voting"] should contain detailed provisions covering both the mechanics of the vote and the majorities by which the various decisions of the Council should be taken. There was a full and free exchange of views on this subject in the Committee. It was agreed to postpone the further study of this question and to recommend the retention for the time being of rule 27 of the provisional rules of procedure (document S/35), which now becomes rule 37." Rule 37 read: "Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice." (SC, *1st yr., 1st series, Suppl. No. 2*, pp. 23 and 27)

For a summary of this phase of the voting problem, see document SD/A/C.1/7, p. 282.

⁴⁰ Paul H. Gore-Booth, British Foreign Office expert on United Nations affairs.

and myself, accompanied by Noyes, H. V. Johnson⁴¹ and J. E. Johnson.

“Following discussion of the Iranian question (which is recorded in a separate memorandum from Mr. Noyes), Sir Alexander raised the question of rules relating to voting in the Security Council. This had been one of his objectives in requesting a meeting. In the ensuing discussion the following points were brought out :

1. Determination of Procedural and Substantive Decisions.

With respect to the Soviet proposal for a rule providing that the decision as to whether a question is substantive or procedural should be taken by a qualified vote, J. E. Johnson restated, at Cadogan's request, the position which he had taken in the Committee of Experts. This was that the Soviet proposal only covered the last paragraph of the statement by the four sponsoring governments at San Francisco, and that it should be read only in context of the previous paragraphs of that statement. J. E. Johnson suggested that an attempt might be made to define those decisions which are clearly procedural and those which are clearly substantive either by means of separate lists or by an indication in each relevant rule as to the manner which the decision is to be taken. Only after this is done, would such a rule as the Soviets have proposed be at all acceptable. Mr. Noyes emphasized this last point by stating that we do not consider that, if a question is raised as to the kind of vote to be taken, the decision must always be a substantive one. There was complete agreement on this point, Sir Alexander remarking that from paragraph 2 of the four power statement itself it is clear that certain decisions will unquestionably be procedural.

There seemed to be, however, considerable doubts as to whether such a solution, as proposed by Mr. J. E. Johnson would be sufficient. Sir Alexander doubted whether it would be possible to induce the Soviets to accept the idea of stating in each rule the nature of the vote to be taken, and it was pointed out that, even if this were done or a list of decisions agreed upon, there still might be too broad an area in which doubt might arise. It was remarked, for example, that however complete the list might be, there would still be room to question whether that part of the Iranian resolution of April 4, which requested reports from the Soviet Union and Iran, was procedural or substantive.

There was general agreement that this question requires further study.

2. Disputes, Situations and Parties to a Dispute.

⁴¹ Herschel V. Johnson, newly-appointed Deputy Representative of the United States on the Security Council. Mr. Johnson assumed his position on May 8, and upon the resignation of Mr. Stettinius in early June became Acting United States Representative at the United Nations and head of the Permanent Delegation.

It was pointed out to Sir Alexander that the US feels that a distinction should be made between, on the one hand, the determination as to whether the Council is dealing with a situation or dispute within the meaning of Chapter VI and, on the other, the determination as to who should be considered parties to a dispute within the meaning of Article 27 (3). The proposal, which had been informally submitted earlier to the representatives on the Committee of Experts of the other permanent members,⁴² was again shown to Cadogan and the reason for proposing that the determination of parties to a dispute should be made by a ruling of the President was explained. Cadogan indicated that he felt the acceptance of such a rule would be a very happy solution, but he did not believe that the Soviets could be induced to accept it. He recognized that the history of the Yalta Formula gave grounds for endeavoring to interpret "parties to a dispute" as meaning "parties in interest". He, nevertheless, felt that it would be hard to speak of "a party to a situation" and expressed serious doubt as to whether the Soviets would accept such a modification of the letter of the charter.

Cadogan then raised the question of the Foreign Office's proposal for the definition of a dispute.⁴³ It was agreed that the text proposed by the Foreign Office is not satisfactory, and that some attempt should be made to revise it. There seemed to be general agreement, however, that, while it would probably be impossible to formulate a definition of a dispute which would take care of all possible contingencies, a carefully drafted definition might be useful in working toward the desired end of preventing a permanent member from blocking its own exclusion from voting. In the course of this discussion, Gore-Booth, who was familiar with the Foreign Office background of this paper, remarked that he understood one of the purposes of the proposed definition to have been to wipe away the distinction between "situations" and "disputes" and to include all matters in the latter category.

The British representatives having stressed the Foreign Office's interest in this approach, and requested US criticisms of the paper, they were informed that: (a) the draft did not adequately take care of frivolous claims; (b) it confused the definition of a dispute with that of a party to a dispute; and (c) paragraph (2) dealt only with disputes of the nature referred to in Article 33 of the charter.

It was agreed that Lawford and J. E. Johnson should get together with a view to drafting a new paper which the UK delegation might send to the Foreign Office for comment.

⁴² Refers to Rule C in telegram 18, to New York, April 13, p. 262.

⁴³ See attachment in telegram 12, from New York, March 28, p. 253.

It was agreed that the two approaches mentioned above—that suggested by the US and that advanced by the Foreign Office—are not mutually exclusive and that both avenues should be pursued.

3. Future Discussions of Voting Rules.

In answer to an inquiry from Cadogan, the US representatives stated that their Government does not favor forcing the issue if agreement cannot be reached in the Committee of Experts. The US believes that this issue should be dealt with very cautiously and that the matter should be allowed to simmer. It was further stated by the US representatives that, in their personal opinions, no good would be served by pushing this issue very hard while the Iranian case is still before the Council. Cadogan and his advisers appeared to agree with both points, although they gave the impression that the Foreign Office may have been leaning toward forcing the issue in open meetings of the Security Council.

There was some discussion of the advisability of informal five-power conversations at the expert level. There was tentative agreement that such discussions should not in any case be held until after the matter had been given further study both by the two delegations in New York and by their respective governments.”

STETTINIUS

501.BC/5-2946 : Telegram

The Secretary of State to the Acting United States Representative at the United Nations (Johnson)

SECRET

WASHINGTON, June 12, 1946—7 p. m.

92. For J. E. Johnson from Hiss. Reference telephone conversation June 10 between Bancroft and J. E. Johnson concerning Rule of Procedure proposed by U.K. defining dispute set forth in no. 12 of March 28, from New York.

The problem of defining a dispute in the rules raises the entire question of the voting procedure of the SC and our position set forth in Amdel 18 and 19 of April 13.

It is perhaps possible that a sufficiently comprehensive definition of a dispute incorporated into the Rules of Procedure might accomplish the desired result of preventing a permanent member from vetoing the Council's decision that it must abstain from voting. However, we doubt if such a comprehensive definition would be acceptable to all the members of the SC at the present time.

We therefore believe that any advantage to be gained through our

favoring a rule such as that proposed by the British would be more than offset by the following considerations:

1. We agree with your position as set forth in your telegram 251 of May 29 distinguishing between a determination as to the existence of a dispute or situation and the separate and not necessarily related determination as to the parties to abstain from voting. The U.S. position on the type of vote that will be required on the latter determination is set forth in Amdel 18 and 19 of April 13. A rule of procedure such as that proposed by the U.K. which fails to differentiate between the meaning of dispute as used in Article 27 (3) and its meaning in other sections of the Charter would be inconsistent with this position and might complicate future discussion of the whole voting and abstention problem.

2. We believe that your suggestion to the British as set forth in telegram 251 of May 29 that parties involved in a situation as well as parties to a dispute must abstain from voting is sound both historically and analytically. The definition of a dispute in the rules would, we believe, make it difficult for us to assert this position.

3. We believe that the best way to distinguish between procedural and substantive questions is to indicate those decisions which are clearly procedural and those which are clearly substantive either by separate lists or by an indication in each relevant rule as to the manner in which the decision is to be taken. We believe the Soviets should be willing to accept this procedure in view of Professor Stein's statements to the Committee of Experts (S/Procedure/60, p. 6) and also since such a procedure is in accord with the Soviet proposal at San Francisco. (See Amdel 24, April 15). While the procedure of enumerating in the Rules the substantive and procedural decisions is not closely related to the idea of defining a dispute, we fear that the British approach might tend to shift the emphasis from our approach which we believe over a period of time has greater chances of success.

4. Finally, we see no real hope that it will be possible to work out a satisfactory definition of a dispute. Hartley informs us that numerous previous efforts have been made and were unsuccessful.

Although as you point out in your 251 of May 29 the UK and US approaches are not mutually exclusive, any attempt by the British to press for an agreed definition of dispute in the Committee of Experts will raise all the angles of the whole voting problem.

We therefore suggest that you try to persuade the British to postpone any discussion of this matter. It may be that developments during the summer may alter the British position. Likewise on the basis of further information which you may furnish us it might be desirable to reconsider our position upon Mr. Cohen's return from Europe.⁴⁵ [Hiss.]

BYRNES

⁴⁵ The Counselor of the Department (Cohen) was about to leave with the Secretary of State for the Paris meeting of the Council of Foreign Ministers (June 13).

501.BC/6-1246: Telegram

*The Acting United States Representative at the United Nations
(Johnson) to the Secretary of State*

[Extract]

SECRET URGENT
[via Courier]

NEW YORK, June 12, 1946—8:35 p. m.

308 . . .

Lawford (UK) indicated on June 11 to J. Johnson (US) that he would probably introduce the U.K. proposal relating to the definition of a dispute into the Committee of Experts in about a week. He hoped that it might be possible to obtain agreement in the Committee of Experts without getting into the whole question of voting in the Security Council.

Lawford hinted, however, that if further discussions make it appear that it would be impossible to obtain early agreement on the definition of disputes, he might tell his Government of the difficulties and ask permission to drop the matter for the time being.

Lawford read a Foreign Office report which made the following points:

1. That the U. S. would be well-advised to drop its proposal relating to abstention of parties to a dispute. For one thing this would create two new concepts unknown to the Charter, (a) a party to a situation, (b) an issue. Secondly, it was illogical to attempt to disqualify a State from voting on the ground that it is a party to a dispute before determination has been made that a dispute exists.

2. The Foreign Office would like to support the U.S. concept of extending the scope of procedural decisions by the adoption of a list of matters which would be deemed procedural, or by a similar device.

3. In answer to Lawford's earlier query as to whether the definition should not be extended to cover cases in which a state does not contest the facts or inferences but, nevertheless, is actually involved in a dispute with another State, the Foreign Office thought this would be a most unlikely situation. It was, however, willing to insert in Paragraph A (2), following the word "contest", the words "or do not admit".

4. In connection with point (3) the Foreign Office made it clear that its proposed definition was not meant to be all inclusive, but was merely designed to narrow the area of uncertainty as to what constitutes a dispute.

5. Commenting on Lawford's report that U.S. representatives had pointed out that Paragraph A (2) of the U.K. proposal appeared to limit the definition of disputes to those which endanger or are likely to endanger the international peace and security, London said that this

was intentional. The Foreign Office added that in its view the Security Council could not, under the Charter, deal with disputes of any other character.

6. The Foreign Office failed to comment on the U.S. suggestion that Paragraph A (3) of the proposal related to a definition of a party to a dispute rather than to that of a dispute. It did say however, in response to a specific query, that all three of the states referred to in this paragraph would in its opinion be parties to a dispute.

JOHNSON

501.BC/6-1446 : Telegram

*The Acting United States Representative at the United Nations
(Johnson) to the Secretary of State*

SECRET

NEW YORK, June 14, 1946—9 p. m.
[Received 9:10 p. m.]

316. For Hiss. Following receipt of urtel No. 92, June 12, and of telephoned report of discussion on June 13 in Mr. Cohen's office concerning that part of mytel 308, June 12, relating to definition of dispute, J. E. Johnson yesterday requested appointment with Lawford (U.K.). He read Lawford your 92 except for last two sentences and then added that, since receiving report of the conversation of June 11 (mytel 308), US Government had taken an even stronger position regarding the definition of a dispute. Johnson stated that, in view of the US Government there is nothing in the Charter which makes a rule defining a dispute necessary, or desirable. Moreover, his government had informed him that it is quite firmly opposed to the UK proposal for a definition of a dispute, because (1) it does not agree with the text, and (2) it wishes to avoid discussing this question unless there is complete discussion of entire voting question.

At Lawford's request the US views were later given to him in an informal memorandum.

Lawford, who fully understands our position and is obviously unhappy about both the text of the proposal and the Foreign Office's insistence of introducing it now, intends to tell F.O. at once of US views. He also read Johnson a draft of a letter to F.O. in which he raised some of the points mentioned in mytel 308 (for more complete report of June 11 talk, see memorandum of conversation given Bancroft⁴⁶). The letter also emphasized the inadvisability of introducing a proposal without advance US concurrence: Lawford wrote in this connection that, on the basis of previous experience, he felt that the proposal would have little chance of adoption by Committee of Experts in absence of UK-US agreement on it.

⁴⁶ Not found in Department files.

Following a brief discussion, Lawford, feeling F.O. would not alter its position on his recommendation alone, wondered whether matter might not be referred to Paris for discussion between Jebb⁴⁷ and Cohen. I believe this suggestion, which Lawford intends to pass on to Cadogan, merits serious consideration and would appreciate your views.⁴⁸

JOHNSON

740.00119 Council/6-1846: Telegram

The Acting Secretary of State to the Ambassador in France (Caffery)

SECRET

WASHINGTON, June 18, 1946—7 p. m.

2926. Secdel 289. For Benjamin Cohen. Joseph Johnson has had a series of conversations with Lawford of the UK delegation in New York and has pointed out in emphatic terms our reaction to the British proposal that the term "dispute" be defined in the Rules of Procedure of the SC.

Johnson has reported that (New York telegram 316, June 14) although Lawford is willing to recommend to the FonOff that the proposal be dropped, he does not feel that it will alter its position on his recommendation alone. Accordingly, Lawford has suggested that a conversation between you and Jebb might help to change the FonOff view. Cadogan has requested FonOff to ask Jebb to discuss question with you.

In the light of the foregoing, you may wish to bring the matter up with Jebb in the hope that the FonOff can be dissuaded from pursuing its present course.

Repeated to New York as Dept's 96.

ACHESON

740.00119 Council/6-2046: Telegram

The Ambassador in France (Caffery) to the Secretary of State

SECRET

US URGENT

PARIS, June 20, 1946—7:30 p. m.

[Received 10:08 p. m.]

3017. Delsec 603. For Hiss from Cohen. Had talk with Jebb at lunch today on rules regarding disputes. Told him our fears regarding their proposed definitions and our feeling that it might be better to delay action now.

⁴⁷ H. M. G. Jebb, Counsellor, British Foreign Office, principally engaged in United Nations affairs at this time.

⁴⁸ In telegram 324, June 17, 8:10 p. m., Minister Johnson stated: "Lawford informed member US delegation today . . . that Cadogan has requested Foreign Office to ask Jebb to take up question of definition of a dispute with Cohen in Paris." Mr. Johnson suggested also that Mr. Cohen be informed of the substance of the conversations in New York. (501.BC/6-1746)

Also explained our position that charter does not require a finding by the Council that there is a dispute or a determination of the parties to a dispute, but that these questions may be raised in connection with the right to vote and then decided as a procedural matter. I had not yet received your Secdel 296⁴⁹ and he did not appear to be briefed on their position.

He listened sympathetically and, while not committing himself definitely to our position, did not seem disposed to advance contrary position, merely indicating that some of their people thought that their definitions might be helpful rather than harmful. He also indicated that there was a division among their people regarding our position on the effect of abstention though he was inclined to agree with our position.

CAFFERY

IO Files: SD/A/C.1/7

*Memorandum Prepared in the Office of Special Political Affairs*⁵⁰

PRESENT STATUS OF DISCUSSIONS IN THE COMMITTEE OF EXPERTS ON
VOTING IN THE SECURITY COUNCIL

The question of voting in the Security Council has been raised in the Committee of Experts on three occasions and has been discussed among members of the Committee of Experts but not formally raised before the Committee on two other occasions. It is convenient to consider this subject by summarizing briefly the discussions that took place on each of these occasions. It must be emphasized that a number of problems arose and a number of positions were taken on collateral issues in connection with the problem of voting which cannot be adequately summarized. For a more complete discussion of the most important problems raised in the Committee of Experts relating to voting, reference is made to a document entitled *Compulsory Abstention from Voting under Article 27 (3) of the Charter* (SD/S/247).⁵¹

Very little progress has been made in the Committee of Experts towards interpreting Article 27. However, considerable progress was

⁴⁹ Telegram 2934, June 19, 11 a. m., to Paris, not printed; it transmitted the text of the British proposal for defining disputes.

⁵⁰ This document, drafted as a briefing paper for the United States Delegation to the Second Part of the First Session of the General Assembly under date of October 2, 1946, sums up the Committee of Experts phase of the Security Council voting question. It is being printed here for purposes of convenience.

⁵¹ This collection of papers is identified in the IO Files as SD/S/247. It is a comprehensive survey of the subject, consisting of six units: (1) introduction, (2) positions taken at San Francisco, (3) positions taken in the Security Council, (4) positions taken before the Committee of Experts, (5) recent (to June 12) memoranda, telegrams, etc., in the Department concerning the United States position, (6) conclusion.

made in the development of techniques for interpreting that Article. In general, it was agreed by all Representatives that procedural decisions of the Security Council should be enumerated in the Rules of Procedure. It was further agreed that after as full an enumeration as possible of procedural decisions, the question of whether other decisions of the Security Council were procedural would require the concurrence of the permanent members of the Council.

Undoubtedly, very little agreement was reached in the application of these techniques. For example, no agreement was reached as to the nature of the decision approving reports from the Security Council to the General Assembly. Also while it was recognized that a permanent member of the Council a party to a dispute must abstain from voting on decisions in connection with that dispute, no agreement was reached as to whether or not the alleged party to the dispute must abstain from voting on the preliminary questions as to whether the matter was a dispute or a situation, whether the dispute endangered the maintenance of international peace and security, and whether the State was in fact a party to the dispute. As will be pointed out considerable agreement on most of these problems was achieved among the Representatives on the Committee of Experts other than the Representatives of USSR.

The chief significance of the Committee of Experts discussions is that they indicate the approaches towards consideration of the problem of voting which are most likely to secure support for the United States position. A summary of the most important discussions in the Committee of Experts follows:

I. Security Council Rule of Procedure on Voting

The Committee of Experts recommended in February 1946 and the Security Council adopted the following Rule of Procedure on voting:

“Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice.” (Rule 40)

This Rule of Procedure, which is a recognition of the fact that the problem of voting cannot be dealt with summarily, was adopted provisionally by both the Committee of Experts and the Security Council without any substantial discussion.

To quote the Report of the Security Council to the General Assembly (page 47):⁵²

⁵² This is an incorrect page citation which should read p. 87 (United Nations, *Official Records of the General Assembly, First Session, Second Part, Supplement No. 1*, “Report of the Security Council to the General Assembly. . .”). Further, the quotation which follows is out of context; actually, it appeared in the May 13 Committee of Experts Report to the Security Council; see footnote 39, p. 274.

“There was a full and free exchange of views on this subject in the Committee. It was the view of certain of its members that the Chapter on Voting should contain detailed provisions covering both the mechanics of the vote and the majorities by which the various decisions of the Council should be taken. But since the Committee was not able to draft additional rules of procedure on this subject, it was decided to defer further consideration of the problem to a later date.”

II. “*Rule 31*” Proposed by Representative of the U.S.S.R.

The greater part of the discussion of voting in the Security Council has centered around the consideration of the so-called “Rule 31” proposed by the Representative of the U.S.S.R. to the Committee of Experts. This proposal, which is contained in S/Procedure/17, is as follows:

Rule 31 proposed by Soviet Representative in S/Procedure/17

“*Rule 31.* Should the Security Council consider a dispute provided for by Article 33 of the Charter, a party to the dispute shall abstain from voting in accordance with paragraph 3 of Article 27 of the Charter.

Should the Security Council consider a situation provided for by Article 34 or any other dispute which does not fall under Article 33, all the members of the Security Council are entitled to participate in voting.

The decision of whether a question under the consideration of the Security Council is of procedural nature and also of whether the question under consideration is a dispute or situation and whether this dispute is of the nature referred to in Article 33 of the Charter shall be regarded as accepted if it is voted for by seven members of the Security Council including the concurring votes of all the permanent members of the Security Council.”

The discussion of the problems raised by this Rule of Procedure which took place between April 15–25, 1946, was extremely extensive and in some instances went far beyond the specific provisions of the Rule. The positions taken by the respective delegates on the four main issues raised either directly or indirectly by the proposed Rule were as follows:

A. Decision of Security Council as to whether a matter is of a procedural nature.

a. The rule proposed by the U.S.S.R. provides that the decision of whether the question under consideration by the Security Council is of procedural nature shall be by a substantive vote. In view of paragraph 2 of Part II of the Four Power Declaration it would be difficult for the United States to take a contrary position without violating the Four Power Declaration. This is recognized by the United States Representative, S/Procedure/70, page 7. Only Australia and Netherlands suggested that the determination of this question should be by procedural vote. Australia, S/Procedure/71, page 2 and 73, page 3; Netherlands, S/Procedure/75, page 4.

b. In the Four Power Declaration it was contemplated that the area covered by such a rule should be restricted as much as possible through specifying in the Rules of Procedure the types of decisions of the Security Council requiring a procedural vote. The following Representatives have approved of such a procedure:

U.S., S/Procedure/60, page 2; Australia, S/Procedure/60, page 2; Netherlands, S/Procedure/75, page 4; Poland, S/Procedure/60, page 3; France, S/Procedure/60, page 3; U.S.S.R., S/Procedure/60, page 4 and 70, page 8; U.K., S/Procedure/60, page 5; China, S/Procedure/70, page 5.

The further enumeration of procedural decisions through Rules of Procedure was deferred in the Committee of Experts until completion of urgently required rules on subjects which were less controversial.

B. Decision of Security Council as to whether a dispute under Chapter VI is likely to endanger the maintenance of international peace and security.

a. The U.S.S.R. proposal provides that such a decision should be by a substantive vote. This is undoubtedly in accordance with the discussions at San Francisco. This position was approved by the Representative of China, S/Procedure/61, Rev. 1, page 1 and 70, page 4; U.S., S/Procedure/70, page 4.

b. However, the U.S.S.R. proposed rule likewise provides that the parties to a dispute shall not abstain from voting unless the dispute falls under Article 33 (i.e., endangers the maintenance of international peace and security). All Representatives excepting the Representative of U.S.S.R. agreed that there is nothing in Article 27 (3) which justifies such distinction in connection with the duty to abstain from voting. The U.S.S.R. position on this question was opposed by the following Representatives:

U.S., S/Procedure/57, page 3; S/Procedure/70, page 7; China, S/Procedure/57, page 2 and 61, Rev. 1, page 3; Egypt, S/Procedure/57, page 3; U.K., S/Procedure/57, page 3; Poland, S/Procedure/57, page 4; France, S/Procedure/57, page 5; Australia, S/Procedure/70, page 5, 71, page 2, 73, page 4; Mexico, S/Procedure/70, page 6; Brazil, S/Procedure/57, page 3. U.S.S.R. defended its position in S/Procedure/57, page 4.

C. Decision of the Security Council as to whether a matter before the Council is a dispute or situation.

a. In the discussions in the Committee of Experts it is frequently pointed out that the decision of the Council as to whether a dispute or situation exists has consequences in addition to those relating to the problem of abstention from voting. (S/Procedure/73, pages 4 and 5) for example, a State which is a Member of the United Nations may, under Article 32, participate in the discussion in the Security Council of a dispute but not of a situation. (Probably a State involved in a situation could be invited to participate in the discussion of the Security Council under the general powers of the Council or in certain circumstances under Article 35. See paper on Technical Aspects of Proposals for Liberalized Interpretation of Four Power Statement and Article 27, page 6). Likewise, under Article 33, the parties to a

dispute are required to seek a solution by means of their own choice. This requirement does not extend to the parties involved in a situation. The U.S.S.R. position is that the determination of whether a dispute or situation exists should be by a substantive vote. The Representatives of France and the United States have tentatively acquiesced in the U.S.S.R. position except on the question of abstention from voting (France, S/Procedure/60, page 7, 61, Rev. 1, page 6; U.S., S/Procedure/70, page 7). The Representatives of Netherlands and Australia suggested that such a decision might be by a procedural vote (Netherlands, S/Procedure/75, page 4; Australia, S/Procedure/60, page 6 and 73, page 6).

b. The United States, however, has taken a position that in the interpretation of Article 27 (3) no distinction should be made between disputes and situations—in other words that the term “dispute” should cover “situations”. As is pointed out in the memorandum on the *History of the Voting Problem* (Chapter on Yalta Conference I, 4, d) and also in the memorandum on the *Technical Aspects of Proposals for a Liberalized Interpretation of Article 27 (3)* and the *Four Power Statement* (page 6) it appears that the omission of the word “situation” from Article 27 was inadvertent.⁵³ The United States Representative therefore contended that parties involved in situations as well as parties to a dispute should be required to abstain from voting under Chapter VI of the Charter. The following Representatives have supported this position:

U.S., S/Procedure/60, page 8 and 70, page 7; Australia, S/Procedure/60, page 6, 71, page 2 and 73, page 5; China, S/Procedure/60, page 8 and 61, Rev. 1, page 4; Netherlands, S/Procedure/75, page 3; Mexico, S/Procedure/70, page 6.

D. Decision of the Security Council as to whether a State is a party to a dispute.

This problem is not raised directly by the proposed Rule 31. However, if Rule 31 were adopted, there would be practically no occasion for a vote on the question of the parties to a dispute since an alleged party to a dispute could exercise its veto power at an earlier stage of the proceedings. However, in the event of the adoption of any rule in accordance with the position taken by the United States Representative, this problem would arise.

In the discussions in the Committee of Experts the following Representatives have indicated that the decision of this question should be by procedural vote:

Australia, S/Procedure/73, page 5; Netherlands, S/Procedure/75, page 4.

The Representative of China has indicated that the decision of this

⁵³ None of these is printed. They are found in the IO Files as documents SD/S/681, SD/S/668A, and SD/A/71A, respectively. They are included also with two other documents in a collection of position papers entitled “Unanimity Rule and Related Issues” which was prepared by the Department for the United States Delegation to the Second Part of the First Session of the General Assembly, scheduled to meet in New York in the fall of 1946.

question should be by a substantive vote with alleged parties to the dispute abstaining from voting. S/Procedure/61, Rev. 1, page 4.

The United States has taken no definite position on this matter in the Committee of Experts except as hereinafter set forth in connection with the so-called "Rule C".

[Here follows discussion of another aspect of the voting problem, unrelated to Article 27.]

IV. *Proposed Rules B and C.*

In Amdel 18 of April 13, 1946 the Department communicated to the United States Delegation two proposals for Rules of Procedure on the subject of voting. These proposals were as follows:

Rule B. "In announcing the results of a procedural vote, the President shall indicate the number of members voting in favor of the proposed action and shall state whether the proposed action has been taken.

"In announcing the results of a substantive vote, the President shall indicate the number of members voting in favor of the proposed action, and the permanent members concurring; the number of members voting against and the permanent members voting against; and the number of members abstaining and the permanent members abstaining. Unless a permanent member abstaining, affirmatively indicates that it does not concur, it shall not be deemed to have exercised its veto right, but shall be deemed to be willing to concur without voting on whatever action the Council may take by an affirmative vote of seven members including the concurring votes of the other permanent members."

In Amdel 19 of April 13 the United States Representative was authorized to discuss Rule B under the following circumstances:

"We are not prepared to recommend Rule B set forth in the earlier telegram as the firm position of the U.S. Government. However, it can be used to promote discussion in the Committee of Experts or elsewhere and may be helpful in your efforts to persuade the other members to the view that a permanent member may abstain from voting in the Council without exercising a veto."

Rule C. "In accordance with Article 27 (3) a party to a dispute shall abstain from voting on non-procedural matters, and in announcing any vote on any such matter the President shall record any member which he deems to be a party to a dispute within the meaning of Article 27 (3) as not voting. If any member of the Council appeals a ruling of the President either that a member shall abstain or shall not abstain from voting, the President's ruling may be overruled by a procedural vote."

In Amdel 19 the United States Representative was given the following instructions concerning the proposed Rule C:

"We suggest that Rule C be used as a first step in discussion only if the Committee determines to proceed to the immediate consideration

of Rule 31, proposed by the Soviet Representative or another specific rule dealing with other problems set forth in Rule C.”

(Rule 31 is quoted on page 2 of this memorandum.)

The report of the United States Representative concerning these proposed rules is set forth as follows in Telegram 74 of April 15, 1946 from New York:

“In the course of Sunday, April 14, and Monday, April 15, U.S. Representative Johnson informally and confidentially presented copies of the suggested U.S. revision of Article (A)—(S/Procedure/51)—* relating to announcement of votes to his U.K., China, U.S.S.R. and French colleagues on the Committee of Experts, in the order given.

“In each case Johnson made it clear that this was a *suggestion* on which the U.S. would like comments. He referred specifically to the two discussions in San Francisco on this point among Representatives of the Big Five, and explained that this background was the reason for showing copies at this time only to Representatives of the permanent members. Lawford and Chaumont made no comment on the substance. Liang thought China would accept the concept of abstention. Stein, while he made clear the need to talk to Gromyko said that he personally was not in favor of forcing a State to vote if it wished to abstain. This is perhaps significant in light of the fact Johnson told Stein in detail of Lavrentiev’s position at San Francisco.

“Johnson also discussed with Lawford and Liang the proposed rule relating to parties to a dispute (Department’s Urtel 18).† Both Liang and Lawford had doubts as to whether there was sound legal basis for this procedure. Johnson has not yet had time to discuss this matter with Chaumont and Stein.”

(Lavrentiev’s view at San Francisco was substantially the same as that expressed informally by Stein).

There has been no further discussion of these proposed rules.

V. U.K. Proposal to Define a Dispute

The United Kingdom Representative on instruction showed United States Representative a draft which he proposed to bring before the Committee of Experts, of a suggested Rule of Procedure defining a dispute in such a manner that every matter brought before the Security Council and alleged to be a dispute would in fact be a dispute. The United States opposed the British proposal for a number of reasons, two of which are closely linked to the general problem of voting. First, the United States has taken the position that parties involved in a situation, as well as parties to a dispute, must abstain from voting. If the term “dispute” is defined in the Rules, it would be difficult to assert this position. Second, the United States has taken the position that differentiation should be made between the meaning of “dispute”

*Article A was a proposed Rule of Procedure requiring the President to announce the results of voting in the Security Council. [Footnote in original]

† Amdel 18 of April 13, 1946—previously quoted. [Footnote in the original.]

as used in Article 27, paragraph 3 and as used in other sections of the Charter. Any Rule defining a dispute which failed to make such a differentiation would be inconsistent with the United States position, which recognizes that for the purpose of some articles the determination requires the concurrence of the permanent members of the existence of a dispute.

The Representative of the United Kingdom informed the United States Representative that while he had instructions to bring the matter before the Committee of Experts, he did not wish to do so unless the United States agreed. In view of the United States objections which were communicated informally to the United Kingdom Representative, the proposal was never carried beyond the stage of informal discussions between the two Representatives.

501.BC/8-1646

Memorandum Prepared in the Office of Special Political Affairs

PROPOSED PAPERS ON THE ISSUE OF THE "VETO" IN THE SECURITY COUNCIL, AND RELATED QUESTIONS⁵⁴

SECRET

[WASHINGTON,] August 16, 1946.

The issue of the "veto" in the Security Council has been placed on the agenda of the General Assembly, scheduled to meet September 23, by the Australian Delegation which requests consideration of the application of Article 27 of the Charter dealing with the method of voting in the Security Council.⁵⁵ In addition, the Cuban Delegation has placed on the supplementary list (containing items which can be included in the agenda by vote of the Assembly) an item requesting that a general conference of United Nations members be called in accordance with Article 109 of the Charter (General Conference to consider amendments) "in order to modify Paragraph 3 of Article 27 of the Charter to eliminate the so-called veto privilege".⁵⁶

⁵⁴ A working paper drafted in the Office of Special Political Affairs for the Department's United Nations Liaison Committee.

⁵⁵ This proposed item was placed on the provisional agenda by the Secretary-General; for General Committee consideration of this subject see United Nations, *Official Records of the General Assembly, First Session, Second Part, General Committee*, pp. 74 and 75.

⁵⁶ United Nations document A/75; this proposal was addressed to the Secretary-General on August 1. Subsequently (October 3) Cuba submitted another item calling for a general conference of Members of the United Nations under Article 109 of the Charter for the purpose of reviewing the present Charter (United Nations document A/102); this was in effect a reiteration of the original Cuban proposal and not designed to enlarge its scope. (Documents found in United Nations depository libraries)

The relevant section of Article 109 reads: "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."

There is every prospect of a full debate on the subject of the "veto" followed by possible action by the General Assembly. Public as well as official interest has of course been increased by the use of the veto in the Security Council and discussion in the Atomic Energy Commission.

The United States Representative to the Security Council and ranking officers of the Department of State have proposed a full study of the "veto", not only in its technical aspects, but more especially from the broader viewpoints of the philosophy of the "veto" and the theory and use of the principle in national governments and in international organizations other than the United Nations as well as in the United Nations itself.

Listed below are a series of papers suggested for preparation in various interested offices and divisions of the Department. Responsibility for the preparation of each paper is suggested after each title on the assumption that the named office or division will consult with other interested offices and divisions.⁵⁷

1. The United States position ⁵⁸—SPA and its divisions in collaboration with Le and other interested offices and divisions.

⁵⁷ Technical information regarding drafting procedures, deadlines, etc., omitted: omissions not indicated. Detailed studies were made on each subject; most were completed by the first week in September. In turn these were incorporated into a collection entitled "Background Book on Unanimity Rule and Related Issues" (IO Files).

⁵⁸ See document SD/A/C.1/69B, October 22, 1946, p. 298, for the statement of the United States position which eventuated from this study; see also minutes of meeting with Senator Austin, September 11, p. 293. Senator Warren R. Austin had been appointed Senior Representative on the United States Delegation to the Second Part of the First Session of the General Assembly.

The work on preparing a position paper on the General Assembly items dealing with voting in the Security Council was initiated in the Division of International Security Affairs in the Office of Special Political Affairs. By August 31 a second draft was being circulated within the Office of Special Political Affairs and at this time Elwood N. Thompson, Special Assistant to the Director (Hiss) noted in a memorandum to Mr. Hiss and the Deputy Director (Ross) that: ". . . The basic question seems to me to be whether or not the attached paper is couched in a sufficiently broad framework to be satisfactory to Mr. Austin, Mr. Cohen and Mr. Fahy [Charles Fahy, Legal Adviser of the Department of State]. The material perhaps can be adapted to a broader framework which will make clear the reasons for the position taken. The paper as now organized seems to balance a large superstructure primarily on the consideration of an effective set of tactics to gain our objectives in the Committee of Experts. Perhaps the necessary broad framework can be established separately in the outline for possible use in preparing an address, which Mr. Ross planned to develop." (501.BC/8-3146)

In one of the earliest meetings in the Department on this question, shortly after the Australian item had been submitted, Mr. Ross had written: ". . . I find it difficult to escape the feeling that we perhaps have been indulging in a large amount of shadow-boxing with the technicalities of rules of procedure without having first formulated our broad policies with regard to the veto not only as this question arises in the Security Council but in many other ways." (Memorandum to Mr. Fahy and Mr. Cohen, July 22, 501.BC/7-2246).

2. Legislative and diplomatic history of provisions for voting in the Security Council up to the adoption of the Charter—IS.

3. Analysis of voting procedure in cases thus far considered by the Security Council—IS.

4. A compilation of official U.S. statements on the veto in relation to the control of atomic energy—IS, with Le.

5. Present status of discussions in the Committee of Experts on voting in the Security Council—IS.

6. The "veto" principle as expressed or implied in Article 79 of the Charter and in recent U.S. proposals for its relaxation in application—DA and EUR.

7. The "veto" principle in the Council of Foreign Ministers, and in the peacemaking machinery established after World Wars I and II—EUR.

8. The "veto" in Allied Control Commissions in Austria, Bulgaria, Finland, Hungary, Germany, Japan and Rumania—EUR and FE.

9. Public attitudes toward the "veto" in the United States—PL.

10. Voting procedure in the League of Nations and in major Pan American conferences—OA.

11. The "veto" or influence tantamount thereto in specialized international agencies—OA.

12. Aspects of U. S. foreign policy on which this Government insists on exercising its unilateral judgment (e.g. immigration, bases, Monroe Doctrine, Panama Canal, etc.)—OCL., with all geographic offices, Le, A-C, A-B.

Note: An appropriate query in connection with the following suggested papers would be: What recognition is given in national attitudes and practices or political theory in various parts of the world to the possibility of interposing decisive objections (legal or extra-legal) to proposed international action?

13. The "veto" or influence tantamount thereto in relation to international organization in the Western Hemisphere (this paper should also characterize, if possible, the general attitude of Latin Americans toward the existence of the "veto" in political processes)—OA (Regional Branch), with ARA.

14. Soviet attitudes and practices with respect to the "veto" in international affairs, particularly in international organization—EE.

15. Chinese attitudes and practices with respect to the "veto" in international affairs, particularly in international organization—FE.

16. French attitudes and practices with respect to the "veto" in international affairs, particularly in international organization—EUR.

17. The "veto" in the operation of the British Commonwealth of Nations (This paper should also treat of the general attitude toward the "veto" or its equivalent in the internal politics of the various British Commonwealths)—BC.

18. Voting arrangements in the Arab League—NEA.

19. The "veto" in American constitutional theory and practice (This would include an examination of the Federalist Papers, analysis of relations between branches of the Federal Government, and analysis of congressional parliamentary practice and theory)—Le, with OCL.

501.BB/8-3146: Telegram

*The Acting United States Representative at the United Nations
(Johnson) to the Secretary of State*

SECRET URGENT NEW YORK, August 31, 1946—12:15 p. m.
[Received August 31—11:30 a. m.]

533. Reference Department's 167, August 23, 2 p. m.⁵⁹ I have discussed frankly with Hasluck all queries raised in the Department's telegram. He said that as he understands, what Evatt proposes to do at the Assembly will depend very largely on what he finds the "climate" of the Assembly to be. Evatt does not plan an all-out attack on the veto as such but his purpose is to effect a restriction of the veto more in line with what he believes to have been the general intention at San Francisco. Evatt is worried about developments since San Francisco which indicate that the Russians consider the veto a convenient piece of machinery to impose their will in all sorts of questions and to block any type of action that does not please them. I gather from Hasluck's remarks, therefore, that Evatt does not favor total abolishment of the so-called veto but would like to see its use confined to matters of real substance which would be of vital interest to the great power employing it. Hasluck showed some caution in reporting his statement as the views of Evatt because he has not got specific instructions. His conclusions may, therefore, be erroneous, as Evatt, if he finds extensive support in the Assembly for abolition of the so-called veto, may go further than he now intends. Evatt, however, has considerable political realism and, if my judgment of him is correct, he would not wish to go too far out on an issue which would lead him to a complete impasse. According to Hasluck, the Australians regard the Cuban proposal as unrealistic and I do not think that the Australian item has any relation to the Cuban proposal.

JOHNSON

⁵⁹ Not printed; The Department requested Ambassador Johnson to "... obtain by informal casual inquiry of Hasluck" information regarding Foreign Minister Evatt's purpose in requesting that the Australian item relating to Article 27 be placed on the agenda of the General Assembly. "To what extent does he desire modification of voting formula? Does he favor abolishment of so-called veto on all or part of Chapter VII, or other parts of Charter in addition to those relating peaceful settlement? Does he intend open challenge of four-power declaration? "Any information you can obtain as to Australian views on Cuban proposal and its relation to Australia item would be appreciated." (501.BB/8-2346)

IO Files : SD/A/51 (Minutes 7)

*Minutes of the Seventh Meeting on General Assembly Preparations
With Senator Austin, Department of State, September 11, 1946,
11 a. m.*

TOP SECRET

Present: Senator Warren R. Austin	Hayden Raynor
Bernhard B. Bechhoefer	John C. Ross
William Dawson	William Sanders
Everett Drumright	Durward Sandifer
Charles Fahy	Isaac Stokes
Dorothy Fosdick	Elwood Thompson
Alger Hiss	George Wadsworth
Joseph E. Johnson	Charles Yost

GENERAL ASSEMBLY AGENDA ITEMS DEALING WITH VOTING IN SECURITY COUNCIL

Mr. Ross stated that the purpose of this meeting was primarily to consider the approach which would be used in consideration of the problem of veto rather than the conclusions. The discussion in the meeting should center around the draft of a proposed position paper and Senator Austin's memorandum of September 9.⁶⁰ Mr. Ross stated that two factors must constantly be borne in mind :

1. That the discussions must be centered around the two specific proposals before the General Assembly—the Australian proposal and the Cuban proposal.
2. That since the veto problem will not be settled in this session of the General Assembly, a broad approach must be made to the specific agenda items and their relation to the future development of the United Nations.

Senator Austin stressed that in public discussion of the veto question the emphasis had been wrong; that the affirmative problems of prevention of war and peaceful settlement of disputes should be stressed rather than the negative functions of the veto; that the veto merely was one aspect of the principles of voting which were in turn only phases of the broader subject of the prevention of war and peaceful settlement of disputes.

Mr. Ross indicated that the general line of Senator Austin's approach was the same as the approach that had been taken in the Department of State.

⁶⁰ Neither printed; the principal points in Senator Austin's memorandum were discussed at this meeting; for the position paper that finally eventuated, see United States Delegation Position Paper SD/A/C.1/69B, October 22, p. 298.

Legal Effect of Four Power Statement

Mr. Johnson suggested that consideration of Senator Austin's memorandum and the draft position paper raised the important problem of the legal status of the Four Power Statement. Senator Austin thought that the statement was morally but not legally binding on the Members of the United Nations that subscribed to it. Mr. Fahy suggested that the Four Power Statement, while not legally binding on the U.S., should be departed from reluctantly and should be given great weight as a statement of U. S. policy.

Senator Austin suggested that other statements of other Members of United Nations,—for example, a British statement which he quoted—should likewise be given weight as interpretations of the Charter and particularly as interpretations of problems where the Four Power Statement itself was ambiguous.

Mr. Ross summarized his impression of the views of Mr. Benjamin Cohen on the Four Power Statement and the general subject of the development of the Security Council. He stated that Mr. Cohen regarded the Four Power Statement in the nature of "dicta" concerning interpretation of the Charter which can be modified as the development of the world situation requires. Mr. Cohen did not consider the Charter as a static instrument the interpretation of which cannot be changed with development in world affairs. He believed that the Security Council would from time to time be given powers far beyond the specific limits of the Charter. An instance of such development would be the authority given to the Security Council with reference to the Government of Trieste.

Mr. Ross added his own view that future development is as important as past precedents in the interpretation of the Charter.

(It was agreed that a further paper be prepared on the specific question of the legal effect of the Four Power Statement).⁶¹

Reconciliation of Position on Veto Taken by Mr. Baruch⁶² With the Position To Be Taken Before the General Assembly

Mr. Fahy pointed out a possible conflict between the suggested position of the IS position paper and of Senator Austin's memorandum that the Charter should not be amended, and Mr. Baruch's position advocating abolition of the veto in connection with enforcement action in the event of violations of the proposed treaty concerning atomic

⁶¹ The seven-page document that resulted was serialized in the IO Files as document SD/A/71A and incorporated in a book of position papers entitled "Unanimity Rule and Related Issues".

⁶² Bernard M. Baruch, United States Representative on the United Nations Atomic Energy Commission; for documentation concerning atomic energy matters, see pp. 1197 ff.

energy. It was agreed that the U.S. position should be stated in such a manner that it would not be possible to claim that the U.S. opposition at this time to amendment of the Charter provisions on voting would prevent the carrying out of the recommendations of the Atomic Energy Commission.

Senator Austin stated that the position to be taken before the General Assembly should not interfere with the position taken by Mr. Baruch and should not limit future exceptions to the general voting position to the specific matter of atomic energy.

Possibility of General Assembly Statement Interpreting the Veto

Mr. Thompson suggested the possibility of a General Assembly statement similar to the Four Power Statement interpreting the veto. Senator Austin was impressed with the usefulness of such a statement in magnifying the roles of smaller States in United Nations. Mr. Johnson, although impressed by the importance and usefulness of such a statement, stressed the difficulties of securing agreement on it.

Senator Austin and others felt that the important thing was to get a broad and liberal expression of the Assembly's view, even though some Members might not agree to the statement. Senator Austin suggested and it was agreed that as a first priority the Department of State should draft a proposed text of such an interpretative resolution.⁶³

Importance of Voting Formula

Senator Austin stressed the importance of the voting formula as set forth in Article 27 of the Charter, and that without this formula, there probably would have been no Charter. He felt that the veto was the smallest element in the voting principles and that stress must be given in all publicity concerning the positive achievements with respect to voting.

Mr. Sanders cited as a parallel the situation in the Inter-American organizations where despite the non-existence of a veto, it has been found desirable to work toward unanimity in order to insure the better functioning of the system. Mr. Wadsworth contrasted the useful purposes of the veto to its abuse. Mr. Ross pointed out that the shifting of emphasis from the negative side of the veto to the possible usefulness of unanimity among United Nations Members should not be permitted to obscure the fact that the greatest accomplishments of United Nations have taken place in one of the organs where there is no veto, the Economic and Social Council.

⁶³ No paper as such seems to have eventuated.

Present Position on Elimination of the Veto

Senator Austin stated that in his opinion it would not be appropriate to eliminate the veto at this time in connection with problems arising under Chapter VII.⁶⁴ On the other hand, it would be appropriate to take some steps towards eliminating the veto in connection with recommendations under Chapter VI.⁶⁵ For the future after disarmament the number of situations where the right of veto is retained should become progressively less and less. It is to be anticipated that disputes among nations will in the future be dealt with more frequently through the methods of pacific settlement or through the use of the World Court. A tremendous step in this direction was the recent U.S. commitment to accept the compulsory jurisdiction of the International Court of Justice.

Draft Position Paper

The most important comments concerning the proposed position paper submitted by Mr. Johnson are set forth below. Mr. Johnson requested Senator Austin's view on the problem of U.S. policy towards elimination of the veto in connection with recommendations of the Security Council pursuant to Article 37(2).⁶⁶ He explained that there was a great deal to be said both for and against elimination of the veto in this situation.

It was agreed that all positions set forth in the paper should be specifically limited to the present time thus leaving the door open for possible future modification of positions.

Senator Austin suggested that the position paper stressed insufficiently the accomplishments of the Security Council to date and presented too pessimistic a picture of the present procedures in the Security Council.

⁶⁴ Chapter VII deals with breaches of the peace, etc.

⁶⁵ Chapter VI is concerned with pacific settlement of disputes.

⁶⁶ Article 37 of the United Nations Charter reads: "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 36 reads: "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."

It was agreed after discussion that a brief paper should be prepared to indicate whether or not under Article 25⁶⁷ a Member of the United Nations was under legal obligation to carry out recommendations under the Security Council pursuant to Chapter VI. There was considerable difference of opinion among those at the meeting as to proper interpretation of that Article.

501.BC/10-1646

*Memorandum by the Director of the Office of Special Political Affairs
(Hiss)*⁶⁸

[WASHINGTON, October 16, 1946.]

Subject: Consultation with other Members of the Security Council on the Veto Question.

It is proposed that as soon as the U.S. position paper on the veto question is fully approved in the Department, a communication be submitted to each of the other four permanent members of the Security Council, briefly setting forth in substance:

(1) That the U.S. regards the principle of unanimity as reflected in the Yalta voting formula as sound and valid;

(2) That accordingly, the U.S. does not at the present time favor any amendment to Article 27 of the Charter nor a modification of the Four-Power Statement issued at San Francisco;

(3) That the U.S. does, however, favor a liberalized interpretation of Article 27 and the Four-Power Statement along the lines of the three points set forth in the U.S. position paper.

(4) That the U.S. favors full discussion of the veto question in the General Assembly, including the Cuban proposal, but will oppose the calling of a general conference to amend or eliminate the so-called veto privilege.

(5) That the U.S. position with respect to voting on the Security Council does not alter the position taken on the problem of the application of the veto in the control of atomic energy.

This procedure will enable the Governments of the other four permanent members of the Security Council to consider the U.S. position in advance of discussion in the General Assembly or in Committee. It will also make it possible if deemed advisable by the permanent members, to have discussion at the expert level as to the methods of carrying forward, by Rules of Procedure or otherwise, the U.S. pro-

⁶⁷ Article 25 of the United Nations Charter reads: "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter." There seems to be no paper on this subject as such.

⁶⁸ Addressed to the Counselor (Cohen) and the Under Secretary of State (Acheson).

posal for a liberalized interpretation of Article 27 and the Four-Power Statement.⁶⁹

IO Files : SD/A/C.1/69B

Department of State Position Paper

CONFIDENTIAL

[WASHINGTON, October 22, 1946.]

UNITED STATES POSITION ON GENERAL ASSEMBLY AGENDA ITEMS
DEALING WITH VOTING IN SECURITY COUNCIL

I. *The Problem**

The Problem is to determine the United States position with respect to

(1) the following item placed on the agenda of the General Assembly by the Australian Government: "the application of Article 27 of the Charter (dealing with the methods of voting in the Security Council) in the proceedings of the Security Council during 1946, and including exercise and the purported exercise of the right of veto upon Security Council decisions conferred by Article 27 and the circumstances connected therewith;" and

(2) an item for the consideration of the General Assembly proposed by the Cuban Government, which has been placed on the Supplementary List by the Secretary-General, as follows: "A convocatory for a general conference of the Members of the United Nations Organization in accordance with Article 109 of the Charter in order to modify Paragraph 3 of Article 27 of the Charter to eliminate the so-called veto privilege.†

II. *Possible Objectives of Proponents of Veto Discussion*

Discussions in the General Assembly may be expected to be directed toward any or all of the four following objectives:

⁶⁹ Marginal notation by Elwood N. Thompson, Special Assistant to the Director of the Office of Special Political Affairs (Hiss): "I have told Harding Bancroft [now Associate Chief of the Division of International Security Affairs] to go ahead & prepare the paper suggested. ENT." For subsequent developments concerning this proposed communication to the four other permanent members of the Security Council, see pp. 317 ff.

*This paper deals with the question of the veto as embodied in the Charter of the United Nations, particularly in respect of voting in the Security Council. It does not touch directly on the problem of the application of the veto in the control of atomic energy. [Footnote in the original.]

†The Cuban representative proposed an additional item to the General Assembly agenda calling for a general conference of the United Nations members to review the Charter. It is understood that this was in effect a reiteration of their original proposal and not designed to enlarge its scope. [Footnote in the original.]

A. An attack on the interpretation of Article 27 contained in the Statement on Voting Procedure issued at San Francisco by the United Kingdom, Union of Soviet Socialist Republics, China, and United States, and agreed to by France, with a view to one or more of the following: (1) the adoption of a resolution denying its validity and binding character, (2) requesting the International Court of Justice to interpret Article 27 of the Charter, (3) inducing the permanent members of the Security Council to modify or abandon the Statement.

B. Charter amendment to eliminate or curtail the veto right in certain limited respects, most probably in relation to (1) pacific settlement under Chapter VI and Article 52(3), and (2) election of the Secretary-General and admission of new members.

C. Charter amendment to eliminate the veto right in its entirety.

D. Convocation of a General Conference to initiate amendments for either total or partial elimination of the veto.

III. *Recommended United States Position*‡

A. *General Considerations.*

The position of the United States Delegation in the Assembly debate on voting in the Security Council should be based on the determination of the United States to make the United Nations an effective international organization and to promote its growth toward greater effectiveness as an instrument of international cooperation. This is the position which President Truman and Secretary Byrnes have repeatedly proclaimed and which the latter again enunciated at Stuttgart ⁷⁰ in these words:

“We intend to support the United Nations organization with all the power and resources we possess.”

In carrying out this objective, the United States must continue to recognize that the principle of unanimity among the permanent members of the Security Council is inseverably linked with one of the basic forces which made possible the establishment of the United Nations,—the coordinated action of the great powers during the last war and in preparation of the organization of the United Nations.

It is believed that the requirement that important decisions of the Security Council shall have the concurrence of all of the permanent members tends to discourage the assumption by the major powers of intransigent positions and to encourage the achievement of unanimity through compromise, the alternative being no decision at all. While

‡The United States should early in the debate make its whole position known. The various points set forth in this section being interrelated, the United States position would suffer serious distortion unless stated as an integral whole. [Footnote in the original.]

⁷⁰For text of address delivered by Secretary Byrnes in Stuttgart, Germany, on September 6, 1946, see Department of State *Bulletin*, September 15, 1946, pp. 496 ff.

the requirement of unanimity tends to increase the difficulties of adopting a clearcut decision by forcing the great powers to endeavor to find a solution acceptable to all of them, it probably produces better results than would a voting formula that permitted an important decision unacceptable to any one of them. In any event, it prevents any tendency for the Security Council on issues of major importance to the Great Powers to become progressively committed to a course of action inconsistent with the continued collaboration of one or more of those Powers in the Security Council.

Therefore, the United States should seek to direct the Assembly debate on the veto toward carefully considered and feasible objectives which will strengthen the United Nations as much as present circumstances permit. Four general factors serve as guide posts in determining the objectives which are feasible :

1. The highest possible degree of unanimity among the permanent members is not only a desirable objective, but is considered essential to the effective operation of the Security Council. Therefore, even if all the other great powers were ready and willing to consent to a voting formula in the Security Council which would permit substantive decisions§ where the great powers were not unanimous, it is not at all certain that the United States should favor such a formula, since it would be likely to retard the achievement of unanimity. In situations where the principle of unanimity should be maintained, the voting formula itself should be changed to permit decisions which are not arrived at unanimously only if extended experience shows that such change is necessary for the successful operation of the Council.

It is pointed out in the Four Power Statement (Part I, Paragraphs 6 and 7)⁷¹ that the voting formula in the Security Council is in itself a relaxation of the stricter conception of unanimity contained in the Covenant of the League of Nations.

§Certain decisions of the Council under Chapter VI, now requiring the concurrence of all the Permanent Members might well be adopted by an unqualified majority of any seven members without affecting the objectives set forth herein. See C, 2 *infra*. [Footnote in the original.]

⁷¹ These paragraphs read : "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."

It can be argued that much of the current criticisms of the veto stem not so much from the legitimate use of the privilege but primarily from its abuse. This abuse has fostered confusion about the primary interests involved.

2. The unanimity rule was meant to be confined in the United Nations to the most vital decisions affecting war and peace. It is important to keep in correct perspective the significance and influence of the requirement of unanimity among the great powers. It does not apply to voting in the General Assembly, the Economic and Social Council or the Trusteeship Council. It has not been incorporated into the rules or practices of the several Commissions which have been established, including the Atomic Energy Commission, nor into the constitution of any of the specialized agencies.

The approach, therefore, towards a solution of the problem raised by the requirement of unanimity is a gradual extension of the areas wherein the probability of obtaining unanimity, or effective action without it, is high enough to eliminate or diminish substantially the need for a unanimity rule. This extension will be based largely upon experience gained through the operations of the United Nations in fields where unanimity is required.

Article 27 of the Charter which establishes the voting procedure in the Security Council was the result of thorough and carefully planned study in the United States and of extended and difficult negotiation. This has also been the case only to a slightly lesser degree with regard to other Articles incorporating the unanimity rule, such as those relating to amendments, (Articles 108, 109 (2)).⁷² It would appear to be undesirable to alter the Charter in this respect before the advantages and disadvantages of the present provisions had been tested both from the point of view of the interest of the United States and from that of the effectiveness of the United Nations.

3. In accomplishing its objectives, the United States must constantly bear in mind the viewpoint of other nations and particularly of the Soviet Union towards the unanimity principle and avoid action which tends to drive them into grudging, half-hearted partnership or even out of the Organization. All the evidence at hand indicates that the Soviet Union is, if anything, even more devoted to the principle of unanimity of the permanent members of the Security Council than it was when the Charter was signed. It is clear that the Soviet Union feels that it cannot be assured that the fundamental principle of unanimity will be observed and that it will not be subject to the direction of an opposing majority, in the absence of a voting formula permitting a veto by a permanent member. This being so, the Soviet Government can be expected to resist to the utmost any proposal for even partial elimination of the veto from the United Nations Charter, at least at the present time. The United States position, therefore, should be along lines which will insure the maximum accomplishment with the greatest cooperation from the Union of Soviet Socialist Republics.

⁷² Article 108 deals with the amendatory process when the amendment is effected by the General Assembly; Article 109(2) when the alteration is made by a "General Conference" for which provision is made in the first section of the article; both procedures required the assent of all the permanent members of the Security Council.

4. The successful functioning of the United Nations requires that all members uphold the Charter in good faith and a spirit of conciliation, and be ever alert to live up to and to defend the purposes and principles of the organization, both within the organization and in all their other international relations. The special responsibilities of the great powers as permanent members of the Security Council impose on them a particularly heavy obligation in this regard. In view of its great responsibilities, the United States, while seeking to understand the views of other states and to obtain maximum cooperation from them, must use its full influence to ensure adherence by all members of the United Nations, and particularly by the other permanent members of the Security Council, to the principles and purposes of the organization and to the spirit of the Charter. No member of the United Nations can be permitted to ignore the fact that, as Secretary Byrnes said on February 28, 1946, "the mere legal veto by one of the permanent members of the Council does not in fact relieve any state, large or small, of its moral obligations to act in accordance with those purposes and principles."⁷³ Nor does the failure of any organ of the United Nations to take a decision relieve any member of that obligation.

The United States position has been formulated with regard to these general considerations.

B. Preferred Position: Liberalized Interpretation of Article 27 and Four Power Statement.

In view of the general considerations outlined above, the United States Delegation to the General Assembly should take a position designed primarily to promote a liberal interpretation by the Security Council of Article 27 and the Four Power Statement. Concretely it should (1) demonstrate what can be accomplished in this direction and the technique by which this may be done, and (2) endeavor to persuade the Soviet Union and the other permanent members of the Security Council on the one hand, and the lesser powers on the other, to accept such a liberalized interpretation. It should of course be remembered that this objective cannot be achieved by a resolution of the Assembly alone but requires action by the Security Council as well.

This course of action has the great advantage from the point of view of negotiations with the Soviet Union of making previous agreements the point of departure and of expanding gradually therefrom the areas of agreement. It would be a mistake to assume that even with this approach it will be easy to secure the consent of the Soviet Union to a liberalized interpretation of the voting formula. Discussions which have already taken place, particularly in the Security Council Committee of Experts, have demonstrated that not only will the Soviet

⁷³ This statement was made by the Secretary in the course of an address to the Overseas Press Club at New York, and broadcast over the radio network of the National Broadcasting System.

Government resist liberalization along the lines proposed, but that it actually desires Rules of Procedure which will interpret Article 27 so as to expand the field of decision requiring the concurrence of the permanent members. Also it will remain possible, as long as the Four Power Statement remains in effect, for a permanent member to attempt to invoke Part II, Paragraph 2, of that Declaration in connection with any decision not previously determined to be procedural and thus to attempt to assert a veto in patently unjustifiable cases.¶

In this connection, it should be noted that in the Four Power Statement the four governments expressed their belief that the permanent members would not "use their 'veto' power willfully to obstruct the operation of the Council." If all permanent members had lived up to this principle, it seems likely that there would have been very little criticism of the voting formula. Criticism has been mainly directed at the abuse rather than the use by the permanent members of their privileged voting position.¶

In a general way it is possible through a liberalized interpretation of Article 27 and the Four Power Statement to eliminate most of the abuses of the voting formula that have handicapped the operations of the Security Council to date. While the United States is probably not legally bound by the Four Power Statement, almost as much can be accomplished in the direction of improving the operations of the Security Council through interpretation of both Article 27 and the Four Power Statement, as through interpretation of Article 27 without the Four Power Statement. In this connection it should be noted that the Four Power Statement was regarded at San Francisco as a liberalization of the original Yalta Formula even by Mr. Evatt who was its bitterest opponent.

It is believed that the advantages of this method of approach far outweigh any possible disadvantages. Further experience as a result of the operations of the Security Council, however, may open new avenues of approach. The proposed liberalized interpretation of Article 27(3) and the Four Power Statement should, if possible, include all the following points:

(1) Agreement that the abstention clause of Article 27(3) shall be interpreted to prevent a state from being a judge in its own cause in

¶Part II, Paragraph 2 reads as follows: "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." [Footnote in the original.]

¶For discussion of abuses of the voting formula, see paper entitled *Use of Veto in the Security Council of the United Nations* (Background Book), and *The Unanimity Principle in Theory and Practice*, pp. 8 to 14, and Annex A (Position Book). [Footnote in the original. These "books" are found in the IO Files.]

any decisions under Chapter VI and under Paragraph 3 of Article 52.⁷⁴ This would require a party to a dispute or involved in a situation to abstain from voting on decisions in connection with the particular dispute or situation, not only in connection with recommendations and other substantive decisions, but also in voting on any preliminary questions which may be necessary to determine whether a dispute or situation exists and whether the particular state is a party in interest. This was the clear intent of the Charter. It is true that several Articles of Chapter VI distinguish between disputes and situations, while Article 27(3) refers only to a dispute. Nevertheless, there are sound historical and logical grounds for assimilating disputes to situations in so far as Article 27(3) is concerned. Moreover, the spirit of the Charter would be seriously violated if it remains possible for a permanent member to block its own exclusion from voting by insisting either that no dispute exists or that it is not a party, and by vetoing any attempt to decide the contrary.

(2) Agreement that the requirement of unanimity among the permanent members on a non-procedural decision will be satisfied if all of the permanent members actually voting on the decision, vote in the affirmative (i.e., that voluntary abstention from voting by a permanent member—as opposed to the abstention required of a party to a dispute under Article 27(3)—shall not be the equivalent of a negative vote). This will enable the Council to reach a decision in cases where one or more permanent members do not approve of a decision but nevertheless are not prepared to vote against it.^{**}

(3) Agreement on a clear and exhaustive definition of procedural matters for the purpose of increasing to a maximum the occasions when the question of whether a matter is procedural may be decided without a vote. (Under Paragraph 2 of Part II of the Four Power Statement such decision requires the concurrence of the permanent members). Such an interpretation will not only eliminate most of the debate over procedural questions which now occupies a great part of the Security Council's time and energy but will reduce to a minimum the opportunities for a permanent member to veto a motion before the Council which it does not like merely by invoking Paragraph 2 of Part II of the Four Power Statement.

It will probably be desirable to secure most, if not all, of the above interpretations through Rules of Procedure. In some instances, however, it might be adequate and more feasible to accomplish the results through the establishment of precedents in the Security Council as a

⁷⁴ Paragraph 3 of Article 52 reads: "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."

^{**}This may be an extremely difficult position to maintain technically. Although the English text of Article 27(3) provides for "the concurring votes of the permanent members", the text of the Charter in Chinese, French, Russian and Spanish translated literally requires "the concurring votes of *all* the permanent members". Furthermore, at San Francisco the United States Delegation expressly interpreted the English text in the same manner, i.e., as if the word "all" were included, and hence contrary to the present proposed position. See History of the Voting Problem p. 49. [Footnote in the original.]

first step rather than through the immediate adoption of Rules of Procedure.

A detailed exposition of the nature and limitations of this approach to the problem of voting in the Security Council, as well as a detailed statement of reasons for believing that the U.S.S.R. consent might be secured to the specific suggestions is contained in the paper on technical aspects of proposals for liberalized interpretation of the Four Power Statement and Article 27, (Doc. SD/S/668A).

C. Position on Possible Objectives of Proponents of Discussion.

1. Modification of Four Power Statement.

The United States, from the viewpoint of logic and without prejudicing its national interests, could not only agree to, but should welcome an interpretation of Article 27 which would restrict more than does the Four Power Statement both the areas to which the veto applies and the possibilities of its abuse. Such an interpretation might provide, for example, that decisions under Articles 33, 36 and 52 (3) of the Charter and decisions to investigate (but not subsequent determinations) under Article 34, should be taken by procedural vote, on the ground that such decisions deal only with procedures of pacific settlement and not with the substance of disputes and situations.

Under the present circumstances, however, the United States should not favor discarding the Four Power Statement. While the Statement does not bind this country legally, it does constitute a moral commitment towards other nations which should not be unilaterally renounced without the most careful consideration.†† Any statement in the General Assembly by the U.S. of a desire to secure modification would certainly arouse the resentment of the U.S.S.R. and doubtless lead the Soviet Government to question the sincerity of U.S. support of the principle of unanimity, thus increasing the difficulty of achieving that degree of liberalization possible within the framework of Article 27 and of the Statement. It would probably be unfavorably received by some other permanent members of the Security Council.

The United States should therefore publicly declare its intention to stand on the Four Power Statement and should discourage the introduction of any General Assembly resolution attacking it, as this would weaken our tactical position in securing any modification through direct negotiations with the other four powers. It should, if necessary, affirm that its actions in the Security Council will be based on the Statement as the United States interprets that document, regardless of any such resolution unless the statement is modified by agreement of the five powers.

††See paper on *Legal Status of the Declaration of the Delegations of the Four Sponsoring Governments*, Doc. SD/A71A. [Footnote in the original.]

There are a number of indications that the Australian Delegation will probably train its heaviest guns on the Four Power Statement, endeavoring to obtain acceptance as a minimum, of the following positions:

(a) That decisions as to whether a matter is procedural or substantive shall be taken by procedural vote;

(b) That a procedural vote shall govern decisions of the Security Council generally under Chapter VI.

Unless the United States, by strong and effective leadership, keeps the debate properly focussed, there is considerable likelihood that a good many Delegations will rally to the support of any resolution designed to challenge the Four Power Statement on these, and perhaps other, points. Three further points should be borne in mind in this connection. In the first place, the Statement does not contain as restrictive an interpretation of Article 27 as could be devised, or even as the Soviet Delegation desired at San Francisco when they undertook to limit the procedural vote to matters coming within Articles 28 to 32 inclusive and even to contend that discussion of a question should be subject to the veto.

In the second place, the U.S. is not in a position to argue that the Four Power Statement is an unreasonable interpretation of Article 27. While it is true that nearly all members of the U.S. Delegation at San Francisco, including Senators Connally and Vandenberg, expressed themselves in Delegation meetings as opposed to the application of the unanimity rule to pacific settlement, the only point of interpretation of Article 27 insisted on by that Delegation in meetings of the Big Five related to Paragraph 1 of Article 35.⁷⁵ In accordance with the view expressed in the State Department release of March 24,⁷⁶ the American Delegation insisted, in the words eventually incorporated in the Four Power Statement, that "no individual member of the Council can alone prevent consideration and discussion by the Council of a dispute or situation brought to its attention. . . ."

Thirdly, it must not be forgotten that this Government proposed the formula adopted at Yalta and that the Four Power Statement con-

⁷⁵ Article 35 of the United Nations Charter states: "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 Article 11 and 12."

⁷⁶ For text of press release, a statement by Acting Secretary of State Joseph C. Grew entitled "Operation of the Proposed Voting Procedure in the Security Council," see Department of State *Bulletin*, March 25, 1945, p. 479.

forms to all prior public interpretations which the U.S. had made of Article 27.

2. *Partial Elimination of Veto through Charter Amendment.*

It is quite probable that suggestions will be made in the General Assembly for amendments to the Charter which would eliminate the requirement of the concurring votes of the permanent Members in connection with the following types of decisions by the Council:

- (a) Election of the Secretary General.
- (b) Admission of new members to the United Nations.
- (c) Decisions relating to pacific settlement of disputes. (Chapter VI and Article 52 (3)).

In connection with any of such proposals, it must be stressed that no amendment could be adopted without the concurrence of all the permanent members of the Security Council which has been shown to be unlikely. In the absence of previous agreement by all these states, support of proposals for amendment would serve no useful purpose and would probably hamper the attainment of the principal objectives of the U.S. with respect to the United Nations.

The following analysis of such proposals is concerned solely with their relation to U.S. policy objectives and does not deal with their political feasibility. It is quite possible that some of the proposed Charter amendments considered below would not be ratified by the U.S.

As regards the election of the Secretary General, unquestionably the prestige of the office is increased if the incumbent has the support of all permanent members. This is one instance where observance of the unanimity principle is clearly helpful. It does not follow, however that the voting formula should make unanimous action mandatory in this type of matter. The U.S. could readily forego its special voting privilege in this instance in the interest of building up the Security Council, if such a course should meet the tests set forth in the general considerations described in III A above.

The considerations with respect to admission of new members are somewhat similar. It is probably desirable that there should be unanimity among the permanent members on this matter. However, in this instance the requirement of unanimity in the voting formula has resulted in the exclusion from membership of certain applicants in total disregard of the standards for membership set forth in Article 4 of the Charter. Here too, there is no serious reason why the U. S. should not forego its special voting privilege especially since there was far less reason for the Charter to provide for the concurrence of the permanent members on this matter than in other cases.

The objectives of U. S. foreign policy would probably be served by removal of the requirement of unanimity among the permanent members of the Security Council in questions of pacific settlement, possibly including even decisions recommending terms of settlement under Article 37 (2).⁷⁷ One of the grounds on which the U. S. agreed to the requirement of unanimity of the permanent members in this instance was that it would have the effect of forcing the great powers to compromise and harmonize their views. The full measure of the anticipated results has not thus far been achieved.

Another reason was the belief that proposals relating to pacific settlement which did not have the support of all the permanent members would lack the weight necessary to be fully effective and might encourage failure to adhere to recommendations of the Security Council.

The U. S. also took the position which is embodied in the Four Power Statement that "decisions and actions by the Security Council" (under Chapter VI) may well have major political consequences and may even initiate a chain of events that might in the end require the Council under its responsibilities to invoke measures of "enforcement" under Chapter VII. The basis of this argument was that effective enforcement action would probably not be possible unless the permanent members of the Security Council had all been in agreement on the decisions taken by the Council prior to the time when enforcement action became necessary. The weakness of this argument is that it will probably be applicable to extremely few cases since the great majority of cases brought before the Council will be disposed of before any question of possible enforcement action arises. On the other hand, a voting formula that requires the concurrence of permanent members may prevent the Council from utilizing fully its machinery for effecting peaceful settlements in a large number of cases, and therefore it is important to strengthen the Council's powers in this field.

The elimination of the unanimity requirement from the operations of Articles 33, 34, 36, 38, and 52 (3) would not, it is believed, remove any protection from vital United States interests which the veto now affords. The only decisions which the Security Council can take under these articles relate to (1) calling upon states to settle their disputes by peaceful means of their own choice; (2) the finding of facts as the basis for possible Security Council recommendations; and (3) recommendations of procedures and methods of settling disputes. While

⁷⁷This reads: "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."

technical and legalistic changes in the voting procedure of the Council cannot be a really satisfactory substitute for effective reconciliation of conflicting interests, particularly of the permanent members, it should be to the real advantage of this Government, which has taken a position of leadership in the United Nations, if the Security Council were able to arrive with greater ease and dignity at decisions relating to investigation and recommendations of procedure of settlement.

The U. S. can suffer no real injury through elimination of the unanimity requirement from decisions under the articles listed above. Enforcement action under Chapter VII will still require the concurrence of the permanent members.

Article 37 (2) which provides that the Security Council may in certain circumstances "recommend such terms of settlement as it may consider appropriate" raises serious questions and it is not clear whether the U. S. would wish to agree to the abandonment of the unanimity requirement with respect to such recommendations. It is conceivable that a majority of the Security Council might recommend terms of settlement in cases in which the U. S. is not a party, which the U. S. did not regard as consonant with its fundamental interests. While there may be no legal obligation under Article 25 to accept and carry out "recommendations" of the Security Council in contrast to "decisions," nevertheless the moral opprobrium in failing to carry out suggested terms of settlement is considerable.

On the other hand, as previously stated, the highest possible degree of unanimity among the permanent members is considered essential to the effective operation of the Security Council. This is extremely important in connection with the recommendations under Chapter VI, not only for the reasons previously set forth, but also because a recommendation in which only two or three of the Great Powers concurred, even though favored by the smaller states, would not have the force and effect of one supported by all five major powers.

In summary, then, it would appear that the advantages of changing the voting formula with respect to election of the Secretary General, election of members, and pacific settlement of disputes, probably somewhat outweigh the disadvantages. The decisive factors which make it undesirable for the U. S. to favor at this time an amendment of the Charter along these lines are: (1) that it would be impossible to accomplish the desired result in view of the fact that amendments to the Charter require the concurrence of all permanent members of the Security Council; (2) that it would minimize the chances for obtaining concurrence of the Soviet Union in liberalized interpretations of the Charter; and (3) that it might jeopardize the objectives which the principle of unanimity is designed to serve.

3. *Elimination of Veto in its entirety through Charter Amendment.*

In the event that such an amendment were to be proposed at the forthcoming General Assembly, the United States should oppose it, and should endeavor to concert its efforts to this end with those of the other four permanent members of the Security Council. There are several grounds on which the United States should oppose under present circumstances any proposal for the abandonment of the unanimity rule in its entirety :

(a) The most fundamental ground is the importance of great power unity, which is recognized to be vital to the maintenance of international peace and security. The U.S. had advocated the unanimity requirement and has defended it against attack on the ground that it is an essential basis for the attainment of unity among the Great Powers and thus has a practical value more than offsetting all difficulties attaching to it. Elimination of the unanimity rule might well increase rather than diminish basic disagreement among the Great Powers.

It is also clear that if a grave conflict between the Great Powers should occur, the United Nations itself could not by enforcement measures prevent major hostilities. Consequently, the membership and voting provisions of the Security Council do not directly bear on the issue of the effectiveness of enforcement measures against a great power.

The elimination of the unanimity rule with respect to enforcement action would not alter in any real sense the special status which the Great Powers now have with respect to military matters. As Mr. Stettinius stated before the Senate Foreign Relations Committee :

“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.”

At present the United Nations has no military forces at its disposal. Even when provision of forces is made in accordance with Article 43, these forces will not be able to carry out against one of the three Great Powers a Council decision to take enforcement action. Probably not even a decision against France or China could be enforced. While it is conceivable that the Council could enforce decisions against certain smaller states despite the refusal of one of the permanent members to agree to the decision, it is unlikely that the rest of the Council would be prepared to take the risk of carrying out enforcement action against such a state over the determined opposition of a permanent member which regarded its vital interest as adversely affected.

Even if, under such circumstances, enforcement action were not actively resisted, it might well be ineffective. It is logical to assume

that the Security Council, having decided to use force, would wish to make use of the forces of the Great Power nearest at hand. It is unlikely that a great power would place its forces at the disposal of the Council to carry out a decision it did not approve. Yet, it is quite possible, that under the assumption that the Security Council would wish to use the forces of the Great Power nearest at hand, the forces of this power would be the logical, if not the only ones, that the Security Council could effectively utilize.

Some day the armaments of the Great Powers may be reduced to a level which would make possible enforcement action against any one of them. Quite aside, however, from the factor of military potential, which is independent of the size of forces in being, is the fact that effective regulation of armaments cannot be attained except as a consequence of, or as an accompaniment to, mutual confidence among the Great Powers. This in turn depends upon their ability to attain agreement on major issues. Elimination of the veto on enforcement action would doubtless lessen the chances of Great Power agreement, rather than the contrary; hence, it would render effective regulation of armaments even more remote than at present.

The unanimity rule is designed to facilitate such agreements, and should also facilitate rather than impede the development of an effective system for the regulation of armaments.

(*b*) The U. S. Government is not in a position to consider at the present time a change in the Charter whereby the concurring vote of the U. S. would be unnecessary to a decision of the Security Council involving enforcement measures in which U. S. forces or economic instrumentalities would be required to participate. Apart from the arguments presented in (*a*) is the fact that the whole course of development of this Government's position on voting and the debates on the ratification of the Charter show that the Senate regarded the veto as essential in these respects. Moreover, it is open to question whether the American people would in the last analysis support such a step at this stage of international relations.

(*c*) The U. S. would not now be prepared to accept an amendment of the Charter which would modify the unanimity rule with respect to strategic areas placed under trusteeship.

(*d*) It is improbable that the U. S. would care to forego the requirement for concurrence among the permanent members of the Security Council in the ratification of amendments to the Charter which might increase the obligations of membership.

(*e*) The U.S. would have to give the most careful consideration to the effect of the elimination of the unanimity rule on the Monroe Doctrine and on the relations between the Security Council and the Inter-American system, particularly in the light of the Act of Chapultepec and its implementation in the forthcoming Rio Conference.⁷⁸

⁷⁸ For the Act of Chapultepec and the Rio Conference, see footnote 20, p. 130.

4. *Cuban Proposal for General Conference To Amend or Eliminate the Veto*

There is no reason why the U. S. Delegation should oppose placing the Cuban proposal on the agenda of the Assembly. The U.S. could appropriately suggest, however, that the item should be coupled with the Australian proposal so that the two may be considered at the same time. This is especially desirable since the Cuban proposal permits a consideration of only one phase of the problem, while the Australian proposal permits the discussion of all phases of the problem including the particular question raised by the Cuban proposal.

Technically also, it would be possible to amend the Charter either to limit or eliminate the veto under Article 108 without convoking a conference. There seems to be no reason to believe that more could be accomplished through a conference pursuant to Article 109 than through the procedure for amendment provided by Article 108. The U.S. should therefore oppose the holding of such a conference for this reason, as well as for the reasons set forth above applicable to all proposals to amend Article 27 of the Charter.

501.BB/10-2446

Memorandum by Bernhard G. Bechoefer of the Division of International Security Affairs to the Chief of the Division (Johnson)

TOP SECRET

[NEW YORK,] October 23, 1946.

Subject: First Meeting of Delegation on October 22, 1946 concerning the Veto Problem

I am submitting this memorandum at the suggestion of Mr. Paul Taylor⁷⁹ since neither the secret summary which I prepared immediately after the meeting and which was sent today nor the minutes⁸⁰ which Mr. Taylor has prepared and cleared with me deal with certain phases of the meeting which are of particular interest to you. I shall follow this practice only in unusually important matters where greater detail is required than is ordinarily furnished through the minutes. The meeting took place on the afternoon of October 22 and lasted approximately an hour. Senator Austin stated that the U.S. position has been briefed more thoroughly in connection with the veto problem than with any other problem confronting the General Assembly because it was necessary to convince not only the General Assembly but

⁷⁹ Paul B. Taylor of the Division of International Organization Affairs and an Assistant Executive Officer on the expert and advisory staff attached to the United States Delegation to the General Assembly.

⁸⁰ Neither the telegraphic summary nor the minutes of the meeting are printed here. The minutes of the meetings of the United States Delegation are in the IO Files, the series carrying the symbol US/A/M(Chr); the identifying number for the meeting under reference here, the eighth held by the Delegation (October 22, 1946, 3 p. m.), is US/A/M(Chr)/8.

also to convince public opinion in order to rectify misunderstandings and to secure agreement on voting principles.

Senator Austin stated that there was nothing novel in the Security Council voting principles embodied in the Charter and that they were evolved after much study to meet actual conditions. He compared at some length the procedure leading to the adoption of the Charter of the United Nations with the procedure used to adopt the U.S. constitution.

Senator Austin stressed the necessity of (quoting the Vermont constitution) "recurrence to fundamental principles". He stated that the U.S. position aims to avoid the tangle of details. He then said that the U.S. position paper,⁸¹ which was distributed in the meeting, comes from the White House. It had been discussed and approved by the President, the Secretary of State, and the Under-Secretary and that the contents represented the recommendations of the Chief Executive.

Senator Austin stated that the discussion with the Secretary of State and the President concerned not only the substantive position but also procedures for presenting the substantive position. It was agreed that a general statement of the U.S. position should be presented to the delegates of the permanent members of the Security Council⁸² before any discussion took place either in the general committee or in the General Assembly. Senator Austin would personally see the delegates in the hope that the permanent members would take positions similar to that recommended by the U.S.

Senator Austin further stated that the U.S. would advocate a discussion in the General Assembly immediately after the general debates and prior to the reference of this particular matter to a committee. The Senator would attempt to induce the U.S.S.R. to suggest a general discussion prior to the reference of the matter to a committee. The purpose of such discussion would be to limit the extent of consideration in the committee and to sift out the most important problems.

Senator Austin then proceeded to state briefly the substance of the position paper. He made two fundamental points: First, the U.S. adheres firmly to the principle of unanimity which requires that the more important decisions of the Security Council be approved by all Powers with responsibilities to carry out the decisions. The loss of speed through the requirement of unanimity is more than counter-balanced by the gain in certainty of the abolition of war. Second, the U.S. must assure the world that it is not standing against world opinion through opposing change. The U.S. is eager to go ahead at the proper time when real progress can be achieved through change and when change will advance the possibilities of peace. Specifically, from a long-range standpoint, the U.S. looks forward to interpreta-

⁸¹ Document SD/A/C.1/69B, *supra*.

⁸² See document US/A/C.1/20, November 4, p. 320.

tion of the Charter in such a manner that the veto at some future time may not apply to matters arising under Chapter VI of the Charter. The U.S. cannot however hold out any hope for any change in the Charter which would eliminate the veto under Chapter VII.

Senator Austin suggested that the position paper be studied carefully and that more detailed discussions should take place at a later time.

Senator Austin stated that one aspect of the U.S. position is negative. The U.S. believes that no case has been made out for amendment of the Charter at this time and therefore will oppose the Cuban proposal for a convocation of a general conference. The indictment against the Security Council voting formula is directed not to the formula but to abuses, malpractice—and therefore is insufficient to justify amendment of the Charter.

Affirmatively, the U.S. suggests rules, regulations, definitions, not changes.

Senator Connally suggested that possible future modifications of the Charter should not be restricted to Chapter VI but might also apply to matters such as the election of the Secretary-General. Minister Wadsworth further suggested that future modifications might also apply to admission of States to membership.

Senator Austin agreed but stated that the first task was to stop the Cuban movement which could not help but result in futility because of the right of permanent members to veto any amendments.

Mr. Dulles suggested that the U.S. should not take the Cuban proposal too seriously since the Cubans knew that it was futile. It was put forward because of the feeling of many nations, not only the smaller nations but also some of the greater powers, that the veto has been used arbitrarily. However, to the best of his knowledge no State has contended that the veto has been used arbitrarily by the U.S. Mr. Dulles therefore suggested that it was not necessary for the U.S. to come to the defense of the veto. If the purpose of the discussion is to air the grievances of the smaller States concerning the veto, why should we come to its rescue?

Senator Austin stated that the U.S. must take the leadership to revive the spirit of our people with regard to the United Nations, indicating that the campaign against the veto had shifted the viewpoint of the U.S. from fundamental conceptions of the United Nations. Mr. Dulles said that he conceded Senator Austin's contention but stated that he objected to Senator Austin's statement that there was no grounds for the Cuban indictment. Congressman Eaton asked if the U.S. was defending the veto and merely objecting to the U.S.S.R. use of the veto. Senator Austin reiterated that the attacks on the veto undermined the confidence of the American public in the United Nations and the U.S. position must be directed to end the defeatist

attitude in the U.S. Minister Wadsworth said that he was impressed by the necessity for defending the principles of unanimity but asked what safeguards could be given against continuing abuses. Senator Austin said that safeguards could be furnished through rules and regulations. Senator Austin informed Mr. Stevenson that there would be many chances for further discussion but that such discussions should not take place until all the delegation had had an opportunity to study the Charter.

[For the brief General Committee discussion as to whether the three items on the voting question should be recommended to the General Assembly for inclusion on its agenda, see United Nations, *Official Records of the General Assembly, First Session, Second Part, General Committee*, pages 74 and 75. In deference to the Soviet Representative's (Vyshinsky) withdrawal of an initial opposition to the inclusion of the items on the agenda, the United States Representative (Austin), "actuated by the same conciliatory spirit as Mr. Vyshinsky", did not press for a General Committee recommendation for discussion of the items by the General Assembly in plenary session before referral to the appropriate committee. The General Committee decided, then, that a "qualified committee" should be appointed to study the question and to report to the General Assembly. The final recommendation of the General Committee to the General Assembly was that the items should be adopted for inclusion in the final agenda and then be referred immediately to the First Committee (Report of the General Committee to the General Assembly, document A/163, United Nations, *Official Records of the General Assembly, First Session, Second Part, Plenary Meetings*, pages 1475 ff., annex 30; this record is cited hereafter as GA (I/2), *Plenary*).]

IO Files: US/A/M (Chr)/11

*Minutes of the Eleventh Meeting of the United States Delegation,
New York, Hotel Pennsylvania, October 28, 1946, 9 a. m.*

SECRET

[Here follow list of names of persons (26) present,⁸³ and discussion of other subjects.]

Position on the Veto

Senator Austin reported that he had decided to speak at the close of the general debate. He would take the position on the veto outlined

⁸³ With respect to the minutes of the meetings of the United States Delegation to the General Assembly the list of persons present is not printed because of excessive length; those who are mentioned in the minutes themselves as participating in the discussion are readily identifiable; note may be made of the general lists of persons on the expert and advisory staff printed pp. 37-42.

in the position paper. The net of this was that the United States objected to amending the Charter. Our understanding of the veto principles was that they were pre-eminently constructed and not negative. We favored keeping the door open to amendments if the case were suitable but, in the meantime, there should be announced a progressive, constructive policy regarding the peaceful settlement of disputes. The voting principles had not been intended to interfere with peaceful settlement of disputes. Senator Austin did not propose to put forward any resolutions or recommendations to be acted on by the General Assembly.

Senator Connally inquired whether the United States could not sponsor or agree to a resolution expressing the hope that the Security Council would use the veto sparingly, thus indicating the United States was not pleased with its prodigal use. Senator Austin said that he thought the United States could agree to such a motion but he thought that it should not be put forward in his speech but in later debates or in the Committee. Senator Connally agreed. He recalled that in defending the veto at San Francisco, he had defended the principle of unanimity among the Great Powers. It had been agreed then if two Powers were to try to coerce a third major Power, war might be precipitated and therefore unanimity was essential. However, it had not been the intention that the veto should be used all over the lot on two-bit questions.

Senator Austin said that it might be that Senator Connally might see fit to make some such proposal in Committee 1.

In answer to Mr. Eaton's question, Senator Austin said he was not going to imply that the veto had been abused. Mr. Eaton asked if that were not the case. Senator Austin said that he had not completely clarified the position but that he expected to urge that the use of the veto be restrained by rules of procedure.

Senator Vandenberg said he did not know what the speech should contain for it was Senator Austin's and not his. He continued that the thing he missed was the lack of affirmative United States proposals on anything on the agenda. He said that he did not believe that there was any United States proposal in the thirty-two items on the agenda. He did not believe that moral leadership would be obtained in that way. He agreed that it was no time to amend the Charter but that the development of a definition of the veto should specifically assert that in our opinion the veto should be confined to Chapter VII. This would be a progressive step which could be taken without jeopardizing in any degree reasonable use of the veto.

Senator Connally observed that when abuse of the veto was charged, someone would ask in what cases it had been abused. Senator Vandenberg replied that one didn't have to charge abuse of the veto but he

did not like, even by silence, to deny the great majority of small States who had charged an abuse of the veto. He did not like to be associated with the general denial. Senator Austin remarked that that was the reason for his speech. Senator Connally thought that was a very nebulous sort of approach. Senator Vanderberg replied that it ceased to be nebulous if it was established that the veto applied only to Chapter VII. Senator Connally recalled that the Delegation had started out and intended in San Francisco to have the veto apply only to Chapter VII. However, some provisions of the Charter had been drawn which did not sustain this position. Senator Austin said that he believed the use of the veto to obstruct peaceful settlement violated the Charter. Senator Connally stated that if Senator Austin emphasized that argument it would lay the groundwork for Committee 1 to come along with some recommendations.⁸⁴

[Here follows discussion of other subjects.]

501.BB/11-246

The Counselor of the Department (Cohen) to Senator Austin

CONFIDENTIAL

WASHINGTON, November 2, 1946.

MY DEAR SENATOR AUSTIN: I enclose a revised copy of the memorandum entitled "U.S. Position on General Assembly Agenda Items Relating to Voting in the Security Council."⁸⁵ You will recall that an earlier draft was discussed in the meeting in Washington on the evening of October 18.⁸⁶ I also enclose a paper entitled "United States Proposals for Rules of Procedure of the Security Council",⁸⁷ which contains three proposed rules together with brief comments thereon. These are revisions of three of the rules contained in the document "Technical Aspects of Proposals for Liberalized Interpretation of Four Power Statement and Article 27 (SD/S/668B),"⁸⁸ a copy of

⁸⁴ For Senator Austin's statement of the United States position on the General Assembly item dealing with voting in the Security Council, delivered in the course of his speech to the General Assembly on October 30 at the time of the opening speeches by the delegates, see GA (I/2), *Plenary*, pp. 904-908. Omitted from Senator Austin's speech were details of the United States program for liberalization of the voting procedures and practices of the Security Council as set forth in the position paper of October 22 and included in earlier drafts of the speech.

The General Assembly on October 31 after a brief discussion adopted the General Committee's recommendation that the items regarding Article 27 be referred to the First Committee (GA, (I/2), *Plenary*, pp. 931-933).

⁸⁵ See documents US/A/C.1/20, November 4, p. 320.

⁸⁶ See memorandum of October 16 by Mr. Hiss, p. 297, for initial proposals on this paper.

⁸⁷ See document US/A/C.1/18, November 4, p. 322.

⁸⁸ Not printed; this was a lengthy working paper of some 25 pages which went through several revisions.

which was included among the background material for the position paper on the "veto." You will note that the other rules and alternatives in that document have been omitted.

It is our judgment that the best way to achieve success in obtaining agreement on these draft rules, which we believe will accomplish the ends set forth in the position paper and in your speech, is to discuss them at an early date with the representatives of the other four permanent members of the Security Council, and as soon as practicable thereafter to have them considered by the Committee of Experts of the Council.

The Department believes that the best way to approach the other four permanent members would be for you personally to hand copies of the two documents directly to each of the Chiefs of the Assembly Delegations from those countries, stating that you wish to take advantage of their presence for an exchange of views on this most important question. You will wish, I believe, to explain the two memoranda briefly, emphasizing our view that the establishment of satisfactory procedures for the Security Council is the responsibility of the Council itself. You will probably wish also to indicate that you will be glad to hold further consultations with them after they have had an opportunity to study the two documents, and perhaps to suggest conversations on the technical level as well. The four Chiefs of Delegations should be also informed of our desire to have the Committee of Experts of the Security Council consider these proposals at an early date, preferably within the next week or so. In this connection it should be noted that drafts of rules designed to achieve the same ends as Rules B and C of the second paper were handed informally last spring to the representatives on that Committee of the other permanent members, but were never discussed in the Committee or shown to its other members.

It is not impossible that during the consultations others will make an attempt to explore more fully the question of eliminating the "veto" with respect to atomic energy. Should this occur, I believe the United States position should be that the question is irrelevant until such time as the Atomic Energy Commission makes specific proposals. We are presently concerned solely with the procedures of the Security Council within the framework of the Yalta formula.

I enclose a copy of a letter I am sending today to Mr. Herschel Johnson, suggesting that after consultation with you, he arrange with Sir Alexander Cadogan, the President of the Security Council, to have

the Committee of Experts meet for the purpose of considering these proposals.

Sincerely yours,

BENJAMIN V. COHEN

501.BB/11-246

The Counselor of the Department (Cohen) to the Acting United States Representative at the United Nations (Johnson)

CONFIDENTIAL

WASHINGTON, November 2, 1946.

DEAR HERSCHEL: I enclose a copy of a letter I am sending today to Senator Austin, together with copies of the enclosures referred to therein.

As you know, the proposed draft rules result from long and careful consideration of the problem of the "veto". You will note that there has been considerable redrafting and that certain of the rules and alternatives discussed in the paper on "Technical Aspects of Proposals for Liberalized Interpretation of Four Power Statement and Article 27", have been left out of this paper. This was done in the belief that the three rules which are submitted constitute the basis on which we should begin negotiations with the other permanent members of the Security Council and in the Committee of Experts. In this connection, I should say that while the Department feels very strongly that it is essential to obtain eventual agreement on the substance of these three rules, it does not regard the form and language as fixed and binding.

We regard the successful adoption by the Council of rules of this nature as the primary objective to be sought from the consideration of the "veto" question in the present session of the General Assembly. The Department is fully aware that the attainment of this objective will be difficult and may take considerable time. We regard certainty as much more important than speed. We do, however, want to have the Committee of Experts begin considerations of our proposals before the General Assembly has completed its discussion of the "veto".

I believe that it should be possible to begin discussions within the Committee of Experts a week or ten days after these proposals have first been submitted to the other permanent members of the Security Council. Will you, therefore, keep in touch with Senator Austin with a view to your asking Sir Alexander Cadogan to call a meeting of the Committee of Experts as soon as it appears appropriate, and to

ask the Committee to examine these proposals thoroughly and with as much dispatch as is consistent with accuracy and thoroughness.

Sincerely yours,

BENJAMIN V. COHEN

IO Files : US/A/C.1/20

United States Delegation Working Paper

SECRET

[NEW YORK,] November 4, 1946.

U.S. POSITION ON GENERAL ASSEMBLY AGENDA ITEMS RELATING TO
VOTING IN THE SECURITY COUNCIL⁸⁹

(Draft of Memorandum Which It Is Proposed To Hand to the Delegations to the General Assembly of the Other Four Permanent Members of the Security Council)

The U. S. Government attributes importance to the discussion in the General Assembly of the agenda items proposed by the Governments of Australia and Cuba dealing with the voting procedure in the Security Council.

For this reason and because these items necessarily have a special significance for the five permanent members of the Security Council the U.S. Government desires to outline its position on this subject to each of the other permanent members prior to the discussion in the General Assembly.⁹⁰

The U.S. position may be summarized as follows:

(1) The U. S. regards the principle of unanimity as of the highest importance for the success of the United Nations and the reflection of this principle in the Yalta voting formula (Article 27 of the Charter) as valid.

(2) Accordingly, the U.S. does not at the present time favor an amendment to Article 27 of the Charter.

(3) The United States is opposed to the calling of a general conference to amend the Charter in respect to the so-called "veto".

(4) The United States hopes that the five permanent members may find it desirable at some time in the future in full agreement among themselves and with other Members to support modifications of the unanimity requirement in its application to matters arising under Chapter VI.

(5) The United States recognizes that some of the difficulties encountered in the Security Council during the first year of its opera-

⁸⁹ In a revision of this paper (document US/A/C.1/20 (Rev.a), November 5, not printed) this title was changed to read: "United States Position on Voting in the Security Council with Special Reference to the General Assembly Items on This Subject"; the parenthetical statement which follows was eliminated.

⁹⁰ This paragraph was omitted in the November 5 revision.

tions were due to lack of certainty regarding the meaning of the voting formula adopted at the San Francisco Conference. Consequently, the United States favors the clarification of ambiguities in that voting formula and suggests that a more detailed interpretation of Article 27 of the Charter and of the Four Power statement might be agreed upon along lines set forth below.

(a) Agreement should be reached on a list of procedural matters, which should be as exhaustive as possible, for the purpose of increasing to a maximum the occasions when the question of whether a matter is procedural may be decided by a simple reference to such a list and without a vote. Such an interpretation will eliminate most of the debate over what is a procedural question which now occupies a great part of the Security Council's time and energy.

(b) In accordance with the clear intent of the Charter, the abstention clause of Article 27 (3) should be interpreted to ensure that a State be unable to serve as a judge in its own cause in any decisions under Chapter VI and under paragraph 3 of Article 52. This would require a State party to a dispute or involved in a situation to abstain from voting on non-procedural decisions in connection with the particular dispute or situation. It would eliminate the distinction between disputes and situations in connection with the Charter injunction of abstention from voting. It would also prevent a permanent member of the Council from rendering that injunction inoperative by casting its vote against a Council determination that a particular state was in fact a party to a dispute or involved in a situation.

(c) The permanent members of the Council should be permitted to abstain from voting on any decision without having such abstention regarded as a negative vote. Thus the requirement of unanimity among the permanent members on a non-procedural decision will be satisfied if all of the permanent members actually voting on the decision, vote in the affirmative. This will enable the Council to reach a decision in cases where one or more permanent members do not choose to exercise the right to vote.

(6) The United States is proposing the texts of three rules of procedure for the Security Council, copies of which, together with brief comments, are submitted herewith.⁹¹ Since the United States Government regards it as inappropriate for the General Assembly to consider or pass upon the texts of rules of procedure of the Security Council, it does not intend to introduce its proposed rules before the General Assembly. It does desire, however, to have them considered by the Committee of Experts of the Security Council at an early date.⁹²

⁹¹ See document US/A/C.1/18, November 4, p. 322.

⁹² In the November 5 revised paper this section was changed to read: "The United States is proposing to the Security Council the texts of three draft rules of procedure which embody these concepts and which it hopes can form the basis for constructive action by the Council. Since the United States Government does not believe that the General Assembly should consider or pass upon the texts of rules of procedure for the Security Council, it does not intend to submit its proposed rules to the General Assembly. It does hope, however, that the Security Council will request its Committee of Experts to consider them at an early date."

(7) The U.S. position with respect to voting in the Security Council does not affect the position taken by the U.S. Representative on Atomic Energy Commission on the problem of the application of the "veto" in the international control of atomic energy. It has already been made clear that the United States proposals do not attack the general requirement for unanimity of the permanent members of the Security Council.

The U.S. will welcome the opportunity for further consultation on this question with the Delegations to the General Assembly of the other states which are permanent members of the Security Council.⁹³

IO Files : US/A/C.1/18

*United States Delegation Working Paper*⁹⁴

CONFIDENTIAL

[NEW YORK,] November 4, 1946.

UNITED STATES PROPOSALS FOR RULES OF PROCEDURE OF THE
SECURITY COUNCIL⁹⁵

A. Rule Listing Procedural Matters :

Decisions of the Security Council on the following matters, including all other matters falling within the general categories set forth below, shall be deemed procedural and the vote thereon shall be in accordance with Article 27 (2) of the Charter.

1. Decisions of the Security Council relating to its meetings and those of the General Assembly. This category shall include such decisions as those pertaining to (a) the time and place of regular and periodic meetings; (b) whether a meeting should be public or private; (c) what records of meetings should be kept, the classification thereof and the right of access thereto, etc; (d) convocation of a meeting of the General Assembly; (e) the time and place for a general conference for the purpose of revising the Charter pursuant to Article 109.

Comment :

Article 28 of the Charter providing that the Council "shall be so organized as to be able to function continuously" comes under the

⁹³ This paragraph was eliminated in the November 5 revision.

⁹⁴ This document is a development in detail of the general principles stated in Section 5 and its sub-sections of the Delegation's Working Paper of November 4, "U.S. Position on General Assembly Agenda Items Relating to Voting in the Security Council" (document US/A/C.1/20), *supra*. Rules "A", "B" and "C" enumerated here relate to the rules so designated that were communicated by the United States member on the Committee of Experts to certain members of the Committee in April. See further on this matter in footnote 11, p. 334.

⁹⁵ In a revision of this paper (document US/A/C.1/18 (Rev.a), November 5 (see minutes of informal meeting of members of Committee 1 Group, November 4, *infra*) this title was amended to read: "United States Proposals for Additional Rules of Procedure of the Security Council".

heading "Procedure" in the Charter. The Four Power Statement of June 7, 1945, Part I, paragraph 2, states that a procedural vote will be used by the Security Council to "select the times and places of its regular and special meetings."

It was agreed in the Committee of Five Deputies of the Heads of Delegations at San Francisco that the convocation of a special session of the General Assembly was a procedural matter. (Meetings on May 18 and May 29, 1945). See Article 20 of Charter.⁹⁶

The practice of the Council has been to decide on the time and place of meetings of the Security Council, and on the records of meetings without a formal vote or by a procedural vote.

2. Decisions of the Security Council relating to the agenda of its meetings and to the determination of items of which it is seized. This category shall include such decisions as those pertaining to (a) the adoption of the agenda or the addition of an item to or deletion of an item from the agenda; (b) the inclusion of a matter among, or the elimination of a matter from, those of which the Security Council is seized; (c) the Secretary-General's notification to the General Assembly pursuant to Article 12.

Comment:

Part I, paragraph 3 of the Four Power Statement provides that the veto power cannot be used to prevent bringing a matter to the attention of the Security Council. It has been the practice of the Council to adopt the agenda without taking a formal vote; in cases where a vote was taken the decision has been made by a procedural vote.

Similarly all the members of the Council have expressed the view that removing an item from the agenda is a procedural decision. Under Rule 10, an item which is being considered remains on the agenda unless the Council votes to remove it.

The decision to include a matter among or eliminate a matter from those of which the Security Council is seized is part of the decision to consider or to terminate the consideration of a matter and accordingly is likewise procedural.

3. Decisions relating to credentials. This category shall include decisions relating to the credentials of a representative on the Security Council or of a representative of any other State invited to participate in its meetings.

⁹⁶ In the November 5 revision of this paper this section was eliminated. A new section read: "Article 109 of the Charter provides that the decisions of the Security Council relating to the convocation of a General Conference to review the Charter shall be made by procedural vote. By the same token, the request of the Security Council to the Secretary-General for the calling of a special session of the General Assembly under Article 20, which comes under the heading 'Procedure', should also be by procedural vote."

Comment:

It has been the practice of the Council to approve the Secretary-General's report on credentials without a formal vote.

4. Decisions relating to the presidency of the Security Council. This category shall include such decisions as those pertaining to the manner of selecting the President, his term of office, the rights, duties, and responsibilities of his office.

Comment:

Article 30 of the Charter authorizing the Security Council to determine the method of selecting its President comes under the heading "Procedure" in the Charter. See also Four Power Statement, Part I, paragraph 2 which states that the Council will by a vote of any seven of its members "determine the method of selecting its President."

5. Decisions of the Security Council on questions of parliamentary procedure. This category shall include such decisions as those pertaining to (a) rulings by the President on points of order; (b) the precedence of principal motions and draft resolutions; (c) the order in which amendments to motions or draft resolutions are to be voted upon; (d) the motions listed in Rule 33 and similar parliamentary motions; (e) requests to members of the Secretariat or to other persons for information or for other assistance.

Comment:

All of these matters relate to parliamentary conduct of the discussions in the Security Council. Primary responsibility for decisions of this type rests on the President in his capacity as presiding officer of the Security Council. The authority which the Security Council reserves to itself in this area and does not delegate to the President is clearly procedural and has been so regarded in the past proceedings of the Security Council.

6. Decisions relating to invitations issued by the Security Council to States to participate in its discussions. This category shall include such decisions as those pertaining to (a) invitations to non-members of the Security Council to participate pursuant to Articles 31, 32, and 35 (2) of the Charter; (b) the conditions of such participations.

Comment:

This category is expressly covered by Part I, paragraph 2 of the Four Power Statement which states that the Security Council will by a vote of any seven of its members "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."

The practice of the Council has been to invite a non-member of the

Security Council to participate without the taking of a formal vote; when a formal vote was taken the decision was made by procedural vote.

7. Decisions relating to the procedures for dealing with applications for membership in the United Nations.

Comment:

Rule 58 provides that except where the Security Council decides otherwise, an application shall be referred to a Committee and the Council has followed the method provided in this rule. It seems clear that a decision to use some other procedure than that which is specified in Rule 58 would be procedural.

8. Decisions concerning relationships with other organs of the United Nations. This category shall include such decisions as those relating to (a) the establishment of such relationships; (b) approval of annual and special reports to the General Assembly.

Comment:

It seems clear that questions relating to the methods of establishing and conducting relations among the various organs of the United Nations are procedural. This category would not include a decision to refer a matter from the Security Council to the General Assembly.

Inasmuch as reports of the Security Council should record past proceedings of the Council rather than contain recommendations this approval by the Council should be by procedural vote.

9. Decisions on all matters relating to the election of Judges of the International Court of Justice excepting where a different voting procedure is provided in Article 10 (2) of the Statute of the Court.

Comment:

Article 10 (2) of the Court provides that the Security Council shall elect judges and appoint members of a joint conference by an absolute majority of votes "without any distinction between permanent and non-permanent members of the Security Council."

It would follow that decisions on matters purely incidental to the election of Judges such as the dates of special elections or questions of procedure in connection with the balloting should not require more than a procedural majority of the Council. Matters on which the Security Council would be required to vote are listed in Article 12 and Article 4, paragraph 3 of the Statute of the Court.

Such incidental decisions as were taken in the Council during the election of judges in February 1946 were made without formal vote.

10. Decisions relating to the conditions under which a State not a member of the United Nations may become a party to the Statute of the International Court under Article 93 of the Charter, and the conditions under which the Court shall be opened to States not parties

to the Statute under Article 35 of the Statute of the International Court of Justice.

11. Decisions concerning the creation of subsidiary organs, and their relation to the Security Council. This category shall include such decisions as those pertaining to (a) the appointment of any committee or commission, or of the Secretary-General as Rapporteur for a specified question; (b) the approval of procedures of committees and commissions established by the Security Council.

Comment:

Article 29 of the Charter authorizing the establishment of subsidiary organs is one of the Articles coming under the heading "Procedure." The Committee of Five Deputies of Heads of Delegations at San Francisco tentatively agreed on May 27, 1945 that this matter was procedural.⁹⁷

The resolution establishing the Atomic Energy Commission specified that its Rules of Procedure should be approved by the Security Council by a procedural vote and the Security Council has established this precedent.

12. Decisions of the Security Council relating to the adoption, alteration or suspension of its Rules of Procedure.

Comment:

This matter is specifically covered in paragraph 2 of Part I of the Four Power Declaration which states that the Security Council may by a vote of any seven of its members "adopt or alter its Rules of Procedure." The power to alter would include the power to suspend.⁹⁸

13. All other decisions of the Security Council not involving 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 suppression of breaches of the peace.

Comment:

Part I, paragraph 1 of the Four Power Statement provides as follows: "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 suppression of breaches of the peace. It will also have to make decisions which do

⁹⁷ The second sentence of this section was omitted in the November 5 revision.

⁹⁸ Paragraph 12 was omitted in its entirety in the November 5 revision, and paragraph 13 became paragraph 12.

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, 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.”

B. Rule Relating to Abstention From Voting Under Article 27 (3)

In accordance with Article 27 (3) a party to a dispute or a party involved in a situation shall abstain from voting on non-procedural matters under Chapter VI or paragraph 3 of Article 52 relating to such dispute or situation. If prior to or immediately following the vote on such decision, question is raised as to whether a member of the Security Council is required under the Charter to abstain from voting as a party to the dispute or involved in the situation the President shall rule whether that member is required to abstain from voting.

If after the president's ruling a vote is requested, the question whether the member is required to abstain from voting shall be submitted to the Security Council under Article 27 (2). The ruling shall stand as the decision of the Security Council, unless by an affirmative vote of seven members the Council decides in a contrary sense.

In the event that question is raised as to whether more than one member is required under the Charter to abstain from voting the Security Council's decision as to each such member shall be made separately.

Comment:

The injunction contained in Article 27 (3) of the Charter that a party to a dispute shall abstain from voting was designed to give effect to the principle that a member of the Council should not be a judge in its own cause. That principle, which is a fundamental of the Yalta voting formula and which, as was pointed out in the Four Power Statement, was an important distinguishing feature between the Yalta formula and the practice of the Council of the League of Nations, should be applied whether a particular case before the Security Council is labelled a dispute or a situation.

The distinction that is made in other articles of the Charter between a situation and a dispute was not intended to prevail in derogation of the Charter provision which enjoins the parties to a case before the Council to abstain from voting on non-procedural decisions relating to that case.

The Charter specifically enjoins a party to a dispute to abstain from voting. This can only mean that the vote of the party must not be

included in recording votes on non-procedural decisions. It means further that no individual member of the Council should be permitted to prevent the operation of the Charter injunction.

While this injunction is absolute, and while the Charter makes no provision for a determination by the Council as to whether a particular member is in fact a party, some method for determining whether a vote should be counted is essential.

In view of the fact that no individual member can be permitted to prevent the operation of the Charter injunction, this question should not be determined by a non-procedural vote. Moreover, the U.S. is convinced that this determination is in the truest sense procedural. It is a decision that clearly does not involve the taking of direct measures in connection with the settlement of the case but rather determines in what manner the vote of the Security Council shall be taken when the substantive decision comes to a vote.

C. Rule Providing that Voluntary Abstention From Voting Shall Not Be Considered the Equivalent of a Negative Vote

The failure of a permanent member of the Council to vote on any non-procedural decision of the Council shall not constitute a negative vote. Unless a permanent member affirmatively indicates that it does not concur it shall be deemed to be willing to concur in any such decision that the Security Council may make by the affirmative vote of seven members including the affirmative votes of the permanent members not abstaining.

Comment:

The question of whether the voluntary abstention of a permanent member of the Council should operate as a negative vote was discussed both at Dumbarton Oaks and at San Francisco. Although in those discussions the U.S. representative took a contrary view, it is now the position of the U.S. Government that a proper construction of the Charter does not prevent a permanent member of the Council from abstaining without having that abstention operate as a veto.⁹⁹

The practice of the Council has been to permit the elected members of the Council to abstain without depriving the necessary majority of seven of the right to decide. There appears to be no greater reason for giving a different effect to the abstention of a permanent member. If for political or other reasons a permanent member is not in a position to support affirmatively a proposition but is perfectly willing to

⁹⁹ In the revised paper of November 5 this section was changed to read: "The United States Government believes that the Charter may properly be construed so as to permit a permanent member of the Council to abstain without having that abstention operate as a veto."

defer to the wishes of the majority there is no reason why that member should be forced to exercise its veto.

It is the view of the U.S. that this liberal construction of the voting formula is of primary importance to the successful functioning of the Charter. Certainly no permanent member should be able to prevent the functioning of the Council merely because it is unwilling to vote on a proposition either in the affirmative or in the negative.

In construing a basic document like the Charter the right given to the permanent members in the voting formula should be construed as a right subject to waiver by its non-exercise, particularly when such a waiver cannot be regarded as prejudicial to the interests of the Organization or to the interests of any of its members.

IO Files : US/A/C.1/37

*Minutes of Informal Meeting of Members Committee 1 Group*¹

[NEW YORK,] November 4, 1946.

VOTING IN SECURITY COUNCIL

Present: Senator Warren R. Austin	Mr. Sandifer
Senator Connally	Mr. Joseph Johnson
Ambassador Herschel Johnson	Mr. Noyes
Mr. Dulles	Mr. Foote
Mr. Stevenson	Mr. Sanders
Mr. Cohen	Mr. Stokes
Mr. Fahy	Mr. Wilcox
Mr. Ross	Mr. Bechhoefer

Copies of documents US/A/C.1/20 and US/A/C.1/18 were distributed to those present. Mr. Joseph Johnson read the former document which was a draft of a memorandum which it was proposed to submit to the delegations to the General Assembly of the other four permanent members of the Security Council indicating the position of the United States on the problem of voting in the Security Council. Mr. Johnson summarized the latter document which also was to be submitted to the other four permanent members of the Security Council and which contained the proposals for rules of procedure of the Security Council which the United States intended to present to the Security Council.

After considerable discussion it was agreed that the position memorandum should be revised in certain details. Likewise the comments on the proposals for the rules of procedure should be revised to de-

¹ Drafted by Mr. Bechhoefer.

lete all reference to secret documents of the San Francisco Conference. It was further agreed that both documents as revised should be submitted to the delegations of the other members of the Big Five—if possible today or tomorrow morning and in any event, prior to any discussion of the problem in Committee I. It was further agreed that they should likewise be submitted to the delegations of other members of the Security Council shortly after submission of the documents to the other Four.

It was decided that the documents should also be filed with the President of the Security Council but no decision was reached as to the time when such filing should take place.

No decision was reached on the following questions :

1. Whether the proposals on rules of procedure to be filed with the Security Council should be a restricted document.
2. Whether in the presentation to Committee I of the General Assembly the United States should confine itself to the general points made in Senator Austin's speech or should list the matters where the United States believed additional interpretation of the voting formula was required.
3. The nature of the statement to be made by Senator Connally in the Committee.
4. Whether to submit the specific rules of procedure to the General Assembly.
5. The nature of any resolution which the United States should support in the General Assembly.

Mr. Stevenson and others emphasized that almost immediately after the presentation of the documents discussed in this meeting to the other members of the Security Council, their contents would become public. Therefore, it was suggested that it would be appropriate to submit the documents officially to the General Assembly for its information but not for action, even though the exact text of the proposed rules of procedure need not be deemed a firm position of the United States.

Mr. Cohen and Mr. Joseph Johnson emphasized that the objective of the discussions in the General Assembly was to obtain acceptance by the Security Council of satisfactory rules and practices, and not to secure a resolution that satisfied the General Assembly. Since it would be undesirable to press for the hasty adoption of rules by the Security Council which might be unsatisfactory, there was very little chance that the Security Council would act during the present session of the General Assembly. Accordingly they felt that the presentation in the General Assembly should be made in such a way as not to prejudice success in the Committee of Experts and in the Security Council.

Mr. Cohen stressed that the unofficial publication of United States

proposals would not be the equivalent of their being submitted to the General Assembly by the United States as an official document.

It was agreed that there was considerable danger that a great multitude of very specific proposals would be made to the General Assembly with the effect of confusing the main issues. The fact that other states might submit specific proposals to the General Assembly should not influence the United States to change its emphasis on the necessity of Security Council Action.

Mr. Dulles suggested that the United States revise its suggestion concerning voluntary absence from voting to include the point made by Mr. Parodi in the General Assembly that the Security Council permanent members be permitted to vote negatively on non-procedural matters without their negative votes being considered as an exercise of the veto. Others present at the meeting suggested that such a proposal would contravene Article 27 of the Charter.

IO Files : US/A/C.1/38

*Minutes of Informal Meeting of Members Committee 1 Group*²

SECRET

[NEW YORK,] November 6, 1946.

VOTING IN SECURITY COUNCIL

Present:	Senator Connally	Mr. Wilcox
	Mr. Herschel Johnson	Mr. Sanders
	Mr. Fahy	Mr. Stokes
	Mr. Joseph Johnson	Mr. Bechhoefer
	Mr. Noyes	

Mr. Joseph Johnson submitted to Senator Connally a revision (US/A/C.1/20, Rev. a), of the summary of the United States position on voting in the Security Council which was to be given to the heads of Assembly delegations of the other four permanent members of the Security Council. Mr. Johnson also submitted a revision (US/A/C.1/18, Rev. a) of the specific proposal for additional rules of procedure on this subject which would be made to the Security Council,³ and a draft memorandum on the proposed course of action to be followed by the United States.

The discussion in the meeting dealt chiefly with the first paper. Senator Connally commented with approval on the proposal for listing types of procedural decisions of the Security Council. He doubted,

² Drafted by Mr. Bechhoefer.

³ Revisions indicated in footnotes appended to documents US/A/C.1/20 and US/A/C.1/18, November 4, pp. 320 and 322, respectively.

however, that after decisions were listed, the U.S.S.R. would be willing to accept the ruling of the chair that a particular decision was procedural without calling for a vote.

Mr. Joseph Johnson explained at some length the necessity for a rule of procedure which will make certain that no state should be a judge in its own cause on decisions under Chapter VI of the Charter. Senator Connally indicated his approval of this proposal.

Senator Connally stated that the third proposal which would permit a permanent member of the Council to abstain from voting on a decision without having such abstention regarded as a negative vote was in his opinion contrary to the express terms of the Charter.

In defense of this proposal Mr. Stokes suggested that the term "concurring" vote be given a different meaning from the term "affirmative" vote:—in other words that a permanent member be permitted to concur in the decision of the other permanent members without casting an affirmative vote. Senator Connally did not believe that such construction of the Charter was possible.

Mr. Fahy suggested that the permanent members by agreement among themselves could waive their right of veto since the right was primarily for their benefit. Senator Connally stated that the Charter was not the property of the five permanent members but belonged to all the members and therefore that its provisions could not be waived by an agreement of five members.

Mr. Joseph Johnson stated that a rule to permit voluntary abstention from voting without such abstention being regarded as a negative vote was submitted informally last Spring to the representatives of the permanent members on the Committee of Experts but was never discussed in the Committee. All of the permanent members excepting the U.S.S.R. reacted favorably to such a rule but foresaw difficulties in interpreting the Charter to permit such a rule. The U.S.S.R. representative believed that abstentions by the permanent members were bound to take place, stating that "you can lead a horse to water but you can't make him drink," but was unwilling to accept a rule.

Senator Connally asked whether the proposed rule would be applicable to decisions under Chapter VII as well as under Chapter VI to which Mr. Joseph Johnson replied that abstention under the rule would be permitted on any non-procedural decisions. Mr. Herschel Johnson and Mr. Wilcox suggested that as a practical matter it might be desirable to limit the application of any such rule to decisions under Chapter VI. Mr. Noyes and Mr. Joseph Johnson felt that the principle was the same regardless of the decision, the latter holding that there was no danger in covering Chapter VII as well as VI in a rule for voluntary abstention. Mr. Fahy suggested that it might

be appropriate to provide that the rule apply to all decisions excepting those under Chapter VII. Mr. Herschel Johnson suggested that voluntary abstention should not be permitted in connection with the election of a Secretary General. After some discussion, it was suggested by Mr. Wilcox and Mr. Fahy, that a redraft of the rule for voluntary abstention of permanent members might be preferred which should apply to all decisions excepting those under Chapter VII. Senator Connally agreed that as a practical matter it would be desirable to loosen up the procedures in the Security Council except on decisions under Chapter VII. Senator Connally inquired as to the possibility of securing agreement in the Security Council on the proposals. Mr. Joseph Johnson felt that it might not be too difficult to secure a list of procedural decisions which would include substantial number of those suggested in the proposed rule and that likewise it might be possible to secure agreement on a rule for voluntary abstention by permanent members. He felt that the most justifiable of all of the rules, that to insure the carrying out of the Charter provision for abstention by parties to a dispute, would have the hardest sledding with the U.S.S.R.

IO Files : US/A/C.1/58

Minutes of Meeting of Political Advisers and Executive Officers

SECRET

[NEW YORK,] November 9, 1946.

DEVELOPMENTS IN CONNECTION WITH UNITED STATES POSITION ON
GENERAL ASSEMBLY AGENDA ITEMS DEALING WITH THE VETO

Mr. Johnson ⁴ stated that the United States position was still not definitely determined in connection with this subject. Two papers had been circulated; ⁵ one stating in summary the United States position (US/A/C.1/20 Rev.a) and the other listing proposals for additional rules of procedure (US/A/C.1/18 Rev.a).⁶ Mr. Johnson stated that that part of the position contained in points 1-5 (excluding the sub-paragraphs of 5) and 7 of the former paper ⁷ was firm. However, it was uncertain whether the three proposals for interpretation of Article 27 ⁸ would be submitted to the Assembly. It was also uncertain what disposition would be made of the texts of the three specific rules.⁹

⁴ Presumably Joseph E. Johnson.

⁵ That is, internally, within the United States Delegation.

⁶ See footnote 3, p. 331.

⁷ The same as in the original paper, document US/A/C.1/20, November 4, p. 320.

⁸ See the sub-paragraphs of point 5, document US/A/C.1/20, November 4, p. 321.

⁹ That is, Rules "A", "B" and "C" of document US/A/C.1/18, November 4, p. 322.

Furthermore, as regards paragraph 6 of the first paper,¹⁰ the weight of sentiment in the delegation favored the view that the detailed discussion of voting in the Security Council should take place in the Council. This view was based first upon the necessity that the Security Council write its own rules of procedure; and secondly, upon the realization that very little would be gained through rushing into matters quickly. The United States tactics should be directed toward securing agreement leading to effective Security Council action. An Assembly resolution of such a character that the U.S.S.R. was forced to vote against it would scarcely be helpful in accomplishing this objective.

Whether the text of the specific rules would be given publicity even when they were submitted to the Security Council, has, Mr. Johnson stated, not yet been determined. If their submission was delayed until the matter was referred to the Committee of Experts it might be possible to keep the texts restricted.

Mr. Johnson stressed that the two papers referred to above represent the Department's position. The general issues involved in all the specific proposals have at one time or another been discussed in the Committee of Experts, and drafts containing the substance of rules B and C were handed to the representatives of the other permanent members on the Committee of Experts last summer but were not placed before the Committee.¹¹ Mr. Johnson stated that all the representatives of permanent members excepting the U.S.S.R. had been sympathetic with the objective of the second proposal and that all of the permanent members were sympathetic with the objective of the third excepting that the U.S.S.R. did not wish a rule. Mr. Johnson pointed out that in one of the decisions under the Spanish case which the U.S.S.R. claimed to be non-procedural, the U.S.S.R. itself had abstained from voting. Also in the Syria-Lebanon case, both the United Kingdom and France had abstained from voting.

Mr. Johnson reviewed Rule A briefly and indicated that a large part of that Rule might be non-controversial. This of course would not be the case with paragraph 12 which, however, was taken literally from paragraph 1 of Part I of the Four Power Statement. Mr. Johnson stated that one of the dangers in connection with Rule A which must be guarded against would be that the U.S.S.R. might, in con-

¹⁰ See footnote 92, p. 321.

¹¹ That is, the rules enumerated in telegram 18, to New York, April 13, p. 262, except note: Rule B of document US/A/C.1/18 (under reference here) corresponds to Rule C in telegram 18 and likewise Rule C to Rule B.

nection with such a rule, attempt to write paragraph 2 of Part II of the Four Power Statement into the rules of procedure and thus in effect nullify for the future the provision that rules of procedure should be adopted by procedural vote.

Rule B, it was pointed out by Mr. Johnson, was the most important and vital United States proposal and likewise the one that would be most difficult to put across.

BERNHARD BECHHOEFER

IO Files : US/A/M (Chr)/18

*Minutes of the Eighteenth Meeting of the United States Delegation,
New York, Hotel Pennsylvania, November 12, 1946, 9 a. m.*

SECRET

[Here follow list of names of persons (34) present, and discussion of other subjects.]

Veto Problem

Senator Connally said that the Secretary favored the delegation statement on the veto position.¹² He pointed out that the United States was opposed to undermining the Charter and favored unanimity in relation to Chapter VII, but advocated that the Security Council should consider formulating more rules and procedures. The procedural matter should be designated but there should not be a list because that would cause endless debate over every item. He thought that this position was about as far as the United States could go now. It should be recommended that the Security Council get to work on its rules of procedure to say which should be procedural matters, and to prevent the veto from applying to Chapter VI.

Mr. Dulles noted that Senator Austin had said that we would present a program on the veto at a proper time. Senator Austin agreed and said that there would be a concrete formula drawn before the next meeting of the Delegation.

In answer to Mr. Fahy's question, Senator Connally said that the Secretary thought that the question of whether an abstention was a veto should be left to the Security Council, otherwise there would be a great debate raised. The question had been examined but it was not proposed to put forward anything on this now.

[Here follows discussion of other subjects.]

¹² Presumably the position paper dated November 12, printed *infra*.

IO Files : US/A/C.1/43

United States Delegation Position Paper

CONFIDENTIAL

[NEW YORK,] November 12, 1946.

UNITED STATES POSITION ON VOTING IN THE SECURITY COUNCIL WITH
SPECIAL REFERENCE TO THE GENERAL ASSEMBLY ITEMS ON THIS
SUBJECT

The United States position may be summarized as follows :

(1) The United States regards the principle of unanimity as of the highest importance for the success of the United Nations and the reflection of this principle in the Yalta voting formula (Article 27 of the Charter) as valid.

(2) The United States considers that hasty amendment of constitutional documents on the basis of inadequate experience is unwise and may be harmful.

(3) Accordingly, the United States is neither proposing nor supporting an amendment to Article 27 of the Charter.

(4) Likewise the United States is opposed to the calling of a general conference to amend the Charter in respect to the so-called "veto".

(5) The United States hopes that the five permanent members may find it desirable at some time in the future in full agreement among themselves and with other members to support modification of the unanimity requirement in its application to matters arising under Chapter VI of the Charter relating to Peaceful Settlement of Disputes.

(6) The United States believes that the failure of the permanent members of the Security Council to agree upon important issues before the Council frustrates the carrying out of the principle of unanimity and leaves unsettled questions, the settlement of which is required in the interest of peace and security ; and that the responsibilities imposed upon the permanent members of the Security Council under the Charter require them to make every effort to reach agreement on substantive questions before the Security Council.

(7) The United States considers that the failure of the permanent members of the Security Council to agree upon any substantive question before the Council must not and cannot be construed to relieve any state, large or small, of its obligations under the Charter and under the law of nations.

(8) The United States believes that many of the difficulties encountered in the Security Council during the first year of its operations have been due to lack of certainty and differences of opinion regarding the practical application of the voting formula adopted at

the San Francisco Conference. Consequently, the United States hopes that the voting formula may be clarified in the light of experience and practical need. In this connection the United States suggests that it would be helpful to implement Article 27 of the Charter and the Four-Power statement through the adoption by the Security Council of appropriate rules of procedure.

(9) Specifically the United States believes that the Security Council should give most careful attention to the development of practices and procedures that will carry out the assurances contained in the statement made by the Four Powers at San Francisco that under the Yalta formula decisions of the Security Council not involving the taking of "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 suppression of breaches of the peace," will be governed by a procedural vote under Article 27(2). This should make it easier for the Council to arrive at satisfactory decisions relating to the Peaceful Settlement of Disputes.

(10) The United States believes that the consideration in the General Assembly of the question of voting in the Security Council should be directed toward focusing the issue on the general objectives set forth above, and that the discussion of specific proposals for clarification of the procedures and practices of the Security Council should as far as possible be avoided. It may be that at a later stage of the Assembly debates the United States may wish to support a Resolution containing the substance of paragraphs (6) through (9).

(11) The United States position with respect to voting in the Security Council does not affect the position taken by the U.S. Representative on the Atomic Energy Commission on the problem of the application of the "veto" in the international control of atomic energy. The United States has already made clear that its proposals do not affect the general requirement for unanimity of the permanent members of the Security Council.

IO Files : US/A/M (Chr)/19

*Minutes of the Nineteenth Meeting of the United States Delegation,
New York, Hotel Pennsylvania, November 13, 1946, 9 a. m.*

SECRET

[Here follows list of names of persons (33) present.]

Voting in the Security Council

Senator Connally pointed out that the debate on the veto was going to start on the following day, and he asked the Delegation's opinion

on whether the U.S. should state its position early in the debate or let the situation develop. Also he wanted guidance on what line should be taken. He said that the position paper US/A/C.1/43¹³ was on the whole satisfactory to him although there were some points that were not as clearly set forth as they might be.

Senator Austin said that he thought there was no confusion in the Delegation on its position. Senator Connally replied that he thought there was some confusion within the Delegation although he agreed with the position put forth in general. The thing which he did not agree with was the recommendation in paragraph 10 of the position paper that there should be a postponement in making known the U.S. position and he saw no reason for this delay and thought that a position could be taken now as well as later, especially since there was no violent change advocated.

Senator Connally continued that he would like to be able to say in his statement that the Four-Power statement at San Francisco was wrong when it stated that there must be a unanimous vote of the permanent Members to decide whether a question was substantive or procedural. He recalled that the statement had gone too far in order to get votes at that time and had been put forward at a moment of considerable pressure.

Mr. Dulles agreed that the Four-Power statement had been put forward very hastily at a time when the Delegation was engrossed in what it thought were larger problems. The theory put forward had been that of Mr. Pasvolsky and he thought that the Delegation had never given the matter much thought. Senator Connally reiterated that he thought the statement was wrong and that the Security Council should be asked to reconsider it. Mr. Dulles agreed that it was most important that the Four-Power statement should be corrected.

Senator Connally said that the Four-Power Statement made the veto apply to all questions. Anything could be vetoed when a substantive vote was applied to the decision as to whether or not a matter was procedural. Senator Austin commented that he thought if the matter were reconsidered that the Delegation should shoot high.

Mr. J. Johnson agreed. He pointed out that the Department's position was that no state should be a judge in its own case except in enforcement matters. He thought that the Charter should be consistent with the abstention clause in the Yalta formula regarding Chapter VI.

¹³ *Supra.*

He pointed out that the Charter in Article 27 says "shall" but this nicety of phraseology had been completely ignored by the Soviets who claimed that they could decide whether a matter was procedural or substantive. This, he said, was an intolerable situation.

Mr. Johnson thought that it was essentially a tactical matter how to handle the Soviets. The question was whether we were more or less likely to obtain agreement on procedural matters than last Spring when the attempt was made or at the time of the Four-Power statement.

Mr. Dulles said that as he recalled the Four-Power Statement it was an attempt to express the then present situation and it was not regarded as a perpetual definition. He had criticized the statement in that respect. The attitude of the Delegation at that time was that there should be as much dilution of the veto as possible in practice. Certainly, the statement had not been looked upon as being immutable. The U.S. Delegation had been forced into making it by the practical situation at the time.

Senator Connally pointed out that the Four-Power Statement had never been agreed to by the whole organization and was not binding upon it.

Senator Austin said that he thought that the United States position as outlined in the position paper US/A/C.1/43 was a fine position up to recommendation 10 which stated:

"The United States believes that the consideration of the General Assembly of the question of voting in the Security Council should be directed toward focusing the issue on the general objectives set forth above, and the discussion of the specific proposals for clarification of the procedures and practices of the Security Council should as far as possible be avoided. It may be that at a later stage of the Assembly debates, the United States may wish to support a resolution containing the substance of paragraphs (6) through (9)."

Senator Austin thought that the last sentence of paragraph 10 took away all the strength of the position to that point and he thought that this sentence should be deleted. Senator Connally agreed that the sentence should be taken out. Senator Austin described the sentence as a break and a clog upon the U.S. position. Senator Connally added that we should not make statements for the future but state the present position and then move on.

Mr. J. Johnson pointed out that the position paper was meant for

the Delegation's deliberations and referred to this session of the Assembly. He also was agreeable to striking out the sentence.

Senator Austin polled the Delegation and it was agreed that the second sentence of paragraph 10 should be stricken out of the paragraph.

Senator Connally said he thoroughly agreed with the action taken and with the position paper. He pointed out that he and Senator Vandenberg had to confer with Secretary Byrnes. Therefore he would like an expression of opinion from the Delegation whether the U.S. views on the veto should be expressed early in the debate or wait until the complainants had developed their positions. Senator Austin said he would like to see the position put forward early. Mr. Bloom remarked that it would be useful for educational purposes to put forward the position at an early date.

Mr. Wadsworth said that as a political officer he would like to support the statement of Senator Connally. All delegations were looking forward to hearing Senator Connally speak early in the debate and were looking to the United States to support a correction of the abuses of the veto. They were most anxious to know how the United States would approach the problem. He thought that the U.S. position should be made clear as early in the debate as possible.

Senator Connally thanked Mr. Wadsworth and, as he was leaving, he said that he would like to know who was giving out everything that transpired in the Delegation meeting. Mr. Bloom said that he would like to know too and it had to stop. Senator Connally observed that the release of the information was not helping the Delegation. Senator Connally and Senator Vandenberg then left.¹⁴

[Here follows discussion of other subjects.]

¹⁴ Consideration of the voting question by the First Committee began on November 14 and by November 18 resolutions or amendatory resolutions had been submitted by Argentina, Australia, Cuba, Peru, and the Philippines Republic; for the Committee's deliberations at this time, see United Nations, *Official Records of the General Assembly, First Session, First Part, First Committee*, pp. 84-126, and pp. 323-328 (annexes 7, 7a, 7b, 7c, 7d, and 7f); the First Committee record is cited hereafter as GA (I/2), *First Committee*.

Senator Connally led off the meeting on the second day (November 15) with a statement of the United States position which was based on the memorandum of November 12 (document US/A/C.1/43) as modified by the Delegation's discussion on November 13. Senator Connally stressed to the Committee that "The General Assembly could best contribute by focusing any recommendations on general objectives rather than assuming to dictate technical details, which were the province of the Council's own rules of procedure." In concluding, Senator Connally lent the support of the United States Delegation in principle to the Australian resolution (*ibid.*, p. 323, annex 7), while disapproving of certain of its specifics (*ibid.*, pp. 92-94).

501.BC/11-1846

*Minutes of Meeting of the Representatives of the Five Permanent Members of the Security Council*¹⁵

SECRET

NEW YORK, November 18, 1946.

PRESENT

U.S.	U.K.
The Secretary	Mr. Bevin
Senator Connally	Sir Alexander Cadogan
Mr. Cohen	Mr. Jebb
Mr. Bohlen	Interpreter
U.S.S.R.	CHINA
Mr. Molotov	Dr. Wellington Koo
Mr. Vyshinski	(Two Advisers)
Mr. Pavlov	

FRANCE

M. Parodi
Mr. Detourelle
Interpreter

[Here follows a table of contents.]

MR. BEVIN said he had asked for this meeting because his Government considers that the Security Council as set up at the San Francisco Conference was the central organization of the United Nations and that it was a body that to fulfill its functions must command the greatest respect among the nations of the world and be the body to which they would turn for protection and security on the most important questions. It must be capable of preserving peace in a serious crisis. The British Government had never felt that it should be used as a substitute for direct negotiations between states but only when states could not settle their differences.

As to the question of the veto, he had been a member of the Cabinet when the voting formula had been adopted after much discussion and had been regarded as a protection which would only be used when the vital interests of the Big Five were affected and only as a last resort. He said he wished to state first of all that the British Government had no intention of suggesting or supporting any amendment to the Charter on this subject but it was anxious that the permanent members of the Council should give a lead to the Assembly on this question and announce a code of conduct concerning the use of the veto, which would clear up the confusion regarding the use of the veto which has existed among other nations and public opinion during the past months.

¹⁵ United States minutes drafted by Charles E. Bohlen, Special Assistant to the Secretary of State.

He said vital questions of disarmament and similar matters which are now being considered by the British Government would eventually go to the United Nations. His Government felt strongly that they could do nothing in these vital fields unless there was confidence and clarity concerning the manner in which the veto would be used. He said the British Government was considering formulation of basic policies and it was their desire to base these policies squarely on the United Nations, but before abandoning old methods of defense the British Government wished to be sure that the United Nations would be able to function as it had been expected at the time it was set up. It was for this purpose that he had circulated to the other permanent members of the Security Council a 7-point document which, as would be seen, was designed to clarify the problem of the use of the veto.

He said that he felt that much of the difficulty in this field had come from the lack of common agreement on the application of this principle. He said he must state that the confidence of his government in the United Nations after the experience of the past year was not so great as to permit it to go as far as it would like in basing its policies on the world organization. He said he thought that this was the most critical period since the end of the war, since everyone had recognized for the 15 or 16 months after the end of hostilities there would be great difficulties growing directly out of the war. Now future policies of long duration would be decided.

He repeated that Great Britain wished to base its policy on the United Nations but wished to be sure that the Organization would operate as intended. He said that the veto power made the preservation of peace in the first instance dependent on the five countries represented here and that if they could give the proper lead then in the next 15 or 20 years there was hope that a rule of law, as against a rule of war, would develop in the world.

He then said he would like to hear the views of his colleagues and called on Mr. Molotov.

(Copy of Bevin's proposal attached. See Annex 1.)

MR. MOLOTOV replied that he had not asked for the floor but he was ready to state his views. He said they had studied Mr. Bevin's document and they fully shared his desire to strengthen the authority of the Security Council and the United Nations organization. This had always been the view of the Soviet Delegation. The Soviet Government felt that recent efforts to popularize the discussion of the veto or its use was somewhat artificial. In so far as the Soviet Government was concerned it had only used the veto in essential cases and could not agree that anyone had abused the veto. Talk of abuse of the veto was a wrong method of work and participation in the activities of the

United Nations, which could only harm it. The purpose should be not to weaken the foundations of the United Nations but to strengthen them.

In regard to the veto, certain members of UN bear the responsibility for the adoption of an attitude contrary to what was correct. He said he did not believe that Australia and Cuba would have unleashed this campaign against the veto and its use without having been encouraged by certain other delegations. Account must be taken of the results of this campaign, which had been conducive to a bad atmosphere in the Security Council on the question of the veto. The proper course was to give a rebuff to those delegations who for some reason or other do not value the foundation of the Charter adopted by 51 nations over a year ago.

The Soviet Delegation does not understand such a course of action whereby simply because some members of the United Nations failed to conduct themselves properly others should follow their example. He said that the disposition to have no confidence in the Security Council was in the opinion of the Soviet Delegation a one-sided attitude and an unconvincing one. As to the Security Council, he said that its work depended not on others but in the first instance upon ourselves, and that it would be better not to base our attitude on the incorrect attitude of others but to show confidence and support to the Security Council and along with others to try to increase mutual collaboration and the settlement of questions that not only affect the members of the Security Council but all members of the organization. The best answer, therefore, to the question he felt was to agree to cooperate more fully and he felt that this duty applied more directly to the permanent members of the Security Council.

There had been various proposals for special agreements or new regulations concerning the use of the veto in the Security Council. The aim of these proposals was to create stricter rules, which he felt were calculated to have an adverse effect on the work of the Security Council and unnecessarily restrict its activities under formalities and rules. This course, he said, instead of doing good would do harm. He added that the Soviet Delegation was not against Mr. Bevin's proposal that the five permanent members should consult whenever possible. He felt that on certain questions it would be desirable to have a preliminary understanding if such understanding would facilitate the technical work of the Security Council and help the members to reach understanding and to further cooperation between permanent and non-permanent members. He said he felt everyone wished to act along lines which would be in harmony with the principles of the United Nations and consequently in the interests of the countries there represented.

THE SECRETARY stated that the United States had made its position clear at the General Assembly and in the Commission [*Committee?*] through the statements of Senator Connally. We consider hasty amendments based on inadequate experience to be unnecessary and harmful. That is not our conception of constitutional growth. For example, in a hundred years there had only been five amendments adopted to [*after?*] the U.S. Bill of Rights, which was an example of the slow development of a fundamental charter. Prior to the San Francisco Conference there had been a great deal of discussion concerning the wisdom of the veto. We recognized the necessity of this power but we had envisaged that it would be used primarily in cases involving enforcement of action and only in matters of the greatest importance. We recognized, for example, that if the United States were called upon to supply armed forces over its adverse vote, there would be great difficulties in putting any such course into effect because of the opposition from the United States Congress. Therefore, the United States had sympathized with those nations urging the inclusion of the veto in the Charter and had supported its inclusion.

On the other hand, we had always recognized the feelings of the smaller nations and their fear that the veto might be exercised in secondary questions. For this reason, they had joined in the San Francisco Declaration, which was in effect a pledge that the veto would not be abused.

The United States, he continued, is satisfied that many of the difficulties on this point had arisen from the practical application of the voting formula. He would not be frank if he did not say that the United States was disappointed at the too frequent use of the veto power. He said he had not been associated closely with the work of the General Assembly but from all his information the majority of small nations have serious objections against the use of the veto. He thought that they should devise some plan in order to reassure the small nations on this point. He said since we apparently had a common desire to avoid any question of amendment of the Charter at this time it would be well to find a solution which would prevent the question of amendment arising. He had therefore prepared in writing some suggestions to that end which he would now distribute.

(Copy of The Secretary's proposal attached. See Annex 2.)

DR. KOO said that the Chinese Delegation had little to add to the statements already made. He would not take the time of the Committee to elaborate further the attitude of the Chinese Government which was sufficiently well known.

They had always attached great importance to the question of veto in the United Nations and had accepted the Yalta formula with cer-

tain diffidence because they had recognized the need of unanimity among the great powers in order to promote success of the organization. Having subscribed to the Charter, including Article 27, the Chinese Delegation wished to show its respect for the Charter in every way and feel that it should be given a test for several years before any consideration of an amendment. Therefore, the Chinese Delegation tried to make it clear, both in General Assembly and in Commission I that they did not wish any change in the Charter at this time.

This does not mean that the Chinese are not aware of or indifferent to the volume of criticisms, both in the General Assembly and outside, concerning the use of the veto. The Chinese Delegation has been deeply influenced by this criticism of the veto power and they are anxious to work out by agreement with the other permanent members some improvement on the use of the veto without commenting in any way on the manner in which any representative has used the veto. In this opinion, there has been too much discussion on procedure and too many votes on procedure.

The Chinese Delegate feels that in the light of the experience of the past year it should now be possible to agree on improvements in the work of the Security Council, which would in large measure meet the existing criticism without in any way revising the Charter. He pointed out that at San Francisco the four sponsoring powers and France had issued a Declaration concerning the use of the veto. Paragraphs 2 and 3 of this Declaration gave an example of questions which would be regarded as procedural. If at that time, without any experience in practice, it had been possible to give a list of such questions, now after ten months of existence it should be possible to extend that list.

In actual fact, the Security Council had already dealt with a number of procedural questions and had adopted some new rules. It would be wise to explore what further questions could be by mutual agreement regarded as procedural, thus in effect amplifying the San Francisco Declaration. The five permanent members might help the Security Council to amplify its rules of procedure. For example, at present there were 60 rules, but only one on voting, which merely said that voting in the Security Council would be in conformity with the Charter and Statute of the International Court. He felt that if they could clarify and elaborate the practical application of the voting formula it would not only meet criticism but would also fulfill the promise contained in the San Francisco Declaration that the permanent members would not use the veto in any way to obstruct or block the work of the Security Council. He said the Chinese Delegation welcomed Mr. Bevin's initiative and in this spirit had some suggestions of their own to make.

(He circulated document containing these suggestions. See Annex 3.)^{15a}

In explanation he said that many of these suggestions were along the lines of Mr. Bevin's paper, but perhaps more concrete. He thought that if they could reach an agreement along these general lines it could either be embodied in a Declaration of the Five Powers or an addition to the San Francisco Declaration.

M. PARODI said he was the last to speak and would be brief. The French views on this subject were well known. They considered it would be neither wise, justifiable nor right to attempt to amend the Charter at the present time but they felt that certain improvements could be made in the function of the Security Council without touching the Charter. The French Delegation was in general agreement with the three texts which had been circulated. He would like to make a few observations.

He pointed out that points 3 and 4 of the Chinese draft were already in effect in the Security Council. As to Mr. Bevin's suggestion, the French Delegation were in favor of the idea of consultation but he felt that to make that consultation effective there would have to be some agreement along the lines of points 4 and 5 of Mr. Bevin's paper. As to the other points, he said he attached the greatest importance to point 7 and he had already made the views of the French Government known on this question of abstention. He recognized that there were legal difficulties and also that the adoption of this view on abstention would not be a final solution but would indicate a way to solution.

THE SECRETARY then suggested that they should adjourn in order to study the documents which had been circulated. He said he thought every effort should be made to reach an agreement because once the question had been raised before the permanent members, failure to agree would have a bad effect on the General Assembly and those who opposed the veto would take it as an indication that the permanent members had no intention of changing their views.

MR. MOLOTOV said the Soviet Delegation had already expressed its views on the general question. He would like to add a few words with reference to what had been said here.

He knew that there have been many critical observations concerning the work of the Security Council and the use of the veto. He wished, however, to say that the Soviet Delegation did not regard criticism of the Security Council or of any organ of the United Nations as any-

^{15a} Not printed. The views set forth in the document are incorporated substantially in a draft resolution dated October 10, 1947 which was submitted to the First Committee of the General Assembly by the Chinese delegate in the committee and printed in United Nations, *Official Records of the General Assembly, Second Session, First Committee*, pp. 621 and 622.

thing to be afraid of. Criticism is necessary. Different views were held and if they were not stated there was no method of reaching agreed decisions. However, it is essential that criticism should be based only on the desire to strengthen the foundations of the United Nations and not to break them. If they could take that as a starting point and follow this aim, the criticism would be useful and even welcome. He said we should not fear criticism but he felt if they should proceed in their discussion to increase the regulation of the work of the Security Council they would be taking the wrong path and would create difficulties for the Security Council and the United Nations by heaping up formalities. There are enough rules already. In fact, no one here could even remember all existing rules. He said they should draw the necessary conclusions from the situation in order to help the practical work of the Security Council. To increase the regulations would bring about the opposite result.

The Soviet Delegation therefore takes as its aim, based on these considerations, the improvement of the work of the Security Council and not to add to its difficulties by more formalities and regulations.

He concluded that since he had no translation of the American or Chinese papers he would have no concrete observations to make on those. He said in general his attitude towards these suggestions would be as he had outlined here.

M. PARODI said that Committee I was meeting this afternoon in order to consider a resolution to suspend discussion on this question until the Secretary General has drawn up a list of the various proposals which have been submitted, and that this would require several days.

MR. BEVIN said that they should not interfere with the work of the political committee or vice-versa. He did not wish in any way that this meeting of the five permanent members would be regarded as a substitute for anything in the United Nations. He said the difficulty as far as Great Britain was concerned was that the criticism had not been confined to the General Assembly but had in England unquestionably influenced the feeling of confidence in the Security Council. Some declaration as to the future work of the Security Council would be of great importance. It was not a question of regulation but of intent. He said everyone in England—the Government and the people—wished to build on the United Nations, but they could not ride two horses, and before shifting from one to the other they wished to make sure that the UN horse would run.

He repeated that the British Government wished to base its policy with [*without?*] qualification or reservation on the United Nations, but that any uncertainty as to its future functioning must be removed.

It was agreed that they would meet again tomorrow, November 19.

at eleven o'clock, if such a meeting did not conflict with the meeting of the Political Committee which Mr. Molotov wished to attend.¹⁶

[Annex 1]

(British Paper)

NOTE

It must be recognised that the use of the "Veto" in the Security Council in recent months has called forth almost universal criticism from Members of the United Nations.

His Majesty's Government themselves are amongst the first to admit the necessity for the maintenance of unanimity amongst the Great Powers. But the manner in which the "Veto" has often been used takes no account of unanimity, and its constant use in this way makes achievement of unanimity all the more difficult.

There can probably be no question of amending the Charter at this stage, but are there not some things that could be done to avoid in practice the situations that have given rise to so much criticism?

For instance,

(1) The Powers possessing the right of "Veto" might agree amongst themselves to consult each other, where possible, before a vote is taken, if their unanimity is required to enable the Council to function effectively.

(2) If there is not unanimity, it might be agreed that the minority of the permanent members, mindful of the fact that they are acting on behalf of all the United Nations, would only exercise the "Veto" where they consider the question of vital importance to the United Nations as a whole, and they would explain on what grounds they consider this condition to be present.

(3) The permanent members might agree that they will not exercise their "Veto" against a proposal simply because it does not go far enough to satisfy them.

(4) The permanent members might agree to advocate rules of conduct for the Security Council providing that questions are only brought before the Security Council after other means of settlement have been tried and must then be presented in proper form to the Council.

¹⁶ Although there was no meeting of the First Committee at that time the Five Ministers do not seem to have met again on this problem until November 23.

(5) The permanent members might agree to support the establishment of further rules of procedure for the conduct of the Security Council's business, e.g., for the consideration of any question, the Council should appoint a rapporteur, or a Committee of some of its members, to make a further attempt at conciliation before resorting to the final discussion and voting.

(6) It might facilitate the work of the Security Council, and ensure that the Charter is properly applied, if a formula could be devised on which all could agree, for the definition of a "dispute".

(7) It would be of great advantage if it were possible to provide, by some means, that a Permanent Member could abstain from voting without automatically vetoing the proposal. Similarly, that mere absence of a Permanent Member should not have the effect of a veto.

[Annex 2]

NOVEMBER 18, 1946.

PROPOSED STATEMENT TO BE MADE BY THE PERMANENT MEMBERS OF
THE SECURITY COUNCIL ¹⁷

1. The permanent members of the Security Council recognize that the responsibilities imposed upon the permanent members of the Security Council under the Charter require them to make every effort to reach agreement on substantive questions before the Security Council.

2. The permanent members of the Security Council recognize that many of the difficulties encountered in the Security Council during the first year of its operation have been due to lack of certainty and differences of opinion regarding the practical application of the voting formula. They believe that these difficulties can in the main be worked out by the Security Council in the light of experience and practical need.

3. Specifically, that the permanent members of the Security Council undertake, with a view to removing or reducing these difficulties, to have the Security Council give attention to the development of practices which will ensure so far as is consistent with the Charter

a. that matters which are truly procedural and matters which are truly non-procedural will be determined in advance of controversy by agreed rules of procedure;

b. that no state shall act as judge in its own cause;

c. that a permanent member shall be enabled to abstain from voting without exercising its veto power.

¹⁷ Submitted as an United States paper.

501.BC/11-2346

*Minutes of Meeting of the Representatives of the Five Permanent Members of the Security Council*¹⁸

SECRET

[NEW YORK,] November 23, 1946.

PRESENT

U.S.S.R.

M. Molotov (Chairman)
 M. Vyshinsky
 M. Pavlov

U.S.A.

Mr. Byrnes
 Mr. Connally
 Mr. Vandenberg
 Mr. Cohen
 Mr. Dunn
 Mr. Bohlen

U.K.

Mr. Bevin
 Mr. Cadogan
 Mr. Jebb

CHINA

Mr. Wellington Koo
 Mr. H. T. Liu
 Mr. Chu Hsin Min
 Dr. Quo Tai-Chi

FRANCE

M. Couve de Murville
 M. Parodi
 M. la Tournelle

MR. BEVIN: Will you take the chair, Mr. Molotov.

M. MOLOTOV: Thank you. Are there any remarks on the procedure for the meeting?

MR. BEVIN: I wonder if there are any other views to be expressed since the papers have been circulated and if there is any possibility for agreement? There were the proposals of the United States, China, and the United Kingdom and the different questions evolved at Committee No. 1 at the Assembly. It seemed to me that the papers and the questions gave so much light that we might clear up the matter.

M. MOLOTOV: I gave the general view of the Soviet Union the other day. Since reading the papers I should like to make additional remarks to clarify our view. The Soviet Delegation will submit certain proposals being typed now, and I will explain them. We hold that in the general discussion and in the proposals submitted to the General Assembly and to the Big Five that there were two outstanding questions: 1) revision of the Charter, 2) method of applying the procedure. As to a revision of the Charter, as far as I can judge from recent proposals submitted to the Five, no one insists on making such changes. It appears from these proposals that no one here thinks it would be timely or wise. There is no way we can avoid this matter as the question of revision of the Charter was raised in the Assembly, and as we think it should react in some manner. We think the Assembly should reject the proposal to revise the Charter as not timely.

¹⁸ United States minutes; no drafting information on document but probably drafted by Mr. Bohlen.

As to the second question, application of the Charter and the procedure agreed to by the Assembly, it is evident from reading the proposals of France, the United Kingdom, and China that the question centered around that. The Soviet Delegation believes that we should agree in regard to question two not to take the road of new agreements between ourselves intended to regulate our decisions. The matter has been the subject of many proposals which will not be helpful but harmful to the United Nations and the Security Council. We think that the relations between the United Nations and individual countries, particularly the Great Powers, should not be based upon technicalities and regulations. This is a serious question. As to the substance of the question, we can't agree that anyone applied the veto wrongly in the Security Council and think it undesirable to foment passion around this question. It would hurt not only the Soviet Union but all of us. This attitude is not calculated to induce us to seek agreement; therefore, it is essential that we adopt a decision saying that it is not correct to make more rigorous rules for the Security Council or the United Nations. We should make clear that any attempts to stiffen the rules are calculated to do harm and will not be useful. I can now read the draft proposals prepared by the Soviet Delegation:

"1. Bearing in mind that the Organization of the United Nations is still in the first period of its activity, the General Assembly considers it important that all States of the United Nations strive for the further strengthening of the Organization of the United Nations and the improvement in every respect of the work of its organizations in conformity with the lofty principles and aims of the Charter which has received commendation from all peace-loving peoples. The General Assembly considers incorrect attempts to revise the Charter in view of the short period which has elapsed since its unanimous adoption by the United Nations.

"2. Attaching special importance to the unification of the efforts of nations both large and small in the development of firm relations between them and in the establishment of durable peace and security, the General Assembly calls on the United Nations for the broadening of international cooperation on the above-mentioned basis, avoiding superfluous regimentation and formality in the work of its organizations and furthering the development of practical achievements in political, economic, and cultural cooperation between nations. In accordance therewith, the General Assembly rejects the proposals aimed at the regimentation of the application of the rule of unanimity set forth in Article 27 of the Charter."

MR. BEVIN: It seems to me that the text you read, Mr. Chairman, applies rather to the General Assembly. But it seems to us that this is a matter for each Delegation. We said that we had no desire to change the Charter. All we tried to get is a code of conduct between ourselves to see if we can avoid these difficulties. We have no desire to

have a lot of rules and regulations, but we want to establish more confidence in the United Nations, as, quite frankly, we haven't much confidence now. We couldn't do anything like making a general resolution such as you have read. That is a matter for the General Assembly to express its views upon. It is a general matter. As for the British Government, we are working out our policy now, and we hoped that we could agree amongst ourselves so that I could say to the British people whether we could build security on the Security Council. After this first year that seems very doubtful. I thought we could settle it here as there are only five powers here who can use the veto. A general statement of the character of the one you read does not help understanding amongst the Big Five. We have tried, and we can't do more than explain our position as to what we have been doing.

M. MOLOROV: I would like to make plain that if the draft I just gave is unacceptable on the ground that it is drawn up in the form of a decision of the General Assembly, that this can be put right. We can regard the draft not as a decision of the General Assembly but as a draft that will enable us to reach agreement on the questions being discussed now. The form is secondary; the substance is what matters. If Mr. Bevin says that his Government is engaged in drawing up its long-term policy, we are prepared to discuss this in businesslike language.

MR. BEVIN: It was not so much the form as the substance which does not deal with what my Government has felt to be the points at difference in the operation of the Security Council. It desires to know if the operations can be on a more understanding basis than in the past year.

MR. BYRNES: I made at our last meeting a statement with regard to the position of the United States. The United States has announced that it does not approve efforts to amend the Charter but sympathizes with the point of view of small states that the Great Powers have exercised the veto in a manner never envisaged at San Francisco. It is evident that there was a serious misunderstanding among the Permanent Members. The United States believes that the veto should be sparingly exercised and only on the most important matters. The United States will join in a statement that the veto will be exercised only in times of great emergency to create assurance. This might lead to the cessation of attempts to amend the Charter. It would be a mistake to make a statement of the kind proposed which suggests that the General Assembly is trying to regiment the Permanent Members. It will be better to say nothing at all if we can't make a better statement.

M. PARODI: The resolution which has been submitted would be important for the collaboration of the nations belonging to the United

Nations. I think it is somewhat general and vague in tone. We have made numerous efforts to achieve collaboration in the Security Council. I think also that a great atmosphere of unquietness has characterized the discussions in the General Assembly. We must do everything to quiet this spirit in the Assembly. If the Permanent Members of the Security Council submit such a statement as you propose, it would poison the spirit in the Assembly. The very important questions the Assembly has to decide would not be helped by such a resolution. It would be better to submit nothing than to say that. I understand the desire not to augment the rules, but the proposals presented to the Assembly are aimed not at augmenting the rules, not at making the procedures more rigid, but at making them more supple.

M. Koo: At the last meeting I gave the views of my Government on the veto. I won't repeat them today since we have also presented some concrete suggestions, but I would like to say a word or two on the Molotov statement and also the words of explanation he has given. None of us desires to revise the Charter. As to that part of the statement, it is in accord with the views of the Chinese Delegation. The problem has two aspects. I believe those two will have to be met. *a)* The effective working of the Security Council has been commented on in the General Assembly. The general view, which we share, is that the past workings of the Security Council have not been as effective or as smooth as we might have hoped. The Security Council should see itself how it can improve. Since the question was raised in the General Assembly, we should meet that criticism as far as we can. I agree with Mr. Molotov that we should not add to the rules in the Security Council. We have sixty articles already. Whereas the past has produced agreed procedures, I think they might be put in writing. If the procedures were enlarged, the criticism of the General Assembly might be met. What I have in mind is matters such as the inclusion of an item on the agenda, or the removing of an item from the agenda. If I am correct, that could be included in the list of procedures established by the Permanent Members at San Francisco. We should make use of our past experience to improve the workings of the Security Council for the future.

The second question is a situation in the General Assembly which we must meet in some way. This is really a matter between the five Permanent Members and the five members coming from the Assembly. So far as the emphasis in the Soviet proposal is on strengthening the United Nations and improving relations between great and small nations we all agree, but we wish the conclusion at the end were more concrete. I mean some definite procedures which we in the Security Council have reached in the past, or here. Only by this step can we meet the criticism from the General Assembly. If only a negative

statement is made, we will only get a long debate, and I can't see what the outcome would be. Only if we make concrete suggestions, can we dispel the criticism, and we would thus contribute to the collaboration Mr. Molotov urges.

M. MOLOTOV: Various remarks have been made with regard to our draft resolution, and, owing to the fact that differences of opinion came to light, the opinion was expressed that we could dispense with the statement. The Soviet Union thinks that some statement is necessary. It is desirable that certain conclusions be placed for our work in the future. It would be a good thing if after our discussion of the veto, the Charter, and other things, we could arrive at a unanimous opinion, at least on the part we can express an opinion on now. It can be stated that the Five think revision of the Charter untimely, as it has been in force only one year. To revise it now would be to discredit the work of the United Nations last year. I wonder if we can't make a resolution saying that we deem it essential to maintain the prestige of the Charter agreed to by all peace-loving nations. It was said that our draft contained certain negative elements, and that such a resolution was undesirable. Although we are the authors, we won't insist upon it. Let us modify it, or eliminate the negative elements but find a solution which will strengthen the Charter and establish more harmonious work in the Security Council and in the United Nations as a whole. When the reference was made to the Security Council in the initial period, the approach was one-sided. The Soviet Union cannot ignore the discussion of the Iranian question in the Security Council. The method used was not conducive to harmonious work. It is easy to say that this or that government has no confidence in the Security Council, but we must remember that confidence in the Security Council depends upon each of us, and we should all try for harmonious work and not be one-sided or use the Security Council against one of the members. Take the question of the veto. It wasn't raised today, but discussion of this took a one-sided trend, and the atmosphere around it was one-sided, too. The impression was created in the outside world that certain of us are encouraging this view. In the long run the work of the Security Council depends not upon new decisions but upon each of us trying to improve the work. The method of majorization has acted several times to the disfavor of the minority, to the disfavor of the opinion of delegations which did not have a majority on any of the questions under discussion. I think the method of majorization in the Security Council and other conferences will not be useful. It would be better to establish business-like relations and understanding to allow us to improve the work. Upon each of us five much depends. We should say there was room for im-

provement in this respect. There is no need for new formal decisions upon the regimentation of the work, but we should secure the character of the work so as not to injure any one of the partners, but so that the interests of the minority are taken into account as well. The statement under discussion will be good if it contributes to the improvement of the work.

MR. BYRNES: At the last meeting proposals were presented by the United Kingdom, China, and the United States, and France expressed approval in principle of the three resolutions. The Soviet Delegation was unable to agree and added its own resolution. The United States cannot agree with the Soviet resolution. One hour and forty-five minutes have gone by, and, as the matter must be settled elsewhere,¹⁹ I suggest we adjourn for fifteen minutes and then go on with consideration of the treaties.²⁰ I would add that we will all have the opportunity to express our views in Committee No. 1. It is useless to go on here.

MR. BEVIN: I agree. We must reserve our position for the Assembly, and state our case there. There is nothing positive we can put forward elsewhere than in Committee No. 1. Certainly my Government understood the use of the veto was to be quite different after San Francisco. I hoped we could have agreed. If we had, I should have been very happy. If we can't—

M. MOLOTOV: Any objections?

M. KOO: I want to ask Mr. Molotov if he said he could not accept the other papers. I understood that his observations were of a general character.

M. MOLOTOV: I take it we have been engaged today in the examination of these drafts as well as of our own.

MR. BEVIN: We are as well divided as the Security Council.

M. MOLOTOV: We will adjourn until 6:00 p. m.

Editorial Note

Discussion of the voting question was resumed by the First Committee on December 1 at which time it was decided to appoint a subcommittee to reconcile the several resolutions which had been offered (the Soviet Union submitted one at this meeting, making a total of six). The Sub-Committee, composed of representatives of the delegations of Argentina, Australia, China, the Soviet Union, the United

¹⁹ That is, in the General Assembly.

²⁰ This is a reference to the session of the Council of Foreign Ministers which was meeting in New York at approximately the same time as the General Assembly.

Kingdom, the United States, and Venezuela, in an unsuccessful attempt to reach a consensus extending through five meetings, finally on December 6 drafted a report to the Plenary Committee which recommended that the Committee vote on the resolutions of Cuba, Peru, Australia (the second of two revisions), the Soviet Union, and China (the latter submitting a resolution to the Sub-Committee on December 6). For the deliberations of the First Committee on December 1, see GA (I/2), *First Committee*, pages 210 ff.; the Soviet and Chinese resolutions are found *ibid.*, pages 328 and 330, annexes 7*g* and 7*i*, respectively; the two Australian revisions are found *ibid.*, pages 327 and 331, annexes 7*e* and 7*j* (the text finally voted on by the First Committee was that found in annex 7*j*); see *ibid.*, pages 329 and 330, annex 7*h* for the text of the Sub-Committee's report.

In the final phase of the First Committee's consideration of this issue, on December 8, the Committee, grappling with a tangled parliamentary situation, finally approved the second Australian revised text, while rejecting its second paragraph which was implicitly condemnatory of the past performance of the Security Council; the Australian Delegation had signified its willingness that the voting on the proposed resolution should be on a paragraph-by-paragraph basis. For the December 8 proceedings of the First Committee see *ibid.*, pages 284 ff.

At both meetings of the Plenary Committee, on December 1 and December 8, the United States Representative on the First Committee, Senator Connally, declared that the United States Delegation supported the resolution offered by Australia except for the second paragraph "which appeared to imply a condemnation of past events and reflect on members of the Security Council. . . . His delegation believed the Council's difficulties were the growing pains of a new organization for which no one should be blamed" (*ibid.*, pages 218 and 219; quotation from December 8 statement).

The report of the First Committee to the General Assembly on this matter is found in GA (I/2), *Plenary*, pages 1538 ff., annex 7*l*. General Assembly debate of the report during two meetings on December 13 is found *ibid.*, pages 1231 ff. For Senator Austin's statement to the General Assembly in support of the First Committee's recommended draft resolution, see *ibid.*, pages 1244 ff. The draft resolution was adopted by the General Assembly without change and as Resolution 40 (I) read:

"The General Assembly

Mindful of the Purposes and Principles of the United Nations, and having taken notice of the divergencies which have arisen in regard to the application and interpretation of Article 27 of the Charter:

Earnestly requests the permanent members of the Security Council

to make every effort, in consultation with one another and with fellow members of the Security Council, to ensure that the use of the special voting privilege of its permanent members does not impede the Security Council in reaching decisions promptly;

Recommends to the Security Council the early adoption of practices and procedures, consistent with the Charter, to assist in reducing the difficulties in the application of Article 27 and to ensure the prompt and effective exercise by the Security Council of its functions; and

Further recommends that, in developing such practices and procedures, the Security Council take into consideration the views expressed by Members of the United Nations during the second part of the first session of the General Assembly.²¹

(United Nations, *Official Records of the General Assembly, First Session, Second Part, Resolutions Adopted by the General Assembly during the Second Part of the First Session*, pages 64 and 65.)

III. POLICY OF THE UNITED STATES FAVORING EARLY ADMISSION OF STATES ELIGIBLE FOR MEMBERSHIP IN THE UNITED NATIONS

IO Files²¹: USGA/GEN/10

United States Delegation Position Paper

[WASHINGTON, December 1945.]

12. NEW MEMBERS²²

THE PROBLEM

The main practical question relative to the admission of new members concerns the time at which we shall support membership applications from States which in our opinion are peace-loving, and are able and willing to carry out the obligations of the United Nations Charter.²³ Enemy and ex-enemy States are not now concerned, since final treaties of peace have not yet been concluded with them. Obviously, the United States welcomes the full collaboration of all qualified States in the United Nations Organization as soon as the working schedule of the Organization permits this to be arranged.

²¹ Short title for the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

²² This document was one of 29 position papers drafted in the Department's Office of Special Political Affairs for purposes of providing a briefing and position book on as many projected issues as possible for the use of the United States Delegation to the First Part of the First Session of the General Assembly; it is found in the IO Files under the series USGA/GEN/. For documentation regarding the organization and arrangements effected for the conduct of United States relations with the United Nations, see pp. 1 ff.; within the Department of State the Office of Special Political Affairs (SPA) was principally responsible for the formulation and coordinating of policy relating to United Nations Organization matters.

²³ For the United Nations Charter, signed at San Francisco, June 26, 1945, see Department of State Treaty Series No. 993, 59 Stat. (pt. 2) 1031.

For practical reasons, however, the United States has taken the general attitude that the admission of new members should be postponed until after the Assembly session devoted to the task of organization.²⁴ The problem is whether this attitude should be relaxed so as to permit us to support the applications of any States and, if so, of which States.

PROPOSED U.S. POSITION

We should maintain our position that the consideration of applications for membership should be deferred until after the first part of the first session of the Assembly. Completion of this primary task in the January meeting would leave the way open for consideration, during the second part of the session or the first meeting thereafter, of applications forwarded by the Security Council with its recommendation.

DISCUSSION

The paramount factor in the decision—over and above any considerations pertaining to the admission of any particular State—is believed to be the estimated effect which consideration of membership questions at the January meetings would have upon the Assembly's ability to complete the structure of the United Nations during those meetings. It is not unlikely that consideration, during the first part of the first session, of an application of a single State might unavoidably raise complex questions concerning possible applications of other States as well. To deal with these involved matters might take up much time which is urgently needed for completion of the essential mission of this part of the session: to establish the Organization on a working basis. A still more serious danger is that the deliberations and decisions of the Assembly on the essential structure of the Organization might be affected or determined by political maneuvering on membership questions. When the establishment of the United Nations Organization is complete, we should, so far as possible, give separate consideration to the application of each State, entirely on its own merits. Care must be taken to avoid a log-rolling process which might make difficult the rejection of applications of, for example, entities which lacked the qualities of statehood necessary to effective membership in the Organization.

A few foreign Governments have approached United States representatives with questions concerning the proper procedure and time for making application, or intimating an interest in membership. In

²⁴ For documentation regarding United States policy in the organization of the several United Nations organs at the first meeting of the General Assembly at London in January and February 1946 and elections relating thereto, see pp. 117 ff., London section.

September 1945 the Government of Iceland informed the American Minister of its desire to be admitted to the UNO at the earliest possible date, and requested that this be brought to the attention of the Secretary of State in case such questions should be discussed at the forthcoming London conference of foreign ministers.²⁵ In reply it was stated that while Iceland could count on our whole-hearted support for membership at the earliest possible moment, only the Council and Assembly could handle admissions and that a communication to the Secretary-General, when he was appointed, might elicit information as to the correct procedure for making application.

The Swedish Government has shown a very active desire for early admission to membership. It has been informed that, while consideration of applications would probably be deferred, for practical reasons, until the second part of the present session, the United States was most desirous of seeing Sweden become a member of the Organization at the first appropriate date and that it would support Sweden's application as soon as applications were in order.

Various reports indicate a definite, though still undeclared, interest in membership on the part of Portugal. A suggestion from Lisbon to the effect that Members of the League of Nations—referring to Portugal, Sweden and Switzerland—might be admitted as a group, was not favored by the Department of State and it was said that in any case new members could not be admitted until the second part of the present session, or later. The Brazilian Government has already indicated to the United States its support for Portugal's application.

Our position with reference to the question under discussion has thus been consistently developed both in the Preparatory Commission²⁶ and in our diplomatic relations with individual States, and at present at least, no difficulty in maintaining it is anticipated.

501.BB/1-2646: Telegram

*The United States Representative at the United Nations (Stettinius)
to the Secretary of State*

URGENT

LONDON, January 26, 1946.

[Received January 28—7:56 a. m.]

1016. Delun 162. There is quoted below the text of the telegram from Colonel General Hoxa addressed to the President and Vice Presidents

²⁵ That is, the session of the Council of Foreign Ministers that met at London in September 1945.

²⁶ For documentation regarding the Preparatory Commission of the United Nations which met at London in November and December 1945, see *Foreign Relations*, 1945, vol. I, pp. 1433 ff.

of the General Assembly requesting Albanian admission to UNO membership. This telegram was recently transmitted by the Yugoslav delegation to Mr. Jebb.²⁷ It was agreed at the Security Council meeting Friday²⁸ that the question of whether the Albanian application should be placed on the agenda would be discussed at the next meeting of the Security Council on January 28. As the British through Gore-Booth²⁹ have approached us not only on the question of the Albanian application but on the matter of admission of new members generally, we should appreciate receiving from the Department any advice that it may have.

“Message from the President of the People’s Republic of Albania to the President and Vice-Presidents of the General Assembly.

The following is the text of the telegram from Colonel General Enver Hoxa, President of the People’s Republic of Albania, to the President and Vice-Presidents of the General Assembly.

To His Excellency the President and to the Vice Presidents of the General Assembly of the United Nations, London.

On the occasion of the opening of the first session of the General Assembly of the United Nations which marks an important stage in the history of mankind, I should like to inform Your Excellency that the Government of the People’s Republic of Albania, being desirous of giving positive evidence of the importance they attach to the organisation for peace and cooperation among nations and of the joining the other democratic countries in the working out of the noble purposes and the exalted principles which constitute the bases of the organisation, had the honour to address a request to the President of the Preparatory Commission on the 20th December 1945 asking him to undertake the necessary steps with a view to the admission of Albania into the organisation of the United Nations in accordance with the provisions of the Charter and on the basis of the contribution of her people to the common cause of the United Nations. In renewing their application the Government of the People’s Republic of Albania are convinced that the General Assembly, appreciating at their true value the immense sacrifices made by the Albanian people during the long and arduous struggle against the Axis Powers, will accede to their request. At the same time, I wish to declare on behalf of the Govern-

²⁷ H. M. Gladwyn Jebb, Executive Secretary of the Preparatory Commission, who was acting in a temporary capacity as United Nations Secretary-General pending the election of a permanent official.

²⁸ At this meeting on January 25 when the Albanian application first came to the notice of the Security Council Mr. Stettinius made a brief statement which in effect set the direction of United States policy on this issue for the remainder of the London meetings: “May I suggest that we deal with the question of new membership as a whole later on, at one meeting rather than piecemeal? I am sure there are a number of delegations which have statements to make relative to new membership, and I think it would be much better to deal with the subject *in toto*” (United Nations, *Official Records of the Security Council, First Year, First Series*, p. 21; hereafter cited as SC, *1st yr., 1st series*).

²⁹ Paul H. Gore-Booth, British Foreign Office official and head of the Secretariat of the United Kingdom Delegation to the General Assembly.

ment of the People's Republic of Albania that our country is prepared to assume all the obligations arising from the Charter of the United Nations.

I avail myself of this opportunity to express to Your Excellency, in the name of the Albanian people, the name of the People's Republic of Albania and my own, the warmest and most sincere good wishes that the work of the new organisation may be crowned with full success in achieving a more prosperous future for mankind.

President of the People's Republic of Albania Colonel-General Enver Hoxa."

STETTINIUS

501.BB/1-2646 : Telegram

The Secretary of State to the United States Representative at the United Nations (Stettinius)

U.S. URGENT

WASHINGTON, February 1, 1946—1 p. m.

SECRET

NIACT

1105. Undel 147. Department has no additional information on the general question of admission of new members nor has its policy in that regard changed (first paragraph Delun 162). It assumes that position taken by the U.S. Delegation at Security Council meeting of January 28 with regard to the Albanian application for membership was in line with this general policy but if there were specific factors relating to the Albanian request or if there are other developments relating to admission of new members to UNO, we should appreciate fuller information than given in Delun 171.³⁰

³⁰ Telegram 1061, January 29, from London. This was a daily summary telegram of the events of that date and read in pertinent part: "At Security Council meeting today first question raised was whether Albanian request for membership should be on agenda. U.S. motion that it should not be included being lost 4 to 4, with three abstentions and Chairman not voting. Extended discussion ensued as a result of which it was agreed without objection to including this item on agenda, on clear understanding that, as emphasized by Chair, decision as to when to consider Albanian request should be taken when item is reached on agenda." (501.BB/1-2946) The record of this meeting is found in SC, *1st yr., 1st series*, pp. 24 ff. In his statement on the motion for adjournment Mr. Stettinius said: "You will recall that I referred briefly to this question the last time we met. In view of the position taken by the Executive Committee [of the Preparatory Commission], and also by the Preparatory Commission, that new applications for membership would not be acted upon at the first part of the General Assembly session, I feel it would be best not to include this item at this session of the Council. The admission of new Members is a serious and important matter, requiring the most careful consideration of the Members of the United Nations. In the circumstances, it is apparent that the only reasonable and fair method of giving proper and adequate consideration to applications for new membership would be to defer all applications until some time prior to the next meeting of the General Assembly, when the Security Council would have had an opportunity to deal with the number of applications that have accrued at that time" (*ibid.*, p. 25).

We desire to repeat to Tirana not only text set forth in Delun 162 but also such additional information as you may be able to provide. It would be helpful if you could give us an estimate as to when consideration of the Albanian request will be given in the Security Council. For your secret information Jacobs³¹ reports from Tirana that there is a marked increase in Soviet prestige and activity in Albania, coupled with a growing unfriendliness of the Hoxha regime toward the U.S.

BYRNES

501.BB/2-746 : Telegram

*The United States Representative at the United Nations (Stettinius)
to the Secretary of State*

SECRET

LONDON, February 7, 1946—4 p. m.

[Received February 8—9 : 36 a. m.]

1514. Delun 247. [Here follows summary of the January 25 meeting of the Security Council, and part of the January 28 meeting, as these related to the membership question.]

After my motion was defeated (Delun 171)³² there followed extended discussion at end of which it was agreed to place item on agenda on clear understanding that question of time when subject should be considered will be determined by SC when this item is reached.

Albanian application has since remained last item on published agenda of each meeting of SC. Presumably question as to when to consider request will be decided after consideration of Greek problem and Indonesia question has been finished.

I believe it likely that Albanian application will not have to be considered again in London. If, however, it comes up either in normal course of events or in connection with consideration of question of moving to US, I propose to take same line as before and to attempt to postpone consideration until after Council is in session at temporary site.

It is significant that Poland and Soviet Union both supported early consideration of Albanian application and indicated that they would support application itself. While there has been no public Greek opposition to application, Glintaris of Greek delegation on January 29, in long conversation with Hare emphasized that incidents of this kind fitted perfectly into familiar pattern of Russian encroachment in Balkans which he doubted either British or US delegations fully appreciated. Moreover, Aghnides telephoned member of staff same day

³¹ Joseph E. Jacobs, head of the informal mission to Albania.

³² See footnote 30, p. 361.

suggesting that when Albanian question is raised I might wish to suggest that in view of Greece's proximity to Albania, SC would desire to hear from Greek delegate. He expressed view that it would be inappropriate for a state which has not yet entered into peace arrangements to be singled out as first new member. Unless otherwise instructed I shall not make such a suggestion as it might indicate a tendency to support Greek position in Greek Albanian issues.

Freitas Valle of Brazil who supported me in Council January 28 remarked in [apparent omission] today expressing to me belief that SC could finish in three or four meetings that he hoped it would do so before Albanian item came up.

I would welcome any comments or suggestions Dept cares to make.³³

STETTINIUS

501.AA/3-1546³⁴

*Memorandum by the Chief of the Division of International
Organization Affairs (Sandifer)*

SECRET

UNITED STATES ATTITUDE TOWARD MEMBERSHIP QUESTIONS DURING
COMING SECURITY COUNCIL MEETINGS³⁵

THE PROBLEM

The Security Council placed Albania's membership application on its agenda on January 28. On February 13, the Council voted, on the motion of the United States, to defer disposition of the matter "pending further study until the Security Council convenes at the temporary

³³ In telegram 1403, Undel 198, February 11, 7 p. m., to London, the Delegation was informed that "Dept approves your course of action proposed in fifth paragraph of Delun 247 and desires that you continue effort to secure postponement of vote. Please inform us of probable time of vote. Department will cable further instructions prepared in the light of current developments in Albania." (501.BB/2-746).

The Department instructed further in telegram 1495, Undel 207, February 13, 8 p. m., to London, that "Dept assumes that question of Albanian application will probably be disposed of by vote to consider at later meeting of Security Council. If, however, your efforts toward this end should fail, Dept desires that you vote along general lines of your statement in paragraph 2 of Delun 247. . . ." (501.AA/2-1346).

The question was in fact voted upon the evening of February 13, when Mr. Stettinius offered a motion that ". . . this item be kept on our agenda, but that disposition be deferred, pending further study, until the Security Council convenes at the temporary headquarters." Mr. Stettinius added: "My Government desires to have more time to examine the problem." The motion was carried. (SC, *1st yr., 1st series*, p. 268.)

³⁴ No date appears on this document; internal evidence indicates that it was drafted in the early part of March, probably no later than March 15.

³⁵ The Security Council was scheduled to reconvene in New York on March 25.

headquarters." The issue will, therefore, almost certainly be discussed at the coming meetings.

Its exact place on the agenda remains to be determined. In postponing consideration until its next meeting, the Security Council did not indicate what priority the matter should have on the agenda, several representatives indicating simply that the Council could call up this or any other item for discussion at such time as it wished.

As to action on the application itself, we have the choice of three main alternatives:

- (a) To vote for a favorable recommendation from the Security Council to the General Assembly;
- (b) To vote against such a recommendation;
- (c) To propose or support further postponement.

However, our action on this matter is only a single item in what must be a broad program for the admission of new members. The Potsdam agreements³⁶ reflect a purpose to admit the neutral States (except Spain) and, after the conclusion of peace treaties, Italy, Bulgaria, Finland, Hungary and Roumania and there is a general consensus that this program should be set in motion without unnecessary delay.

Thus a further branch of the problem is the decision whether choice of one of the alternatives set out above should be combined with some other action or statement designed to advance the program of bringing in all qualified States.

PROPOSED UNITED STATES POSITION

1) The following course should be carefully considered and, if the current political atmosphere is judged not unfavorable therefor, steps might be taken as follows:

(a) The neutral governments might be sounded out to ascertain their views and desires concerning the submission of membership applications;

(b) A few members of the Security Council might be sounded out to ascertain whether or not they plan any action in the present meeting on the subject of admission of new members, and to ascertain their views with regard to possible means of expediting admission of qualified neutral States as a group. Such action would be presented as a procedure for carrying out the provisions of Chapter X of the Potsdam Communiqué;

(c) If it were found that some of the neutral States were ready to submit applications at once, we might consult and if possible come to an agreement with other Security Council powers concerning means

³⁶ See Chapter X of the Potsdam Communiqué of August 2, 1945, *Foreign Relations, 1945, The Conference of Berlin (The Potsdam Conference)*, vol. II, pp. 1509 and 1510.

of encouraging and expediting this, and of securing prompt and favorable action by the Security Council;

(d) To provide for neutral States who were not admitted or who did not apply, a resolution might be proposed, providing in substance:

“That the consideration of any applications for membership received from any neutral State be made an item of the continuing agenda of the Security Council, to the end that any ex-neutral State that so desires may, if found qualified, be admitted to membership by the General Assembly at its September meeting.”

(e) We should, if this course were taken, presumably be prepared to vote for Albania's admission if this should make possible favorable action on a reasonable number of other applications.

2) If conditions appear unfavorable for the successful execution of such a program as is outlined in (1), we should proceed as follows:

(a) If, as is anticipated, General Hoxha makes no satisfactory acknowledgement of the present effect of the treaties in force between the United States and Albania on April 7, 1939:

i. We should, if possible, favor postponement until August or September, of action by the Security Council on this and any other applications that might be received in the meantime. Our position might be explained as follows:

When the subject was discussed before, consideration was deferred pending further study. The primary question requiring such consideration was, and still is, what general procedure the members of the United Nations shall follow in providing for the admission of a number of States, at least some of which have been generally assumed—in the Potsdam agreement, for example—to qualify for membership. This question is not one merely of Security Council procedure—although that has not been put in final form as yet—but one of the general relations of States and one which in particular involves many uncertainties connected with post-war reconstruction. These uncertainties, concerning the internal and external relations of many States, will, it is hoped, decrease during the coming months.

We accordingly suggest that, in the circumstances, the best general procedure for taking the initial steps to bring about the membership of qualified states would be as follows:

(a) Consideration of all membership applications should be postponed until a meeting of the Security Council in August or early September, the exact date to be agreed upon later.

(b) That meeting would be a propitious occasion for considering not only Albania's application but also any applications from the former neutral and enemy States whose admission was generally envisaged in the Potsdam Communiqué. In the case of ex-enemy States, admission would naturally depend on the prior conclusion of peace treaties.

(c) It should be strongly emphasized that such a program need not delay by a single day the final acquisition of membership by any State that was found qualified. The General Assembly which has the final decision on membership applications, does not meet again until September.

ii. In prior discussions with representatives of other Security Council Members, it should be indicated that our intentions are as stated above and that we should prefer to support a motion to postpone consideration to the alternative of simply voting against a motion to approve Albania's application. Actual voting tactics should be left to the decision of the American representative in the light of political conditions existing just prior to the vote. However, in view of the fact that the United States representative has proposed two previous resolutions to postpone, it would be preferable to arrange, if possible, that the motion be put by some other State.

iii. In case sufficient support for a postponing vote could not be secured, it would presumably be necessary to vote against the application on the merits or, perhaps, to abstain from the vote. A possible statement giving grounds for an adverse vote is given in Annex B.³⁷

3) In the unlikely case that a satisfactory response should be received from General Hoxha, we should favor the application.

4) Whatever the attitude taken by the United States toward the application we should, in one of our statements, refer to Chapter X of the Potsdam Communiqué, of August 2, 1945 and point out that since the Security Council will be considering Albania's application at its meeting in August or September, it would presumably be ready at that time to consider also any applications from States whose admission is envisaged in the Communiqué. In the case of ex-enemy States, this would naturally depend on conclusion of the peace treaties by that time. This government regards the admission of any state to membership in the United Nations as a matter that must be decided through careful consideration of the actual merits of each particular case.

DISCUSSION

Our attitude in connection with the Albanian application should be consistent both with our general attitude and program toward the admission of new members and with the individual merits of the Albanian case. As to the former, it is clear that Albania cannot be a major concern of our broad policy. Our action should, therefore, not be such as to delay necessary steps toward the admission of a number of States whose membership would strengthen the United Nations. Unless a rather bold course such as is outlined under (1) above is practicable, it seems that the needs of our broad policy toward admission to membership would be served by incorporating into our proposal for postponement some indication that the Security Council should be ready in August or September to consider applications from neutral States.

It is believed that a reference to Chapter X of the Potsdam Communiqué, which registers the views of the Big Three in favor of the admission of the neutrals other than Spain and, following the conclusion of peace treaties with the enemy states of Italy, Bulgaria,

³⁷ Not printed.

Roumania, Hungary and Finland, would serve our purpose of giving some public hint of our interest in securing the admission of at least some ex-neutral states. The reference to the Potsdam Communiqué would also indicate that we wish to limit the field at this time and that we would not be open to any possible suggestion that further Soviet Republics be admitted.

With regard to the three possible alternatives of action in Albania's application, set out in the statement of the "problem" above, it seems clear that unless the Hoxha regime modifies its present attitude in important respects, it will be impractical for the United States to cast a favorable vote on the application. The background of the case is briefly as follows:

This Government sent a political representative to Tirana in May 8, 1945, and negotiations looking toward recognition of the Hoxha government have supposedly gone on since then.³⁸ The United States made an acknowledgment by the Hoxha regime of the continued validity of the treaties in force between Albania and the United States on April 7, 1939, a condition precedent to recognition. General Hoxha has made no such acknowledgment and has stated that the validity of no treaty could be accepted "in advance". While negotiations were thus supposedly continuing without leading to tangible results, the American mission was subjected to increasingly inconsiderate and unfriendly treatment in a number of respects. The American representative accordingly delivered to General Hoxha, under instructions, a strongly-worded memorandum expressing the dissatisfaction of the United States Government and indicating that it would not grant recognition to Albania unless the attitude of the Hoxha regime became satisfactory in respect of the basic questions at issue. It was intimated that Albania's admission to the United Nations would be opposed unless proper respect for treaties was shown by the Hoxha regime.

It is not understood that a satisfactory response has thus far been received.

In case a satisfactory reply were received, so that recognition could be granted to the Hoxha regime it would seem logical and desirable to vote in favor of the application. This eventuality, however, appears unlikely at present.

In case no such satisfactory reply is received, it would presumably be impossible for us to support the application. However, unless general circumstances favor a flat negative vote on the merits of the case, it would seem preferable to find some formula for postponing any vote on the merits. A negative vote would, of course, create resentment,

³⁸ For documentation concerning this matter, see *Foreign Relations*, 1945, vol. IV, pp. 1 ff., and *ibid.*, 1946, vol. VI, pp. 1 ff.

would probably provoke discussion in the Security Council on the special issues between ourselves and the Hoxha regime, and would in any case require explanations on our part that would receive much publicity. However, the general circumstances may possibly be such as to make it desirable for us to raise the issues publicly and to make a strong statement of our attitude on them.

The need for special care in choosing the ground on which we favor postponement is obvious. The application has already received some discussion in the Security Council on two different occasions and we and the British took the attitude then that more study of the subject was necessary before a decision could be given. We ourselves moved postponement of the vote until the present session; this attitude would naturally create the expectation that we would at this time be prepared to cast our vote on the merits of the case. Accordingly, it will be fairly obvious to all concerned—and particularly to the Russians, who are doubtless familiar with the issues between ourselves and Hoxha—that our attitude of favoring postponement contains the element of unwillingness to approve the application at the present time. We should attempt, by prior discussions with Security Council members, to get our attitude accepted without the necessity of airing our views on the precise issues between ourselves and Hoxha. However in case circumstances should make it necessary to do so, we should presumably be prepared to make a statement along the general lines of Annexes A and B.³⁹

IO Files : SD/S/111

*Department of State Position Paper*⁴⁰

SECRET

[WASHINGTON,] March 22, 1946.

U.S. POSITION TOWARD MEMBERSHIP APPLICATIONS DURING COMING
SECURITY COUNCIL MEETINGS

1. We should favor a motion to postpone, until a meeting in August, consideration of the Albanian application and any other application received before that time, since

³⁹ These contingencies did not arise, and the annexes are not printed.

⁴⁰ Internal evidence indicates that this paper had been cleared through the Department by March 22. On that date it reached the office of the Secretary of State and by March 25 it had been passed on to the office of Mr. Stettinius (whether in Washington or in New York is not clear) "with a mere notation from the Secretary that it was for him [Stettinius]. . . . It was apparently transferred to Mr. Stettinius pursuant to the general intention that the Secretary should handle only the Iranian case." (Memorandum by Mr. Sandifer, Chief of the Division of International Organization Affairs, to Alger Hiss, Director of the Office of Special Political Affairs, April 3, File No. 501.AA/4-346; this memorandum is printed in part *infra*).

(a) the admission of Albania or any other applicant State could not possibly take place until final approval of the application by the General Assembly at its meeting in September, and

(b) the Security Council should make provision for considering not only the one application now before it, but all applications that may be presented within a reasonable time.

To provide now for action upon such application at a meeting during August, the exact date to be fixed later on, would establish a general and reasonable procedure by which the Security Council could give the membership problem as a whole the careful consideration which it warrants, and by which all States that desire membership can prepare and present applications without any State necessarily suffering any delay in securing admission.

2. In prior discussions with representatives of other Security Council members, it should be indicated that our intentions are as stated above and that we would not be able to vote in favor of approval of the application. We should arrange, if possible, that a motion along the lines of (1) above should be made by some other member with assurance of our support.

3. In case such a motion should fail, we should maintain our position that action on the Albanian application should be postponed until a meeting in August. If necessary, in order to maintain this position, we should vote against any motion for approval of the application.

4. In the unlikely case that General Hoxha's attitude should suddenly become such as to justify our support in principle and, further, that the motion to postpone should fail, we should favor the application.

501.AA/4-346

Memorandum by the Chief of the Division of International Organization Affairs (Sandifer) to the Director of the Office of Special Political Affairs (Hiss)

[WASHINGTON,] April 3, 1946.

I have received the following informal report from Mr. Taylor,⁴¹ dated April 2, concerning the Albanian membership question:

"1. As I told you on the phone, we have as yet had no indication of any impending move to place the Albanian problem on the agenda. However, such a move should probably from now on be expected at any time.

⁴¹ Paul B. Taylor of the Division of International Organization Affairs, on detail with the United States Delegation to the United Nations in New York.

"2. I have just prepared a handy collection of documents on the Council proceedings on this matter and including as well a proposal as to our tactics and a proposed statement for possible use.⁴² After talking a previous draft over with Alger,⁴³ Charles Noyes⁴⁴ and Harding Bancroft⁴⁵ I have drawn it up so as to suggest that we resist any move to place the item on the agenda of any meeting before July. A distinction has emerged from the Committee of Experts'⁴⁶ discussion, between the "Calendar of Business" (a sort of docket of future business without any indication as to the time it will be taken up) and the "Agenda", which is the order of business of any particular meeting. The Albanian matter would, under the new procedure, be said to be at present on the Calendar of Business, but not on the agenda. Under this suggested plan, we should oppose placing the matter on the agenda on the grounds specified in the position paper that was cleared through the Department. I think we will discuss the matter tomorrow—Noyes and Johnson⁴⁷ will, I hope, have time for it but the latter is extremely busy attending and preparing for the meetings of the Committee of Experts. I shall see that you are informed at the earliest possible moment.

"3. One suggestion has been that we make concrete proposals for so changing the rules of procedure as to make some special provision for the consideration of membership applications. There is, as you may know, a specific Russian proposal along these lines in the Committee of Experts.⁴⁸ It seems to be the consensus here, so far as I have been able to observe, that no such rules are needed unless possibly for negotiation purposes in connection with the handling of this application. We have made something, in the Council discussions before, of the need for the establishment of general procedures for the handling of the matter. It may possible be that a suggestion to submit all such matters to a committee of the Council would be helpful. I am going to ask the opinions of Mr. Johnson and Mr. Noyes on that matter tomorrow if possible. I do not know yet whether present plans call for any general use of committees by the Council. A referral to committee might possibly offer one means of ascertaining in advance what the Members' attitudes toward particular applica-

⁴² These particular papers have not been identified in the Department's files.

⁴³ Mr. Hiss.

⁴⁴ Charles P. Noyes, Special Assistant to Mr. Stettinius, Adviser on Security Council matters.

⁴⁵ Harding F. Bancroft, Associate Chief of the Division of International Security Affairs.

⁴⁶ The Committee of Experts was a committee of the Security Council set up by the Council to frame permanent rules of procedure; it was made up of 11 members representative of the membership of the Security Council itself. For documentation regarding the work of the Committee of Experts with reference to the establishment of rules for voting in the Security Council, see pp. 251 ff.

⁴⁷ Joseph E. Johnson, Chief of the Division of International Security Affairs, at this time detailed to New York and acting as United States delegate on the Committee of Experts.

⁴⁸ This proposal was submitted to the Committee of Experts at the first meeting of the Committee in the United States on March 20, in connection with other Soviet proposals for rules relating to voting in the Security Council; see p. 251. It was printed first as part of Committee document S/Procedure/17, dated March 22, 1946 and later by itself in Committee document S/Procedure/82, dated May 6, 1946.

tions are and thus provide a way for reducing the chance of sharp surprises and clashes in the open Council.”

[Here follows further detailing of factual information, part of which relates to the substance of footnote 40, page 368.]

501.AA/4-1046

Minutes of First Meeting of the Departmental Team on Admission of New Members to the United Nations, Department of State, Washington, April 9, 1946

Participants: ⁴⁹ OA: Mr. Sandifer	RL: Mr. Wilson
IS: Mr. Adams	[NEA]: Mr. Satterthwaite
EUR: Mr. Raynor	OA: Miss Fosdick
SEA: Mr. Landon	OA: Mr. Popper

The first meeting of the Departmental Team on the admission of new members to the United Nations, organized pursuant to a decision of the United Nations Liaison Committee,⁵⁰ was held at 2:00 P. M., April 9, in the Office of Mr. D. V. Sandifer.

Mr. Sandifer opened the meeting with a statement on the status of the Albanian application and explained the proposal which had originated in New York, to postpone consideration of the application by referring the entire question of new membership to the Committee of Experts on the ground that it was necessary to determine methods of procedure before moving to consider specific applications. It was the sense of the meeting that, on the basis of the information hitherto at hand, the original policy paper on Albania⁵¹ provided a better method of procedure. It was pointed out that the proposal for a delay by reference to the procedural problem would put us in a vulnerable position, since we might be voted down on it and would then have to veto the Albanian application in the Council. The possibility was also

⁴⁹ Respectively, J. Wesley Adams of the Division of International Security Affairs (Office of Special Political Affairs); G. Hayden Raynor, Special Assistant to the Director of the Office of European Affairs; Kenneth P. Landon, Assistant Chief of the Division of Southeast Asian Affairs (Office of Far Eastern Affairs); Mr. Wilson is not precisely identifiable but probably is Leonard S. Wilson of the Division of American Republics Analysis Liaison (Office of American Republic Affairs); Joseph C. Satterthwaite, Assistant Chief of the Division of Near Eastern Affairs (Office of Near Eastern and African Affairs); Miss Dorothy Fosdick, Assistant Chief of the Division of International Organization Affairs (Office of Special Political Affairs); David H. Popper, also of the Division of International Organization Affairs.

⁵⁰ The United Nations Liaison Committee had itself just been organized in the Department of State (see pp. 15 and 21), and had a membership which was representative of each of the geographical offices and the Office of Special Political Affairs. As “working teams” were set up by the Committee on special problems each of the offices, as appropriate, was to name a member or members on the team.

⁵¹ Presumably the memorandum of March 22, p. 368.

raised that if, as the Russians desired, the consideration of Rules of Procedure was accelerated and completed within a few weeks, we should then be confronted with the necessity of a veto. Mr. Raynor remarked that we did not want to veto the Albanian application but rather to agree to the admission of Albania in return for Soviet concessions on applications favored by the United States. He stated that Mr. Bohlen⁵² had seemed confident that we could secure postponement of the Albanian case through the policy originally laid down, but that others, notably Mr. Noyes, had not been so optimistic. Mr. Raynor said that he would press for adherence to the original policy statement in New York and that he expected the British to follow the same line, perhaps even vetoing the admission of Albania on grounds of substance rather than procedure.

Mr. Satterthwaite, who was at the UNRRA Council meeting at Atlantic City, remarked that the Russians had probably used the case of Albania there to pave the way for its consideration in New York. He was of the opinion that we could expect the Soviets to insist on action before the Council.

Mr. Adams stated that at a meeting of the Liaison Committee last Friday (April 5) the view was expressed that we should take the initiative in preparing a resolution on the question of admissions, for introduction in the Council. He pointed out that this would be a logical outgrowth of our position at London and that it might be used to invite qualified states not now members to prepare their applications for submission in July or August. There was some discussion of the relative advantages and disadvantages of our taking the lead on this subject, particularly since we had been continually in the forefront of the discussions in London. The question was raised as to what advantage would be gained if we brought the matter up in case the Russians and the Yugoslavs did not do so. Miss Fosdick suggested the desirability of an amendment to any resolution proposed by other states, which under the Rules would be voted on first. A *decision* was taken to prepare a preliminary draft resolution for possible introduction, and to consider it at a Team meeting on April 10.

From a brief review of the states qualified to apply for membership, it appeared that Iceland was the only state in the area covered by EUR now ready to apply, and Sweden could easily be made ready. Mr. Raynor stated that EUR would try to arrange for an application by Italy before the other ex-enemy states—preferably along with the application of Austria, since it was not desired that Austria join before Italy. Mr. Landon noted that the Department wished Siam to apply as soon as possible. Italy, Austria and Siam, it was felt, might all be

⁵² Charles E. Bohlen, Special Assistant to the Secretary of State. The United Nations Liaison Committee had been organized on Mr. Bohlen's initiative.

regarded in one sense as victims of aggression for which some special treatment might be appropriate. Mr. Satterthwaite said that at Atlantic City the French had urged us not to sponsor Siam for admission at this time but had indicated that their difficulties with that country would soon be straightened out.⁵³ Any application from Korea would be considered premature at this stage.

The procedure for acting upon applications was then considered. It was noted that there was no necessity that any application be sponsored by any member state. Mr. Raynor asked for clarification of the position as regards the eligibility of Switzerland, and Mr. Sandifer undertook to have OA prepare a specific statement on the difficulties raised by Swiss neutrality.

The discussion then turned to the possibility of opposing the placing of the Albanian question on the daily agenda. The view was expressed that this would be contrary to our broad policy of permitting discussion on all appropriate questions, and it was stated that we could not put through a positive resolution by means of such tactics. Mr. Raynor stated that passage of a Council resolution framed in general terms might encourage states which have been holding back their applications to forward them to the Secretary-General.

501.AA/4-1046

Minutes of the Second Meeting of the Departmental Team on Admission of New Members to the United Nations, Department of State, Washington, April 10, 1946

[Here follows list of names of persons present (8), the same as at the April 9 meeting.]

The second meeting of the team on the admission of new members to the United Nations was held in Mr. Sandifer's office at noon on April 10.

Two documents were submitted at the meeting:

1. A memorandum on the qualifications for admission to membership in the United Nations and the procedure to be followed by an applicant state.⁵⁴ This document was prepared in OA in response to a request from Mr. Raynor, with the thought that it might be useful for guidance in the course of informal conversations with representatives of states desiring to apply for membership.

2. A draft resolution on the procedure to be adopted by the Security Council in connection with applications for membership.⁵⁵ The form

⁵³ For documentation on the interest of the United States in the Franco-Siamese dispute, see vol VIII, pp. 978 ff.

⁵⁴ Document SD/S/113, April 10, 1946, not printed; it is located in the IO Files.

⁵⁵ This first draft has not been found in the Department's files.

of the resolution was discussed at some length and a number of changes were suggested. It was agreed that much of the material in the preamble would be more appropriate for inclusion in the statement by our delegate if and when the resolution was introduced in the Security Council.

It was decided that Mr. Sandifer would take with him to New York the text of a revised resolution. It was the consensus of the team that there might be great advantages for the United States in taking the initiative, barring the existence of unfavorable political factors, and it was suggested that we might either propose this resolution as a new item on the agenda or present it as a substitute proposal when the Albanian issue arose. Mr. Sandifer stated that he would consult with the members of the delegation concerned with the problem and would present this point of view.

501.AA/4-1246

Minutes of the Third Meeting of the Departmental Team on Admission of New Members to the United Nations, Department of State, Washington, April 12, 1946

[Here follows list of names of persons present (7), the same as at the April 9 meeting, page 371, with the exception of Mr. Sandifer.]

The third meeting of the Departmental Team on admission of new members was held in Mr. Raynor's office on April 12, at 2:00 P. M. The meeting was called to discuss a proposed course of action on the question of admission to membership, which was an outgrowth of the draft resolution previously worked out by the Team and conversations held by Mr. Sandifer and Mr. Taylor in New York.

Mr. Raynor remarked that the proposed course of action appeared to be consistent with the attitude he had noted during his talks in New York. He suggested that, of the two Plans noted,⁵⁶ our delegate should be instructed to propose Plan A first in his talks with the British, and to initiate discussion on Plan B only if Plan A does not meet with a favorable response. It was agreed that an instruction should be prepared on the proposed course of action for circulation and clearance in the Department, accompanied by a background memorandum on the subject.

A suggestion was made by Mr. Adams that provision be made for introducing Plan A as an amendment in case the Albanian application came up for approval over our opposition. It was agreed that this would be desirable.

⁵⁶ See the instruction of April 17, *infra*.

There was some discussion of the question of consulting the Russians at some stage in the procedure. It was noted that, once the British had been approached, the delegation would have authority to approach representatives of other countries as it saw fit.

501.BC/4-1746

The Secretary of State to the United States Representative at the United Nations (Stettinius)

SECRET

WASHINGTON, April 17, 1946.

SIR: A. In pursuit of the objectives set forth in the policy memorandum on the United States Position Toward Membership Applications During Coming Security Council Meetings you should immediately initiate discussions, first with the United Kingdom Delegation and then with other delegations at your discretion, to determine the extent of support for the following course of action:

1. The United States Delegate should at an early date, if possible prior to inclusion of the Albanian application on the Provisional Agenda of any meeting, introduce the following resolution in the Security Council:

**RESOLUTION OF PROCEDURE TO BE ADOPTED BY THE SECURITY COUNCIL
IN CONNECTION WITH APPLICATIONS FOR MEMBERSHIP IN THE
UNITED NATIONS**

THE SECURITY COUNCIL,

taking into account the fact that, under Article 4 of the Charter, membership in the United Nations is open to all peace-loving states which accept the obligations contained in the Charter, and, in the judgment of the Organization, are able and willing to carry out these obligations; and

taking into account the fact that the General Assembly, which acts to admit applicant states to membership on the recommendation of the Security Council, will meet for the second part of its first session on September 3, 1946

RESOLVED that:

1. Applications for membership which have been or may be received by the Secretary-General shall be considered by the Security Council at a meeting or meetings to be held in August 1946 for this specific purpose.

2. Applications for membership which may be received by the Secretary-General not later than July 15, 1946 shall be referred to a committee composed of a representative of each of the members of the Security Council for examination and report to the Council not later than August 1, 1946.

2. If the Albanian application is included on the Provisional Agenda for a meeting before we introduce the foregoing resolution,

the United States Delegate should move to amend that item on the agenda so that in effect it will apply to applications for membership generally, including the Albanian application, and indicate our intention to introduce the foregoing resolution. If, over our opposition, an Agenda is adopted which includes the Albanian application, the United States Delegate should then introduce the resolution as an amendment to a proposal that is made in connection with the application or as a substitute proposal.

3. The United States Delegate should accompany the introduction of the resolution by a statement that it is desirable to work out satisfactory rules of procedure before considering applications from states desiring membership in the Organization. For this purpose, he should introduce in the Committee of Experts at the proper time, two rules along the following lines to replace Rule 34 of the Provisional Rules of Procedure of the Security Council (S/35, April 10, 1946).⁵⁷

Rule 34

The Secretary-General shall immediately bring the application for membership to the attention of all representatives on the Security Council in accordance with Rule 6. The President of the Security Council shall thereupon, unless otherwise directed by the Council, refer the application for examination to a committee of the Council composed of a representative of each of the Members of the Council. The committee shall at least thirty days in advance of each session of the General Assembly report to the Security Council on all applications received more than forty-five days prior to that session. When there is less than thirty days notice for any session of the General Assembly or when an application has been filed less than forty-five days prior to a session, the Security Council shall determine the time at which the committee shall report on applications before it.

Rule 35

The Security Council shall decide whether in its judgment the applicant is a peace-loving state, and is able and willing to carry out the

⁵⁷ The provisional rules of procedure in effect at this time had been approved by the Security Council on April 9 and printed in document S/35, dated April 10 (see United Nations, *Official Records of the Security Council, First Year, First Series, Supplement No. 2*, pp. 15 ff., annex 1c; hereafter cited as SC, *1st yr., 1st series, Suppl. No. 2*). Rule 34 read: "The application for membership in the United Nations shall be placed by the Secretary-General before the Security Council, which shall decide whether in its judgment the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter." Actually the Committee of Experts had not yet addressed itself seriously to the rules of procedure relating to admission of new members, and Rule 34 in the April 10 rules was unchanged from Rule 40 in the provisional rules adopted by the Security Council earlier on February 5 (*ibid.*, pp. 3 ff., annex 1a) and the original rule drafted by the Preparatory Commission (Preparatory Commission of the United Nations, *Report of the Preparatory Commission of the United Nations*, p. 27 [Rule 26]).

obligations contained in the Charter, and whether to recommend the applicant state for membership.

B. If the above course of action does not meet with a sufficiently favorable reaction, you should initiate discussions, with the United Kingdom Delegation and then with other delegations at your discretion, to determine the extent of support for the following alternative course of action:

1. The United States Delegate should oppose inclusion in the Agenda for any meeting of the Security Council of an item on the Albanian application, until such time as the rules of procedure governing the handling of membership applications shall have been approved by the Security Council.

2. The United States Delegate should introduce in the Committee of Experts at the proper time the two rules to replace Rule 34 of the Provisional Rules of Procedure of the Security Council as indicated in paragraph A3 above, so that the Albanian application would not be considered immediately by the Security Council.

3. If, over our opposition, an Agenda is adopted which includes the Albanian application, the United States Delegate should continue to oppose consideration of the merits of the application.

C. For your information, this instruction does not modify the position stated in the policy memorandum on the United States Position Toward Membership Applications During Coming Security Council Meetings⁵⁸ that you should vote against any motion for approval of the Albanian application if it is necessary to do so in order to postpone action on the Albanian application until a meeting of the Security Council in August.

Very truly yours,

JAMES F. BYRNES

[Enclosure]

MEMORANDUM TO ACCOMPANY INSTRUCTION ON UNITED STATES POSITION WITH REGARD TO CONSIDERATION BY THE SECURITY COUNCIL OF APPLICATIONS FOR MEMBERSHIP IN THE UNITED NATIONS

A. *The Problem:*

The Question of the admission of Albania to the United Nations was discussed in the Security Council in London in January, and on the proposal of the United States, further consideration was postponed until the Security Council should meet in New York. The subject may thus be placed on the Provisional Agenda of a meeting of the Security Council in the near future.

⁵⁸ Dated March 22, p. 368.

The Department has not opposed the admission of Albania to the United Nations on the merits of the case and wishes if possible to avoid doing so. There has been no disposition to deny that the United Nations can function with maximum strength and efficiency only if all properly qualified states are participants in the Organization. At the same time, it is believed that there would be a great tactical advantage in considering the Albanian application together with other applications toward which this country would be more favorably disposed.

On January 28, Mr. Stettinius made the following statement of the United States' position in the Security Council in London:

"The admission of new Members is a serious and important matter, requiring the most careful consideration of the Members of the United Nations. In the circumstances, it is apparent that the only reasonable and fair method of giving proper and adequate consideration to applications for new membership would be to defer all applications until some time prior to the next meeting of the General Assembly, when the Security Council would have had an opportunity to deal with the number of applications that have accrued at that time."

Substantially this same position was reaffirmed in the policy memorandum on the United States Position Toward Membership Applications During Coming Security Council Meetings which was approved by the Secretary of State in early March. That memorandum stated:

"1. We should favor a motion to postpone until a meeting in August, consideration of the Albanian application and any other application received before that time, since

(a) the admission of Albanian or any other applicant state could not possibly take place until final approval of the application by the General Assembly at its meeting in September, and

(b) the Security Council should make provision for considering not only the one application now before it, but all applications that may be presented within a reasonable time."

B. *Purpose of Instruction:*

The present instruction is intended to provide the basis for initiating discussions immediately with other delegations to the Security Council, beginning with the United Kingdom Delegation, to decide the course of action to be followed in dealing both with the Albanian application and with the related question of establishing a general procedure for handling applications for membership.

Two principal alternative courses of action are set forth, the second of which is recommended for exploration with other delegations only if adequate support is not forthcoming for the first.

C. *Comment on Proposed Courses of Action:*

The two courses of action set forth in the instruction are designed to secure the adoption of an agreed date this summer, such as August

first, for consideration by the Security Council of all membership applications. Both courses of action are directed to having the Albanian application referred to a committee where it could be held until mid-summer. Both are premised on our opposing the Albanian application if it comes up for consideration by the Security Council before that time.

The first course of action is preferred, however, for the following reasons:

1. The United States would be pressing for adoption of a positive proposal which it had itself suggested, to achieve the purposes which it favors, instead of laying itself open to the charge of merely blocking substantive action on Albania by such procedural devices as opposition to the adoption of an Agenda.

2. The ground of discussion would be shifted in the Security Council from the case of Albania to the general question of membership, thus serving to prevent what might be an acrimonious discussion with the Soviet Union on Albania's qualifications.

3. The resolution proposed for introduction in the Security Council would serve as an indication to eligible applicants that they are invited to submit their applications in time for consideration before the specified date.

4. The resolution might be agreed upon as a special measure, even if the proposed rules of procedure providing for a regular procedure of submission of applications to a committee failed of acceptance in the Committee of Experts.

It is understood that if the Security Council adopts the proposed resolution that action would be in no way modified by approval of the suggested rules of procedure to replace Rule 34.

501.AA/4-2946

Minutes of the Fourth Meeting of the Departmental Team on Admission of New Members to the United Nations, Department of State, Washington, April 29, 1946

SECRET

[Here follows list of names of persons present (8), the same as at the April 9 meeting, page 371.]

1. *The Present Status:*

Miss Fosdick opened the meeting with a description of the situation as it now exists in New York. She reported that there had been some feeling that the Secretary-General might put the Albanian question on the provisional agenda of the Security Council in the next few days. It was ascertained through Mr. Saba of Egypt,⁵⁹ however, that President Afifi⁶⁰ was disinclined to put the matter on the provisional

⁵⁹ Mr. Saba was serving as Chairman of the Committee of Experts at this time.

⁶⁰ Haraz Afifi of Egypt, at this time President of the Security Council.

agenda until the Committee of Experts had considered Rules of Procedure on the general subject of membership. Mr. Johnson, in New York, now believes that the Albanian question will not be placed on the agenda before the end of this week and possibly not until later.

With regard to our conversations with the British, Cadogan has evidently approved the method of procedure suggested in the Department's Instruction of April 17 and is communicating with London in this connection. Mr. Johnson is to discuss the matter today with the other members of the Security Council who supported our position on Albania at the London meetings.

2. *Question of Supplementary Instruction for Delegation:*

The question was then raised whether we should move immediately to present our resolution or wait until the Albanian question should arise. The decision on this point was that, if there was no additional information from New York today, we should prepare a telegraphic draft instruction tomorrow for clearance in the Department. The instruction would authorize the U.S. Representative to communicate our resolution to the Secretary-General for inclusion on the provisional agenda, provided the Representative feels that there is sufficient support to assure a favorable reception for it. The instruction further expresses the hope that the resolution can be introduced in the Security Council before our proposed Rules of Procedure on membership go to the Committee of Experts, although the Delegation would be authorized to introduce these Rules of Procedure at its discretion.⁶¹

3. *Draft Statement for Mr. Stettinius:*

The Team then considered a draft statement which might be used by Mr. Stettinius in introducing our resolution on admission. The statement was approved in principle, after one change had been made, and members of the Team agreed to communicate to Mr. Popper any detailed changes they might later wish to suggest.⁶²

4. *Survey of Situation by Countries:*

A consideration of the timing factors involved in the problem of admission then ensued. Mr. Raynor expressed the opinion that the applications of *Iceland* and *Sweden* would be ready by August, but he was not so certain regarding those of *Portugal*, *Switzerland*, and *Eire*. Mr. Satterthwaite felt that the *Afghans* would probably be ready to apply whenever we informed them that the way was cleared to go

⁶¹ See telegram 38, April 30, 7 p. m., to New York, *infra*.

⁶² The draft statement was forwarded to New York in telegram 48, May 6, 8 p. m. (501.BC/5-646), but is not printed as the United States Representative (Stettinius) followed it quite closely when he made his opening statement on the proposed resolution to the Security Council on May 17; see United Nations, *Official Records of the Security Council, First Year, First Series, No. 2*, pp. 278-280; hereafter cited as SC, *1st yr., 1st series, No. 2*.

ahead. There was, however, some slight possibility that Soviet pressure might restrain the Afghans. Mr. Landon stated that the French terms for a treaty of peace with *Siam* generally followed those of the British-Siamese Agreement, with the addition of the border settlement provisions. Mr. Raynor noted that talks with individual countries had been deferred pending the introduction of our resolution in the Council. He stated that we hoped to push the applications of *Italy* and *Austria*, perhaps even before the signing of an Italian peace treaty.

In reviewing the status of other eligible countries, Mr. Satterthwaite pointed out that it was premature to present applications for *Yemen*, *Burma*, or *Nepal*, while the case of *Transjordan* is so complex that some time will be necessary before the application stage can be reached. It was *decided* to have a paper prepared on *Outer Mongolia* for the Book being prepared for the Delegation. Mr. Raynor stated that the Department's attitude on this point was that we would accept the Mongolian application if it were pressed by another state.

The Team felt that the Department's policy on the admission of *additional Soviet Republics* is and will remain one of unalterable opposition.

501.BC/4-1746 : Telegram

The Acting Secretary of State to the United States Representative at the United Nations (Stettinius)

SECRET

WASHINGTON, April 30, 1946—7 p. m.

38. USdel. Our instruction on admission to membership in UN of April 17, 1946 authorized you only to initiate discussions with other delegations to determine extent of support for resolution and rules of procedure set forth in instruction. In view of likelihood of early consideration of membership rules in Committee of Experts and possibility that move may suddenly be made to place Albanian application on Provisional Agenda of SC you are authorized to take action as follows:

If, in your view, there is sufficient support among members of SC to assure favorable reception of resolution set forth in instruction of April 17, 1946, you may immediately communicate resolution to Secretary-General for inclusion on Provisional Agenda of SC meeting. You may also at your discretion introduce in Committee of Experts rules of procedure on admission of members set forth in instruction of April 17, 1946. We still hope, however, that resolution can be introduced in SC before introduction of proposed rules of procedure in Committee of Experts.

ACHESON

501.BC/5-246 : Telegram

The Acting Secretary of State to the United States Representative at the United Nations (Stettinius)

SECRET

WASHINGTON, May 3, 1946—7 p. m.

45. USdel. We are encouraged by your reports as to support which has been found in your informal discussions to date for our proposed resolution on membership (reurtel 136 from New York, May 2, 1946⁶³). We gather that if either Mexico or Egypt indicate support necessary votes to carry resolution will be assured.

We are strongly of view that resolution should be placed on agenda of SC at earliest possible moment and by all means should be considered before specific question of Albania is placed on agenda.

Our short-term objective is to have SC's attention turned to subject of membership in general, rather than to have it discuss specifically admission of Albania. We feel our resolution represents best chance of accomplishing this. We feel resolution should be considered rather than relying on action on rules in Committee of Experts.⁶⁴ At least three risks are involved in latter course; (a) our rule might not be adopted, (b) even if adopted it would permit committee to report out Albanian case at any time, (c) also it would be possible for Albanian case to be brought up in SC at any time, and considered by SC without reference to committee as such reference under proposed rule is at discretion of SC.

Another reason for prompt consideration and adoption of our resolution is that we, from long-term point of view, favor wide membership in the organization as early as possible and therefore the early admission of certain states that are now eligible. The resolution is so phrased that in effect it is an invitation to non-members to file application for membership. We wish to discuss matter of applying for membership with neutrals and perhaps other countries at an early date, and thereafter to discuss prospects for their admission with members of SC, and we feel that the adoption of the resolution by SC may have constructive influence on position of countries eligible for membership.

For your own confidential information, we feel it would be most unfortunate for specific Albanian question to be brought to vote now

⁶³ This daily summary telegram contains a detailed report of conversations held in New York on May 2 by Mr. Johnson (501.BC/5-246).

⁶⁴ The proposed United States rules on membership were in fact distributed to members of the Committee of Experts by Mr. Johnson on this same date, May 3 (as reported in daily secret summary telegram 140, May 3, File No. 501.BC/5-346).

as we would have to oppose it and we understand British would do likewise. We wish to avoid setting of this precedent. If matter is deferred until summer and then considered on broad bases we may find it possible to vote in favor of Albanian application. This would be case if situation with respect to Albania should change, which we must admit seems unlikely. In addition, however, we might in summer be disposed reluctantly to vote for admission of Albania if at same time group of other countries which we consider better qualified for membership are also admitted.

We realize that in suggesting this course of action a difficult situation would confront us if no application other than Albania's were forthcoming before August. We feel however that this risk is a slight one and must be taken.

As soon as necessary 7 votes seem assured, you should take steps immediately to have our resolution placed on agenda.

ACHESON

501.BC/5-746: Telegram

*The United States Representative at the United Nations (Stettinius)
to the Secretary of State*

SECRET

U.S. URGENT

NEW YORK, May 7, 1946—7 p. m.
[Received 7:53 p. m.]

149. For Acheson. As indicated by daily secret summary, there appears to be a fair possibility that Committee of Experts will reach agreement by Monday⁶⁵ on draft rules relating to admission of new members which will incorporate substance of US proposals.⁶⁶

We believe strongly that this possibility might be jeopardized if we were to introduce our proposed resolution in SC now. (Reurtel 45, May 3, 7 p. m.) Moreover, we believe that if there is agreement on the rule it may be possible to reach agreement with Gromyko in advance on a resolution, if introduction of a resolution is still deemed desirable.

I accordingly request authorization to delay submission of proposed resolution until either an acceptable rule is agreed upon or agreement proves impossible. We should know the outcome by Monday at the latest.

STETTINIUS

⁶⁵ May 15.

⁶⁶ The daily secret summary was transmitted in telegram 151, May 7, 10:30 p. m., and was followed by a detailed account of the proceedings of the Committee of Experts in telegram 152, May 7, 11 p. m., neither printed.

501.BC/5-746 : Telegram

*The Acting Secretary of State to the United States Representative at
the United Nations (Stettinius)*

SECRET

WASHINGTON, May 8, 1946—8 p. m.

55. Amdel. Reurtel 149, May 7. We feel the following considerations must be borne in mind in any delay in submission of proposed resolution on membership.

1. Secret summary (Urtel 152, May 7)⁶⁷ indicates considerable opposition to our rules of procedure. If rules are greatly altered in negotiation we are likely to be in unsatisfactory situation to introduce proposed resolution. Our hope has been that resolution might be agreed upon as special measure, if necessary by majority vote, even if our rules of procedure providing for regular procedure of submission of applications to committee failed of acceptance.⁶⁸

2. Even if substance of our rules is adopted our central objective will not be met of announcing positively by SC resolution that applications from non-members are welcome and that any received will be considered in August.

3. Also even if substance of rules is adopted they would not assure postponement of consideration of Albanian application by SC until August as would be assured by first paragraph of resolution. Rules would permit consideration of Albanian case by SC at any time and allow committee to report out Albanian case at any time. We prefer resolution to some more rigid permanent rule, as it would be undesirable to bind Council always to consider all applications only in month before GA meeting or bind it to refer all applications to a committee. On occasion we may want applications considered at another time of year and immediately by SC.

4. If agreement is reached on rules of procedure before resolution is introduced there is danger that many delegations may feel resolution is unnecessary. We will therefore have no assurances that stage is set for initiating our discussions with neutral states or that con-

⁶⁷ Not printed ; see footnote 66, p. 383.

⁶⁸ Mr. Stettinius was in fact reporting at this very moment (telegram 157, from New York, May 8, 8 p. m.) that the sub-committee of the Committee of Experts had "decided to recommend to the Committee a draft rule on admission taking care, as far as possible, of the various views." The final results of a period of intensive committee and sub-committee work, May 8-13, were incorporated into Rule 56 (in its entirety) and Rule 57 (in part) of a set of provisional rules which the Committee of Experts recommended to the Security Council in document S/57, May 13. This is printed in SC, *1st yr., 1st series, Suppl. No. 2*, pp. 20 ff., annex 1d.

sideration of Albanian application will be postponed. Moreover our strategy for both these objectives will be vitiated.

5. If introduction of resolution is delayed SC may temporarily adjourn on disposition of Iranian question and resolution would thereby be further postponed. We would then have to delay our discussions with neutral states or initiate them without having support of SC resolution. We feel considerable time may be needed for these discussions and for talks with SC Members and time is beginning to run out.

6. We understand that Soviet Union has not been shown resolution. Since resolution supplements rules of procedure in important respects we feel Soviet Union might have grounds for considering that they were being misled as to our intentions if they agree to rules of procedure and are then faced with resolution. When given resolution they will in any case need some time for discussions with Moscow. We would prefer to have you show resolution immediately to Soviet Union so our full position is known to them.

In view of foregoing considerations we feel strongly that early action on resolution is important.⁶⁹ We will leave to your discretion timing of its discussion with Soviet Union and of its submission to SC.

Reurtel 152, May 7. We prefer reference of applications to committee of deputies of senior representatives rather than to committee of whole in private session, since committee of deputies can be more informal in consideration of questions, and private sessions of council are likely to excite adverse public comment.

ACHESON

IO Files : US/S/56

Memorandum of Conversation, by Joseph E. Johnson⁷⁰ of the United States Delegation to the United Nations

CONFIDENTIAL

[New York,] May 16, 1946.

Just before the Security Council meeting this morning, Mr. Stettinius expressed to Ambassador Gromyko⁷¹ his hope that Gromyko

⁶⁹ The Department had already sent a draft statement for use in introducing the resolution in the Security Council (telegram 48, May 6, 8 p. m., 501.BC/5-646). Mr. Stettinius reported favorably on the prospects for passage of the draft U.S. resolution in his daily secret summary on May 10, and stated that the document was about to be transmitted to the Secretary General (telegram 165, May 10, 9:25 p. m., from New York (501.BC/5-1046)).

⁷⁰ Note may be made here of the arrival at the Delegation on May 7 of Mr. Herschel V. Johnson to take up his appointment as Deputy United States Representative on the Security Council.

⁷¹ A. A. Gromyko, Soviet Representative on the Security Council.

would be able to support the U.S. resolution on new Members. Mr. Gromyko replied that he did not understand this resolution and said that, to be specific, it seemed to him to be inconsistent with the rules proposed by the Committee of Experts (Document S/57).⁷² Mr. Stettinius replied that the resolution was not inconsistent but was drafted within the terms of the rules which are rather broad. Ambassador Gromyko said that, in any case, he intended to ask Mr. Stettinius some questions to clarify the matter, and Mr. Stettinius replied that he thought the questions would be answered in his introductory statement.

Gromyko did not give the impression that he was determined, at all costs, to oppose the resolution.

(N.B. This conversation took place after the one between Stein and J. E. Johnson, which is recorded in a separate memorandum.⁷³)

[At the forty-second meeting of the Security Council on May 17 the Council adopted the additional rules of procedure recommended by the Committee of Experts in document S/57 including additions to Chapter X on the admission of new members (Rules 55, 56 and 57); Chapter X was carried by ten votes to one, the Australian Delegate dissenting (SC, *1st yr., 1st series, No. 2*, pages 270 ff.). The new provisional rules were incorporated into Security Council document S/62, May 17 (SC, *1st yr., 1st series, Suppl. No. 2*, pages 30 ff., annex 1e; Chapter X is found on page 38). Note should be made of subsequent changes in the Security Council's rules of procedure so that the rules on admission of new members were renumbered to become Rules 58, 59 and 60 (*ibid.*, pages 41 and 42).

At the same meeting of the Security Council, after an exchange between the United States Representative (Stettinius) and the Soviet Representative (Gromyko), the resolution submitted by the United States was adopted unanimously, with a minor change suggested by

⁷² See footnote 68, p. 384.

⁷³ Dated May 16. It read: "Just prior to the Council meeting today, Mr. Johnson asked Mr. Stein [Soviet delegate on the Committee of Experts] if Mr. Gromyko would be able to support the U.S. resolution on new Members. Stein shook his head, smiled and then said after a pause, 'What do you mean by "support"?' To this Johnson replied that he hoped the Soviet at least would not vote against the U.S. resolution.

"Stein made no further comment on this subject." (IO Files, document US/S/55)

the Australian Representative (SC, 1st yr., 1st series, No. 2, pages 278 ff.)]

501.AA/5-2746

Minutes of the Eighth Meeting of the Departmental Team on Admission of New Members to the United Nations, Department of State, Washington, May 27, 1946

Participants: EUR: Mr. Raynor	IS: Mr. Adams
ITP: Mr. Coppock ⁷⁴	OA: Miss Fosdick
SEA: Mr. Landon	Mr. Taylor ⁷⁵
NEA: Mr. Satterthwaite	

The meeting was called to consider the revised draft instruction⁷⁶ on membership which Mr. Raynor was to take with him to New York for consultation in the U.S. Delegation in connection with proposed conversations with the British delegation on membership questions.

Mr. Raynor explained that he had talked by telephone with Mr. Herschel Johnson about the proposed conversation with the British, that Mr. Johnson had agreed to our suggestions but wished to be fully sure of the Department's policy, and that the draft instruction would accordingly be presented to the Staff Committee the next morning, Tuesday, May 28.⁷⁷

The Committee made a few further drafting changes in the instruction preparatory to its submission to the Staff Committee.

A brief draft telegram⁷⁸ to USdel, New York, authorizing con-

⁷⁴ Joseph D. Coppock, Adviser, Office of International Trade Policy.

⁷⁵ Paul B. Taylor of the Division of International Organization Affairs (Office of Special Political Affairs); Mr. Taylor had been on duty with the United States Delegation to the United Nations at New York.

⁷⁶ See memorandum entitled "Further Steps in Relation to the Admission of New Members", May 28, *infra*.

⁷⁷ The Secretary's Staff Committee was in effect the top policy-making group in the Department, being "responsible for advising and otherwise assisting the Secretary of State in determining current and long-range foreign policy. . . ." No record has been found in the Department's files of a Secretary's Staff Committee meeting on May 28.

⁷⁸ Telegram 81, May 28, 7 p. m., to New York, not printed. The conversations were to be based upon the general approach to the membership question described in telegram 55, May 8, to New York, paragraphs 4 and 5, in conjunction with the "full views" of the Department which were to be conveyed to the United States Delegation at New York by Mr. Raynor on May 29. (501.BC/5-246)

versations with the British on further phases of the membership question, was also submitted to the Committee, preparatory to its presentation to the Staff Committee for clearance.

IO Files : SD/S/175

*Memorandum Prepared in the Department of State*⁷⁹

SECRET

[WASHINGTON,] May 28, 1946.

Subject : Further Steps in Relation to the Admission of New Members.

Now that our Resolution on Membership has been adopted by the Security Council we are in a position to initiate discussions with various states eligible for membership and, after we ascertain the desires of such states, to review the situation in New York with representatives of the other permanent members on the Security Council.

Through telegraphic instructions and other papers forwarded to New York, as well as through conversations of Mr. Herschel Johnson in Washington, the Delegation has doubtless gained a full understanding of the Department's objectives and a general understanding of the procedure envisaged. The membership book⁸⁰ also contains specific country study statements. For the sake of clarity, however, we will briefly review both aspects of the problems here.

Our long-term objective is membership for all qualified states. Our short-term aim is to obtain the admission this year of as many as possible of the states which are presently eligible. In our opinion, these states may be classified as follows :

(a) *All the neutrals except Spain.* As far as the neutrals are concerned, we think that the three powers which signed the Potsdam Declaration are fairly well committed, although we recognize that the question can still be raised as to whether certain of the neutrals are able and willing to carry out the obligations contained in the Charter. In certain cases, such as Switzerland, delays may ensue because of the difficulty to be expected in reconciling constitutional provisions or traditional policies with the obligations of the Charter.

(b) *States which may be termed victims of aggression and states which were co-belligerents.* We include Austria, Albania and Siam in the category of victims of aggression. We are prepared under any

⁷⁹ Drafted by Messrs. Raynor and Taylor and taken to New York by Mr. Raynor.

⁸⁰ This book was made up of two black binders entitled "Admission to Membership in the United Nations" and was divided into 3 parts: Policy, background information and pertinent documents, and information on specific countries.

circumstances to vote for the admission of Siam but probably would not be able to support its candidacy actively until Siam retrocedes certain areas which are in dispute with the French. We would be willing to vote rather reluctantly for the admission of Albania if we could arrange at the same time for the admission of neutrals which may apply, of Siam if it applies, of Austria and of Italy.

As to Italy, although it will be difficult under the terms of the Potsdam Declaration, we desire also to arrange for her admission. If that is not possible we would wish to defer action on Austria, since we feel that Italy—whose services as a co-belligerent should not be disregarded—should not be admitted later than Austria. We are by no means certain that we can arrange for the admission of Austria and Italy this year, but we wish to make the effort in any event.

We feel three things should now be done :

(a) We should ascertain definitely the wishes of the eligible states as to membership and in talking to them tell them what our position would be on their applications. In general, our position will be one of active support at the proper time for all of these states with the exception of Eire, in whose case we feel our support can only extend to voting in favor of an application, and of the possible reservation pertaining to Siam mentioned above.

(b) After definitely ascertaining the desires of the presently eligible states, and if there is no objection by the particular state concerned, we would then wish that the U.S. Representative ascertain informally the reactions of the other permanent members of the Security Council.

(c) We would then plan to discuss the question further with the eligible states, informing them fully of the content and the results of our discussions with the other permanent members of the Security Council. The eligible states would thus have adequate information upon which to decide whether or not to submit their applications, and in cases where it was justified we would encourage the candidate state to apply for membership.

Before starting the steps enumerated above and in view of the expressed wish of the British to discuss this problem with us it would be desirable for Mr. Stettinius or Mr. Herschel Johnson to review the whole matter informally with Sir Alexander Cadogan. We do, however, desire ourselves in any event to talk to Iceland, Sweden, Switzerland, and Afghanistan. The discussion with Sir Alexander should, we believe, take place at the earliest possible moment, since we desire to initiate our discussions with the other countries in the very near future.

501.AA/5-2846

*Memorandum of Conversation, by the Assistant Chief of the Division
of Southeast Asian Affairs (Landon)*

[WASHINGTON,] May 28, 1946.

Participants: Mr. Luant Dithakar Bhakdi, Siamese Legation
Mr. Konthi Suphamonkhon⁸¹
Mr. Abbot Low Moffat, SEA⁸²
Mr. Kenneth P. Landon, SEA
Mr. Stanton,⁸³ American Minister to Siam

In the course of conversation Mr. Konthi said that one of the most important instructions that he had from his Government was to get Siam included among the United Nations. He reminded us that on a previous mission, shortly before the end of the war, he had had similar instructions but that he had been unsuccessful chiefly because Siam was occupied by the Japanese.

Mr. Konthi went on to say that he had a letter from the Minister of Foreign Affairs to the Secretary General of the United Nations inquiring as to the procedure of applying for membership in the United Nations. He asked us what the procedure was and if we would support Siam's application for membership.

Mr. Konthi was informed that the method of applying for membership was quite simple in that all that was required was a letter from the Minister of Foreign Affairs to the Secretary General applying for membership and agreeing to abide by all of the rules and the charter that were binding on members of the United Nations. He was also informed that the United States stood ready to vote affirmatively on the Siamese application for membership, that Siam might expect some difficulty from France in this connection inasmuch as France still considered itself in a state of war with Siam and that, therefore, it might be wise to give some thought as to the best time to apply.

Mr. Konthi said that Siam has never been informed by France that France would oppose Siamese membership in the United Nations unless Siam first retroceded the disputed areas and that he did not believe that France would oppose Siam's membership.⁸⁴

⁸¹ Mr. Konthi was a Siamese Foreign Office official.

⁸² Mr. Moffat was Chief of the Division of Southeast Asian Affairs.

⁸³ Edwin F. Stanton.

⁸⁴ In telegram 84, June 5, 7 p. m., to New York, the Department informed Mr. Johnson that "We assume Siamese letter on membership may raise questions re constituting membership committee and referring applications to it.

"Under membership resolution Committee would in our view not meet until July 15. We suggest that Committee not be constituted until around that time and that chairmanship might rotate with council presidency.

"Would welcome your views re Chairmanship and method of constituting committee." (501.AA/6-546).

501.BC/5-2946: Telegram

*The United States Representative at the United Nations (Stettinius)
to the Secretary of State*

SECRET PRIORITY

NEW YORK, May 29, 1946—7 p. m.

[Received 7:25 p. m.]

257. From Herschel Johnson. Reference Department's 81, May 28.⁸⁵ I called with Hayden Raynor this afternoon on Sir Alexander Cadogan and gave him a brief summary of the Department's views regarding admission of new members to the United Nations. I referred to the statement he had made yesterday to Mr. Stettinius that he felt it imperative for this situation to be canvassed between us at an early date and said that we had the same view.⁸⁶ I told him that our long-term objective is membership for all qualified states and our short-term aim to obtain admission this year of as many as possible of those states now eligible. These states we had classified as follows: (A) All the neutrals except Spain; (B) The states which might be termed the victims of aggression and states which were co-belligerents. I then went over in detail the views on individual states contained in a memorandum from the Department which was brought by Raynor.

Cadogan was obviously in general agreement on the procedures we suggested and also as to our views on the specific countries. He seemed surprised at first that our support on Eire would not be all out as in the case of other neutrals but after I had repeated that we had every intention of voting in favor of an application by Eire, he replied that their position might be very close to ours. He gave no indication that Eire would have active British support. In the informal talks which we might have in certain capitals along lines suggested in the Department's memorandum Cadogan thought it would be desirable for us to concert our action and he suggested that we might not be able to get through the entire catalog of states and that it would be useful to work out a schedule of priority. He said that the possibility of an application by Italy had not been mentioned to him by London but he reacted favorably to our suggestion and seemed to feel there might be a good chance of having an application from Italy accepted. On Portugal he expressed the opinion that the British would wish to take the lead in that country but stated very definitely that they would like our support. He will telegraph tonight a summary of

⁸⁵ Not printed (501.BC/5-246); it informed the Delegation that Mr. Raynor was carrying to New York the "full views" of the Department on the membership question, a reference to the Departmental memorandum of May 28.

⁸⁶ This information had been conveyed to the Department in telegram 250, May 29, 2:30 p. m., (501.BC/5-2946).

our views as to procedure and our views insofar as they are now clarified on individual countries.

Before going to see Cadogan I had gone over the Department's memorandum carefully with Raynor and the Department's views as expressed in the memorandum were followed closely. Sir Alexander Cadogan understood that these views were, although representing official opinion, put forward on this occasion on an informal basis.

STETTINIUS

501.AA/6-1146: Telegram

*The Acting United States Representative at the United Nations (Johnson)*⁸⁷ to the Secretary of State

SECRET

NEW YORK, June 11, 1946—3 p. m.

[Received June 11—2: 28 p. m.]

302. Reurtel No. 84, June 5.⁸⁸ Following suggestions are submitted concerning the establishment and organization of the Membership Committee of the Security Council:

1. We believe that July 17 would be the most suitable date for the Membership Committee to convene since the presidency of the Security Council will change on that date. If agreeable, I suggest that we informally indicate this view to the Secretariat. If it were decided that the chairmanship of the Committee should rotate with the Council presidency, the chairman would be a representative of the Netherlands.

2. While we agree in principle that the Committee chairmanship might rotate with the Council presidency, we believe that since the Committee would be in session for a maximum of 6 weeks (unless a question arises during the meeting of the General Assembly), it would be unnecessary to provide for a change in the chairman on August 17. If you concur with this view, may we be authorized to discuss it informally with the other delegations, particularly the Netherlands and Poland?

3. The composition of the Committee is, of course, a matter for the individual members of the Council to decide for themselves, since the US resolution on membership provides that the Committee is to be "composed of a representative of each of the members of the Security Council". In this connection a letter was received from the Secretary General on June 10 which stated in part as follows: "I have the honour to request that you communicate to me, before 1 July 1946,

⁸⁷ For the resignation of Mr. Stettinius and the assumption of authority at the Delegation by Mr. Herschel V. Johnson, see bracketed note, p. 33.

⁸⁸ See footnote 84, p. 390.

the name of your representative on the Committee to be constituted pursuant to the Security Council's resolution of 17 May 1946."

Because of the political importance which may attach to the deliberations of this Committee I feel that each delegation should appoint its deputy representative or a person occupying a relatively high position. Unless the Department objects, I shall indicate this view to the other delegations, and also inform the Secretary General that I shall be the United States representative. After the Committee commences its consideration of the applications, circumstances may require that I assign another member of the delegation to act in my stead. If this is necessary, I shall, nevertheless, continue to follow the work of the Committee very closely because of its importance.

4. With regard to the procedure to be followed by the Committee in examining applications for membership, it is believed that:

(a) Applications should be examined individually in the chronological order of their receipt. (This would mean that the application of Albania would be the first to be considered by the committee.)

(b) The Committee should examine each application in order to determine whether the applicant state has conformed with the provisions of Article 4, paragraph 1, of the Charter.

(c) The Committee should take into account any written or oral testimony relating to the qualifications of the state seeking membership which members of the United Nations desire to submit for consideration.

(d) The Committee should report its conclusions to the Council not later than August 1 in accordance with the US resolution. It would be preferable to have the report cover the Committee's findings on all of the applications; however, we see no reason for insisting that a single report, rather than individual reports on each of the applications, be submitted, provided the latter are submitted simultaneously.

The report should be as brief as possible but in such form as to prevent any superfluous discussion in the Council.

JOHNSON

501.BC/6-1946 : Telegram

*The Acting United States Representative at the United Nations
(Johnson) to the Secretary of State*

SECRET

U.S. URGENT

NEW YORK, June 19, 1946—7:30 p.m.

[Received June 19—6:43 p. m.]

337. I gave the substance of the following telegram to Mr. Hayden [Raynor] over the telephone today.

I had a further discussion this morning with Sir Alexander Cadogan on the subject of new members. He had received instructions

from the Foreign Office as well as comments on their attitude on each of the possible candidates.

The Foreign Office appears to be in general agreement with the procedures we had suggested to Cadogan previously (as reported in my No. 257 of May 29). The Foreign Office had the following comments in regard to possible candidates:

Finland, Rumania, Bulgaria and Hungary were covered by the Potsdam declaration and could hardly be considered in the near future.

Italy: They favor Italy's membership, but would stick to the Potsdam provisions, and did not believe the question would arise this summer.

Austria: They would support Austria and hoped the Foreign Ministers Conference could agree on some form of peace settlement soon, so that Austria's application could be entertained. Their position was slightly different from ours in that they did not feel the necessity of bringing Italy in before or at the same time as Austria.

Siam: Britain has already agreed with India to support Siam for membership by the peace treaty of Jan. last and they favor Siam becoming a member. They feel, however, that unless the present difficulties are cleared up, the French are sure to veto a Siamese application.

Afghanistan: They will support.

Albania: They have not yet received assurances which would justify appointment of a Minister and will resist until this is done. However, they want to keep in step with the United States.

Eire: They will not take any initiative but will recognize Eire as having the same rights as any other respectable state. They would adopt a favorable attitude in any review and would support if it came to a vote.

Iceland: They will support.

Muscat: They felt it had little chance at this time.

Nepal: Subject to agreement by India, they would support.

Portugal: They will take initiative; will support in any general review and on a vote. They wish to take the initiative with the Portuguese Govt, but would be glad of our support.

Sweden: They will support.

Switzerland: They will support if Switzerland accepts all the obligations under the Charter, which they understand will require a referendum.

Tibet: An application is unlikely. In any case, the Chinese would veto, as they consider it part of China.

Transjordan: They would support as soon as the treaty between Great Britain and Transjordan is ratified. Sir Alexander feels there is a question with regard to the elimination of the mandate.

Yemen: An application is unlikely at present. In any case they feel consideration should be deferred.

Soviet Republics: They will resist any Russian demand that additional Soviet Republics be made members.

I pointed out that they had not mentioned Outer Mongolia and advised them of the fact that the Russians had stated that they would not be prepared to consider Afghanistan for membership separately from Albania and Mongolia. Sir Alexander expressed no opinion.

After discussion we agreed that we should make a list of the eligible states with whom we might want to consult with regard to their applications. The procedure for proceeding through diplomatic channels with these discussions should be agreed to either in Washington or London. After such consultations, we would then wish to consult informally with the other permanent members of the Security Council here in New York. We agreed to the following list: Afghanistan, Iceland, Portugal, Sweden, Switzerland. We also considered the possibility of adding Transjordan to this list, but did not do so, pending further consideration of the problem of the treaty, of the mandate, and possible difficulties in regard to Palestine.⁸⁹

JOHNSON

501.AA/6-1146: Telegram

The Acting Secretary of State to the Acting United States Representative at the United Nations (Johnson)

SECRET

WASHINGTON, June 19, 1946—7 p. m.

98. Amdel. Urtel 302, June 11, 3 p. m. 1. Re your paragraph one and your suggestion on chairmanship membership committee in your para two, we feel questions should be settled locally in accordance with views and convenience of all members and not as major issues. In addition to your suggestion and that of rotation with presidency, you may wish consider following:

- (a) Beginning rotation at head of alphabet, with Australia, as Atomic Energy Commission has done;
- (b) Electing one chairman for whole busy period of committee.

⁸⁹ For documentation on the status of Palestine in general and Trans-Jordan in particular, see vol. VII, pp. 576 ff., and pp. 794 ff., respectively.

The United States Delegation was informed by Mr. Lawford of the United Kingdom Delegation in June that the Foreign Office intended to suggest a different procedure from that outlined in this discussion. It was the belief of Cadogan and Lawford that the Foreign Office might propose that shortness of time necessitated a speedier procedure and that a first approach should be made to the other permanent members in New York. This information was reported to the Department in telegram 346, June 21, 3:30 p. m., from New York (501.BC/6-2146).

We particularly suggest alternative (a) as application of rotation principle that avoids further concentration of work on delegation of Council president. If Council continues to create standing committees it may become impracticable to rotate chairmanship of all simultaneously.

Shortness of committee's main period of work seems to make (b) worth consideration also.

2. Your course stated in para 3 is approved.

ACHESON

501.AA/6-2446: Telegram

The Acting Secretary of State to the Acting United States Representative at the United Nations (Johnson)

U.S. URGENT
CONFIDENTIAL

WASHINGTON, June 24, 1946—7 p. m.

108. Amdel. We think there are many advantages to concentrating the talks on membership with the British between you and Cadogan in New York rather than talking to the Embassy here or talking in London. Will you be good enough to see Cadogan again and attempt to obtain his concurrence without consulting London again in view of shortness of time to our making informal approaches immediately to Sweden and Iceland. You should tell Cadogan that we, of course, have no objection to the British making their own approaches. Will you also tell Cadogan that as the British do not desire to take the initiative we are considering making an immediate informal approach in Dublin. Also tell him that we hope the British will make approaches to Portugal and Switzerland. You may tell Cadogan we do not plan to approach either of these countries at the preliminary stage. We think it would be better for them to do so in the case of Portugal and our information on Switzerland is that it is quite unlikely that the Swiss will apply this summer. We hope the British will talk to them however. We agree with the British position on Switzerland.

Also please tell Cadogan that we think the talks in New York with the other permanent members should not be deferred until the results of the informal approaches are known and we would be receptive to a Foreign Office suggestion if made for the New York talks to commence almost at once.

In that connection we are reviewing our position on Italy, Austria, and the satellites and may wish to discuss these further with Cadogan.

On other countries discussed in your last meeting with Cadogan we have the following comments for you to transmit to Cadogan:

Siam: Our position on Siam, which you are authorized to impart in your discretion in whole or in part to Cadogan, is fully covered in our 105 of June 22.⁹⁰

Afghanistan: Agree on support. From our point of view feel approach unnecessary as we understand application will be made. No objection to a British approach.

Albania: We are reviewing our position and will advise you further.

Eire: Will vote in favor and as indicated above will probably make an informal approach now.

Muscat, Nepal, Tibet: Please express to Cadogan the hope that applications will not be made at this time.

Transjordan: We think on balance an application now would be premature. There are many complicating factors from our point of view and we would prefer that the matter not come up.

Yemen: Would think better if doesn't come up. If did come up could probably support.

Soviet Republics: In agreement.

Outer Mongolia: Don't wish to encourage or discourage. If should be pressed might be able to support.

We hope Cadogan will agree that it is all right for us to initiate informal approaches immediately without awaiting further London clearance in the cases of Sweden, Iceland, and Eire. On our part we hope they will do the same without coming back to us on Portugal and Switzerland. We would appreciate a telephonic report following your discussion with Cadogan.

ACHESON

501.AA/6-2646: Telegram

The Acting Secretary of State to the Acting United States Representative at the United Nations (Johnson)

SECRET U.S. URGENT WASHINGTON, June 26, 1946—1 p. m.

109. Amdel. Department has reviewed its position on Italy and Austria and continues to feel an effort should be made to obtain their admission to the United Nations this summer. Admission would give peoples of both countries great psychological lift and we feel strongly this is important. We continue to feel also that Austria should not be admitted prior to Italy and that if we should be blocked on Italy that Austria should be dropped.

⁹⁰ See vol. VIII, p. 1026. The U.S. attitude was to favor Siam's application for membership in the United Nations in accordance with the general position of this government toward membership applications, contingent upon Siamese action with respect to settling the question of the disputed areas involving French Indo-China; for documentation on this subject, see *ibid.*, pp. 978 ff.

We recognize that Potsdam gives the Soviets, should they desire to employ it, the strongest kind of an argument that an exception to Potsdam should not be made in the case of Italy. We believe if we propose Italy that we can almost certainly expect a Soviet counter demand for the satellites. We feel if such a counter demand is made and strongly pressed we must be prepared to accept it. This would mean a revision of Potsdam. Its justification is that at Potsdam no one expected it would take such a long time to develop and negotiate peace treaties.

Please review this urgently with Cadogan and request him to ask the Foreign Office to reconsider its position on Italy, Austria, and the satellites. For your own information, if the F.O. does not change its position we will be prepared to drop this matter this summer.

Also please tell Cadogan that while we are not happy over Albania and also lack certain reasonable assurances required to regularize our relations, we continue to feel that if necessary to accomplish our broad program we would reluctantly vote for Albania. We are also somewhat apprehensive over the possibility that it may be necessary to vote for Albania in order to get any state in. If necessary we would be prepared to do this after making a statement as to our unfortunate experience and indicating we are voting in favor in the interest of unanimity in the U.N. Please ask Cadogan to request F.O. to reconsider on Albania.

Pursuant your telephone conversation yesterday we are deferring approach in Dublin until you talk further with Cadogan.

Please impress on Cadogan urgency of these several questions as all should be resolved prior to your talks with other permanent members and these talks should take place almost at once.

ACHESON

501.AA/6-2846: Telegram

*The Acting Secretary of State to the Acting United States
Representative at the United Nations (Johnson)*

SECRET

WASHINGTON, June 28, 1946—7 p. m.

115. In view of the imminence of your talks with the representatives of the Soviet Union, China, and France on membership, we are outlining below certain suggestions for your guidance and on which we would welcome your comments or other suggestions.

1. The major objective is to find out if vetoes must be expected on specific applications. In this connection, the Soviet Union is probably the key. Hence, we suggest talking first with Gromyko.

2. The result of that talk will indicate the line to take with others and our comments are made with special reference to your talk with Gromyko.

3. We feel it is very important that the impression of a concerted U.S.-U.K. approach be avoided. It would follow that you and Cadogan should not call together for the talks. We believe preferable for you to persuade Cadogan that it would be wise for you to handle the first round of talks by yourself seeing each representative separately but as nearly simultaneously as possible.

4. You should lay on the table Sweden, Iceland, Afghanistan, Switzerland, Portugal, Eire, Italy, and Austria as states in our opinion eligible and well qualified for admission at this time. You would have to admit that we do not know whether or not all of these states will apply but indicate we are confident at least some of them will.

5. We think the conversation initially should be pitched on a discussion as to the qualifications of the states as to eligibility and should descend to a bargaining level only as last resort.

6. We think it would be wise as to above neutrals to refer to Potsdam and assume blandly that they are well qualified to assume obligations of Charter and become members.

7. Incidentally in mentioning name of Sweden you should, in view of assurance given Eriksson,⁹¹ make very clear we are not speaking in any way on behalf of Sweden.

8. On Italy you should stress cobelligerency and assistance rendered United Nations in war and you could refer to recent liberal revision of Armistice terms.⁹²

9. On Austria the strongest argument would be that she was a victim of aggression. Reference should of course be made to the Moscow Declaration on Austria.⁹³ You should attempt to avoid a detailed legalistic discussion as to whether Austria under military occupancy has sufficient control over its foreign relations to carry out obligations of membership. You should stress that if occupying powers agree on membership this could be worked out.

10. During discussion our position on Siam should be outlined. This obviously will present difficulties in French talk. A separate telegram contains our suggestions.⁹⁴

11. When Gromyko mentions Albania we feel you should reply at first that while we would like to vote for Albania it is difficult for us to reconcile her failure to give us requested assurances on treaties with willingness to carry out obligations of Charter. If we received the as-

⁹¹ Herman Eriksson, Swedish Minister to the United States.

⁹² For documentation regarding this subject, see vol. v, pp. 825 ff.

⁹³ For text see *Foreign Relations*, 1943, vol. I, p. 761.

⁹⁴ Telegram 114, June 28, not printed.

surances we would have no difficulty. We feel that by taking this line there is a bare possibility it may result in Soviets persuading Albanians to give requested assurances. If possible, therefore, in first conversation you should avoid conceding on Albania. A separate telegram gives information on types of treaties involved which should be mentioned to Gromyko with the explanation that they are of a type beneficial rather than detrimental to Albania in its foreign relations.

12. Likewise, we think it desirable to defer conceding on Mongolia until after Gromyko is thoroughly "smoked out" and you can evaluate the situation. In Chinese talk you should make a special point of ascertaining their reaction on Mongolia and on Siam.

13. We leave entirely to your discretion when you should indicate we are willing to go along on satellites if raised by Gromyko.

14. If Gromyko or others inquire with whom we are talking, you should reply first with the permanent members and later with other members of Council in order to avoid possible suspicion of Big Five deal. If he asks why, it would probably be appropriate to explain that we have indications that some states which would like to apply are holding back because of fear of a veto but this should be left up to your discretion to be determined on spot in light of tone of conversation.

15. Material in your membership book will provide you with argumentation on the countries we consider presently qualified.

16. In answering questions on other countries, you should follow information in our 108 of June 24.

17. If you desire Raynor to assist in conversations Dept. will make him available.

18. You will note these comments assume agreement with British on Italy, Austria and satellites and if such agreement not reached would of course be changed accordingly.

ACHESON

501.AA/7-146

Memorandum of Conversation, by G. Hayden Raynor, Special Assistant to the Director of the Office of European Affairs (Matthews)

CONFIDENTIAL

[WASHINGTON,] July 1, 1946.

Participants: The Swedish Minister
Mr. Hugh Cumming, NOE
Mr. Hayden Raynor, EUR

The Swedish Minister called this afternoon at his request to discuss the question of a possible Swedish application for membership in the United Nations.

The Minister handed to us the attached excerpts from instructions he had received by mail from Stockholm. He requested answers from us on the three questions listed in the first attachment hereto.

We informed the Minister that the answer to question No. 1 was Yes categorically.

We also informed him that our answer to question No. 2 was Yes. He then developed a thought behind question 2 further following the suggestion in the other excerpt of his instructions and inquired what our position would be if a situation developed in which a motion was made to postpone consideration of all membership applications. We informed the Minister that while we could not tell in advance what position we would take under such a contingency, we hoped that such a situation would not arise.

In answer to question No. 3 we told the Minister that in our view an application received after July 15 could be considered. We added that such an application would, of course, receive our support.

During the course of the conversation we indicated that our objective was to see as many eligible states as desired admitted to the United Nations this year. Also we told the Minister that we were strongly in favor of Sweden's candidacy and would support it actively. We urged the Minister to recommend to his Government that should they desire to apply the application be filed with the Secretary General of the United Nations prior to July 15.

The Minister read to us a telegram he had received from the Swedish Minister in Paris indicating that the Swedes had made similar inquiry of the French Government. The French had replied favorably on questions 1 and 2 and reserved their opinion on question 3. Although the Minister did not admit it, it seems clear that the Swedes have directed the same inquiry to all of the permanent members on the Council.

Before leaving the Swedish Minister smiling broadly and in a light vein, but with evident underlying sincerity, stated that he understood application No. 1 had been received from Albania, application No. 2 from Siam, application No. 3 from the Mongolian People's Republic and that it was suggested that application No. 4 should be from Sweden.

[Annex 1]

QUESTIONS, ORALLY AND INFORMALLY MADE BY THE SWEDISH MINISTER,
ON JULY 1

Question No. 1: Is the Government of the United States prepared, through its delegates in the Security Council and in the General As-

sembly of 1946, to vote for the approval of a Swedish application for membership in the United Nations?

Question No. 2: Is the Government of the United States, in case of an affirmative answer to question No. 1, willing to support a Swedish application for membership, without making its attitude dependent upon a positive decision with regard to applications for membership from other nations?

Question No. 3: Could a Swedish application for membership be taken up for consideration and be expected to receive the support of the Government of the United States, even if submitted after July 15?

[Annex 2]

When making a decision regarding application for membership in the United Nations, the Swedish Government, for its guidance, would like to know what attitude the permanent members of the Security Council could be expected to take if Sweden should make such an application. In this respect it must be taken into special consideration that one or more of the members having veto right, although being prepared to vote for Sweden's admission, might combine this question with the admission of one or more other nations. It might thus happen that a member combines the approval of a Swedish application with the admission of another country whose application has caused difference of opinion. Thereby, the result might be, for instance, that all applications are postponed for the time being, although none of the members, as to matter, is opposed to Sweden's membership.

501.AA/6-2846: Telegram

The Acting Secretary of State to the Acting United States Representative at the United Nations (Johnson)

SECRET

U.S. URGENT

WASHINGTON, July 1, 1946—6 p.m.

120. Amdel. Pursuant last night's telephone conversation we suggest you tell Cadogan we feel we must go ahead with informal talks and that you then see Gromyko. We suggest that the discussion with Gromyko be confined to a sounding out process on the countries listed in paragraph four of our 115, June 28 and Siam. We feel in this initial conversation no commitments as to our position on any of the countries should be made. Following talk with Gromyko we can jointly decide upon next step.

ACHESON

501.AA/7-146: Telegram

The Acting Secretary of State to the Ambassador in the United Kingdom (Harriman)

SECRET

WASHINGTON, July 1, 1946—7 p. m.

5121. Herschel Johnson has been having conversations in New York with Cadogan on question of membership in United Nations. Urgency is great because of July 15 date in Resolution on Membership passed by Security Council. Cadogan referred certain questions raised by Johnson including position of Brit with respect to Italy, Austria, ex-satellites, and Albania, and question whether inquiry should be made as to intention of Irish, to London some days ago and has not had definitive instructions thereon. Please stress urgency of this matter at a high level in Fonoff and urge they send Cadogan instructions on these matters promptly.⁹⁵

ACHESON

501/7-146

*The British Secretary of State for Foreign Affairs (Bevin) to the Secretary of State*⁹⁶

[PARIS,] July 1, 1946.

DEAR JAMES: I have recently been considering the question of the admission of new members to the United Nations Organisation which has been the subject of some discussion between the representatives of our two governments on the Security Council.

I feel very strongly that we should if possible adopt a common policy towards this question and I am in any case opposed to it forming the subject of discussion between the representatives of the five permanent members of the Security Council since I believe this would be likely to lead to some rather confused political bargaining.

I suggest that our governments should agree to tell the governments of Sweden, Portugal, Iceland and Eire that we should be prepared to support their candidature at the next Assembly if they put it forward. We have ourselves been approached by the government of Afghanistan and Trans-Jordan on this subject and are already committed to sup-

⁹⁵ In telegram 6472, July 3, 7 p. m., the Ambassador informed the Department that he had seen Under Secretary Sargent in the British Foreign Office that day about the membership question and that Mr. Sargent had said that the matter had been urgently referred to Mr. Bevin in Paris (501.AA/7-346). Mr. Bevin, Secretary of State Byrnes, and the other Foreign Ministers of the Big Five were attending a meeting of the Council of Foreign Ministers.

⁹⁶ Apparently written before Mr. Bevin was informed of the approach directed to him by this Government through the Foreign Office; see footnote 95, above.

port them if they apply for membership. We should be very glad if you felt you could do the same.

I do not think that Switzerland is worth approaching at present in view of her special position in regard to neutrality and I feel that Nepal, the Yemen, Tibet and Muscat need not be considered for the time being. I think we can also leave over Siam for the present as her candidature does not come up until the 15th July and there may by then have been some new developments in her frontier dispute with France. I suggest finally that our attitude towards Albania should be decided at the last moment before her candidature comes up.

As regards Italy, Austria and other ex-enemy states, I have myself very grave doubts about encouraging their candidatures this year since I feel that any attempt to go outside the Potsdam Agreement would only expose us to reproaches from the U.S.S.R., which would in any case veto such application.

I should very much like to speak to you about all this sometime tomorrow and will get into touch with you with a view to arranging a suitable time. As you know, time is short, as applications have to be in by July 15th.⁹⁷

Yours sincerely,

ERNEST BEVIN

501.AA/7-346 : Telegram

*The Acting United States Representative at the United Nations
(Johnson) to the Secretary of State*

SECRET

U.S. URGENT

NEW YORK, July 3, 1946—6: 15 p. m.

[Received 7:06 p. m.]

393. Reference Dept's 120, July 1, 6 p. m., 115, June 28, 7 p. m., other related messages and telephone conversation this afternoon with Hayden Raynor.

I checked this morning again with Cadogan to inquire if he had received any new instructions regarding membership. He replied in the negative. I then asked him if he had serious objection to my having an informal discussion on the matter with Gromyko. I said I would not bring him or his govt into the discussion nor would I indicate to Gromyko that I had instructions. Cadogan said he had no objection whatever and would appreciate it if his name and the British position were not brought into the discussion.

I had a private talk with Gromyko this morning, no interpreters or assistants of his being present. He was friendly and apparently frank. I told him that the time when applications for membership in the

⁹⁷ See telegram 3271, Delsec 660, July 3, 3 p. m., from Paris, p. 407.

United Nations would have to be considered by the Membership Committee was drawing very close and that I would be greatly interested to hear any personal views of his which he might be willing to express. I told him that I felt personally and I knew that my govt felt that Sweden, Iceland, Afghanistan, Switzerland, Portugal, Eire, Italy and Austria were in fact eligible and qualified for admission at this time; that we had no idea whether any or all of these states will apply in time but felt certain there would be a few applications at least and recalled to him that there has already been a press report of action taken by the Swedish Parliament to authorize the govt to apply for admission. He volunteered the comment that Portugal is not in the same position as Franco Spain. With regard to the former European neutrals and Iceland, Gromyko's attitude, if I correctly interpreted it, was open-minded and not unfriendly. He said that his govt would not be able to indicate its final opinion on any countries prior to the time when the applications are actually up for consideration; and that in his view, all applications should be considered on their individual merits. He said he felt it was important for some countries to be admitted at this session and referred to Albania. I told him what our position on Albania is and suggested that his own govt or its representatives might be able to give Albania some good advice as to giving necessary assurances on her treaty obligations. Gromyko smiled at this and made a remark about Albania being a sovereign nation. I told him I readily admitted that, but that some great powers frequently advised their smaller friends upon action that might be usefully followed.

In discussing Italy and Austria I agreed without reservation that if these countries are admitted at this time, it would not be in accordance with the Potsdam decisions and that to take such action we would all have to agree on a revision of Potsdam. Gromyko then asked our attitude toward the Balkan states which, he said, were likewise covered by Potsdam. I concurred and said that I had not yet had precise instructions regarding these countries. He then said that whether the parties to the Potsdam Agreement agree to a revision of that agreement or not that in the Russian view admission of Austria and Italy is on all fours with that of Rumania, Bulgaria and Hungary. I admitted to him that under the Potsdam Agreement they were under similar handicaps for action. I expressed the hope, which I said was purely a personal one, that Austria, Italy and the Balkan countries might all be admitted to the United Nations as soon as possible. Gromyko apparently had no information about Afghanistan. He showed some interest, however, and gave no indication that the Russian attitude would be unfavorable. Our attitude in

regard to Siam seemed to interest him. He gave no indication of hostility to admission of Siam.

The only country he specifically inquired about was Outer Mongolia. I told him that I had received no information or instructions regarding Outer Mongolia, but said that I felt sure when the application is up we will give it objective consideration. I expressed the personal opinion to him, however, that the admission of Outer Mongolia was not a matter of urgent necessity or desirability and that as it was an entirely new country without established international relations, its application could hardly be considered in the same breath with the application, for instance, of an old established democracy like Sweden, which is ready to make immediate and positive contributions to the work of the United Nations. Gromyko did not dissent from this, and impressed me as being in agreement in his own mind.

When I left Gromyko said he would report the conversation to his government and thanked me for coming. He said he thought the informal discussion had been useful.

JOHNSON

501.AA/7-346: Telegram

The Acting Secretary of State to the Minister in Iceland (Dreyfus)

CONFIDENTIAL

WASHINGTON, July 3, 1946—4 p. m.

134. Please inform FonMin substantially as follows:

“Article 4 of UN Charter.

With respect thereto, Security Council recently adopted following resolution on applications for UN membership:

“1. Applications for membership which have been or may be received by the Secretary General shall be considered by the Security Council at a meeting or meetings to be held in Aug 1946 for this specific purpose.

2. Applications for membership which have been or may be received by the Secretary General before July 15, 1946, shall be referred to a committee composed of a representative of each of the members of the Security Council for examination and report to the Council not later than Aug 1, 1946.”

As long-range goal US Govt interested in universality of membership in UN. Its immediate interest is that as many eligible states as possible become members UN during present year. As FonMin will recall, US Govt has repeatedly indicated to Ice Govt its friendly interest in Ice membership UN and has given assurances that Ice could count on wholehearted support of US Govt in earliest Ice application for UN membership.

According to rules of Security Council an application for member-

ship should be made directly to UN Secretary General and should be accompanied by a declaration of the readiness of state concerned to accept the obligations contained in Charter of UN. The recommendations of UN Security Council on applications for membership will then be submitted to UN General Assembly which, according provisions Chapter IV, Article 20 of UN Charter, meets in regular annual sessions. The session for current year will open on Sept 3, 1946; therefore, an application by Ice for membership in UN should, if possible, be submitted to UN Secretary General before July 15, 1946 and at latest by Aug 1, 1946, if consideration of such application to be given this year.

Accordingly, although US Govt realizes time remaining after elections is short and that *Althing* not in session, it hopes Ice application will be made by July 15, or at latest by Aug 1.

US Govt would be appreciative if it could be informed whether Ice intends apply for UN membership during current year.

In case FonMin inquires you may inform him that US Govt intends attempt informally to ascertain reaction other Council members to Ice application and will be glad to report results such inquiries to Ice Govt.

ACHESON

740.00119 Council/7-346 : Telegram

The Secretary of State to the Acting Secretary of State

SECRET

PARIS, July 3, 1946—3 p. m.
[Received July 3—10:37 a. m.]

3271. Delsec 660. Mr. Bevin has just told me the British Govt expects, through their representatives in the respective capitals, to inform the Govts of Sweden, Portugal, Iceland, and Eire that the British will support their candidacy for membership in the United Nations. The British do not expect to take any action whatever with regard to the membership of any other nations to the organization at this time but will await later events or the meeting of the Assembly before taking any attitude with regard to the other nations. He said applications must be made before the 15th of July and he considered this notification of support to the four above-mentioned nations as an encouragement to their presenting their candidacy. He hoped that the United States would take a similar action.

I told Mr. Bevin that I would pass this on to you and suggest that if you saw no reason to the contrary you might take similar action.

Mr. Bevin said the British Govt were not taking this matter up with any other members of the Security Council at this time but were

confining their action to notifying the govts concerned as he did not see much point in starting a discussion among the members of the Council of this subject at the present time. I personally agree with him on this point.⁹⁸

CAFFERY

501.AA/6-2946 : Telegram

The Acting Secretary of State to the Minister in Ireland (Gray)

SECRET

WASHINGTON, July 3, 1946—8 p. m.

113. Bevin told SEC Paris July 3 that Brit Govt expects to inform Ireland that Brit will support its candidacy for UN membership.

Since Brit are approaching Irish, and in view of De Valera's⁹⁹ probable negative attitude (urtels 70, June 26[27] and 72 June 29),¹ we have decided not (repeat not) to make any approach to Irish at this time. Please inform us of Irish reaction to British approach.²

ACHESON

740.00119 Council/7-546 : Telegram

The Secretary of State to the Acting Secretary of State

SECRET

PARIS, July 5, 1946—noon.

[Received July 5—10:14 a. m.]

3290. Delsec 664. For the Acting Secretary from the Secretary. Mr. Bevin has suggested that no effort be made to have Italian or Austrian applications for membership in United Nations put forward at this time as Italian peace treaty not concluded nor is treaty for establishment of Austrian independence concluded. I agree to this suggestion and have told Bevin I would inform you accordingly. [Byrnes.]

CAFFERY

740.00119 Council/7-346 : Telegram

The Acting Secretary of State to the Secretary of State, at Paris

SECRET

U.S. URGENT

WASHINGTON, July 5, 1946—5 p. m.

3276. Secdel 412. Herschel Johnson has been having informal conversations with Cadogan New York on UN membership (reference

⁹⁸ Telephoned to New York on July 3 and then repeated to New York in telegram 128, July 3, 8 p. m., with the instruction that "We feel in view this information and your talk with Gromyko nothing will be gained by further talks in New York at this time." (501.BC/7-346)

⁹⁹ Eamon De Valera, Prime Minister of Eire.

¹ Neither printed.

² Repeated to New York as telegram 129.

Delsec 660). You will recall some time ago approving program our supporting all neutrals except Spain, Siam, Italy and Austria and reluctantly to vote for Albania if good part of above program could be accomplished. British appeared to differ on Italy, Austria and Albania but Cadogan has been without definite instructions.

Our original program amended since your departure in following respects:

A. If Italy and Austria proposed and Soviets countered with satellites we would have to accept satellites.

B. Siam qualified to extent that she concurrently submit whole territorial dispute with France to UN agreeing in advance to accept obligations of pacific settlement including agreement in advance to carry out decision of UN but in any event would vote for if British do.

C. If we are pressed we could vote for Outer Mongolia which has submitted an application.

D. If necessary in order to obtain admission of only one or two eminently eligible states such as Sweden or Iceland we would very reluctantly vote for Albania.

We had intended authorize Johnson discuss question informally other permanent members in effort to ascertain if vetoes must be expected on specific applications in view of indication that states like Portugal would like to apply but are holding back because of fear of veto. Johnson authorized to talk with Gromyko and did so personal basis. Results inconclusive but Gromyko apparently agreed with principle that applications be considered on individual merits. Also he indicated no hostility towards neutrals nor did he give any indication neutral applications would be tied with other applications. Gromyko did give clear indication that if Italy and Austria were proposed Soviets would press for satellites. He also clearly indicated official Soviet position on any country would be withheld until matter before council. Under circumstances we feel nothing to be gained by further informal talks in New York.

We are paralleling British action Sweden, Portugal and Iceland but feel unwise to do so with Eire on which our position has been to vote favorably but not to take initiative.

ACHESON

501.AA/7-546 : Telegram

*The Acting Secretary of State to the Ambassador in Portugal
(Baruch)*

SECRET

U.S. URGENT

WASHINGTON, July 5, 1946—3 p. m.

644. You should inform FonMin as soon as possible of situation on UN membership as described below and report reactions to Dept.

UN Security Council passed resolution on May 23 stating that applications for membership received before July 15 would be considered by Council in August. See membership provisions in Chapter Two of Charter. Applications should be addressed to Secretary General and should contain a statement that the State is willing to assume the obligations of the Charter.

In interest of broadening membership in UN we hope that qualified states who desire membership will be admitted this year and that several of the neutrals will be applying at this time.

US Rep on Security Council has had informal and personal exchange of views with USSR Rep Gromyko. Latter said that definitive views of his Govt on application of any particular state would not be made known before time for action on the application in Security Council. However when Portugal was mentioned by US Rep he showed no hostility whatever.

We realize possible Portuguese hesitancy to apply unless they are sure that there will be no rebuff but above is all we can tell them together with assurance that their application would be warmly supported by US Govt on grounds of traditional friendship and important Portuguese contribution to Allied war effort.

We understand that your Brit colleague is giving Port Govt assurances of support of his Govt.

ACHESON

501.AA/7-1146: Telegram

The Acting Secretary of State to the United States Representative in Albania (Jacobs)

SECRET

WASHINGTON, July 11, 1946—8 p. m.

125. For your information this reviews recent developments our thinking problem Albanian application membership UN.

We continue to feel we should reluctantly vote favorably if by so doing we could accomplish objective of membership for group of states we consider eminently eligible. If necessary even to obtain membership for one or two eminently qualified states to vote favorably most reluctantly after making statement on our difficulties and stating voting favorably in the interest of unanimity in the UN. British have not yet definitely instructed Cadogan but have indicated they may have to resist until they receive assurances requested result cruiser incident.

We have not finally determined what our position should be in the event no eminently qualified states such as Sweden or Iceland apply. Very reluctant, however, to establish precedent of vetoing applica-

tions and it may be necessary to vote favorably to obtain admission of Afghanistan. Our position subject review in light Cadogan's final instructions.

In informal personal discussion with Gromyko on membership Herschel Johnson explained to him would like to vote for Albania but difficult to do so in view of lack of requested assurances. Suggested to Gromyko that if we had assurances our difficulty would be removed. This was done with the thought in mind that it might possibly prompt the Soviets to discuss the question with Albania. Gromyko attempted ascertain if assurances prerequisite to favorable vote our part on which Johnson noncommittal.

ACHESON

501.AA/7-1146: Telegram

The Acting Secretary of State to the Secretary of State, at Paris

SECRET

U.S. URGENT

WASHINGTON, July 11, 1946—4 p. m.

3373. Secdel 455. In view of application of Trans-Jordan for membership in UN received July 5, we have to establish our attitude without delay and I am sending memorandum to President requesting his views.³ I should appreciate knowing your thoughts in advance of beginning of SC Committee discussion on membership on July 15.

As you are aware, we have had correspondence with Senator Myers regarding Trans-Jordan and he has introduced resolution containing request that executive take no action in any way recognizing Trans-Jordan as separate or independent state and that US representative on UN be instructed to seek postponement of international determination of status of Trans-Jordan area until future status of Palestine as a whole will be determined.

We also have received a long detailed legal argument from Rabbis Wise and Silver⁴ objecting to independence of Trans-Jordan.

Dept was informed in Brit Embassy *Aide-Mémoire* of June 26 that Trans-Jordan Govt intended to apply for admission to UN in near future; that it had taken this decision on its own initiative; that its application would have support of Brit Govt; and that in view of FO for reasons given in considerable detail Trans-Jordan fully satisfied requirements for membership in UN.

Brit Embassy has also furnished Dept with paraphrase of instructions to Cadogan on subject. He was told to convey gist of foregoing

³ For the Acting Secretary's memorandum of July 15 to President Truman, see p. 414.

⁴ Leaders in the Zionist movement in the United States.

to US colleague in order to persuade him to support Trans-Jordan in SC using following arguments:

“We note that US Govt apparently think they will have to vote for Outer Mongolia in last resort. Transjordan, whose territory and record is open to all world is surely a more respectable candidate than Outer Mongolia, which is a quite unknown factor, and with whom western states have not hitherto been allowed to have any dealings. We think it would be deplorable if Outer Mongolia were admitted and Transjordan were not, and that this would incidentally encourage Soviet Govt to put up a Constituent Republic next year as their price for agreeing to Transjordan.”

Our tentative view is that, although legal position is not clear-cut in view of lack of precedents and differences in interpretation of treaties and other international obligations and can be argued *ad infinitum*, following considerations are important:

1. Non-applicability to Trans-Jordan of portions of Palestine mandate relating to Jewish National Home since 1922, plus existence of independent Arab Govt in Trans-Jordan since 1923, have resulted in evolution of Trans-Jordan distinct and separate from that of Palestine proper.

2. Assembly of UN, including US, welcomed Brit intention to declare Trans-Jordan independent. Subsequently League of Nations at final session last spring in effect recognized Trans-Jordan independence as accomplished.

3. We could if we desired abstain from voting on question of Trans-Jordan admittance on ground that lapse of time is required to establish its qualifications for UN membership. Our abstention in this case would, if otherwise desirable, be consistent with our long-range objective looking toward clear right of permanent member of Council to abstain from voting on substantive decisions without this constituting veto.⁶ You and Mr. Cohen⁷ are of course familiar with this issue. Brit and Arab States however might well question our refusal to vote for Trans-Jordan in view of our previous agreement to admit two constituent Soviet republics, India and Philippines and our present plan to vote in certain circumstances for admission of Outer Mongolia. (See Deptel 3276 Secdel 412 July 5 pgh 2-c.)

4. Our failure to vote for Trans-Jordan admittance would almost certainly give rise to serious repercussions against us in Arab world and would tend to weaken position of Great Brit and ourselves in Middle East. We feel that in view of international situation we should vote in favor of admission even though such action will arouse storm

⁶ For documentation on this matter, see pp. 251 ff.

⁷ Benjamin V. Cohen, Counselor of the Department; Mr. Cohen was with the Secretary at Paris.

of protest among certain powerful Zionist groups in US and elsewhere and will result in criticism from various members of Congress who are supporting more extreme Zionists. Do you concur?

Supplemental telegram on other phases of membership question will follow.

ACHESON

501.AA/7-1246: Telegram

*The United States Representative at the United Nations (Johnson)
to the Secretary of State*

SECRET

US URGENT

NEW YORK, July 12, 1946—8:15 p. m.

[Received July 12—7:54 p. m.]

418. Dr. Quo, Chinese delegate, called to see me this morning on three matters.

1. He has received a telegram from the Chinese Minister for Foreign Affairs regarding the application for membership in the United Nations of Outer Mongolia. The Chinese seem to be disturbed about this because of information they have obtained that a secret agreement exists between Outer Mongolia and Soviet Russia which the Chinese believe would authorize the maintenance of Russian troops in Outer Mongolia. Quo says that his Foreign Minister is of the opinion that China cannot support the application of Outer Mongolia until they know more about the terms of this secret agreement. This agreement they believe may be in violation of the Chinese-Russian treaty⁸ which recognized the status of Outer Mongolia as an independent nation and pledged both China and Russia to support its application for membership in the United Nations. The Chinese Foreign Minister has suggested to Dr. Quo that their information regarding this secret agreement between Outer Mongolia and Russia should be allowed to leak out to the press without its source becoming known. Dr. Quo has not yet, however, acted on this suggestion. Although he spoke with discretion he made it clear that he would welcome expression of opinion and even suggestions for [from?] our government. The Chinese Foreign Minister informed him that the US Government had expressed its willingness to support the application of Outer Mongolia and had even suggested to China that the latter should actively sponsor the application. I asked Dr. Quo where such a US suggestion had been made to the Chinese Government and he said he thought it was at Nanking. It is apparent that the Chinese Foreign Minister is troubled by this situation and what he believes to be our active sponsoring of the Outer

⁸ See footnote 12, p. 417.

Mongolia application. It would be appreciated by Dr. Quo and might be useful if the Department can give me a statement of its views and inform me whether the Chinese Foreign Minister's information as sent to Dr. Quo is correct. If the secret treaty between Russia and Outer Mongolia exists in fact it would seem to me that it has an important bearing on the Outer Mongolian application for membership in the United Nations and its possible qualifications under the Charter. I would appreciate any information and views the Department may have in this matter.

[Here follows discussion of other subjects.]

JOHNSON

501.AA/7-1546

*The Acting Secretary of State to President Truman.*⁹

SECRET

WASHINGTON, July 15, 1946.

MY DEAR MR. PRESIDENT: You will recall that on July 11 we sent a telegram to the Secretary in Paris in which we informed him that in our opinion the United States should vote in favor of the admission of Trans-Jordan into the United Nations and asked for his concurrence. In that telegram we stated that it would be necessary for us to establish without delay our attitude in the matter and that we were sending a memorandum to you requesting your views.

I am attaching hereto a memorandum which discusses in some detail various factors involved in the problem and sets forth the considerations which cause the Department to feel that it would be in our national interests to support the application of Trans-Jordan for membership in the United Nations.

I would appreciate it if you would let me know whether you approve the course of action which the Department suggests. The matter may come up for discussion before the Security Council Committee on Membership within the next few days.

Faithfully yours,

DEAN ACHESON

[Enclosure]

Memorandum for the President

Subject: Position of United States with Respect to Admission of Trans-Jordan to United Nations.

The Kingdom of Trans-Jordan which was recognized by the British Government as an independent country on March 22 of this year, has

⁹ Notation: "Approved Harry Truman".

applied for membership in the United Nations and the question has arisen as to whether or not the delegate of the United States to the Security Council should be instructed to vote for its admission. The decision which the United States Government takes with regard to this matter is certain to have considerable repercussions, both of a domestic and an international character.

Most of the Zionists and the supporters in the United States of extreme Zionism are opposed to the recognition of Trans-Jordan as an independent country and, therefore, to the admission of Trans-Jordan into the United Nations. On the other hand, Great Britain and the Arab world are extremely anxious that the application of Trans-Jordan for admittance shall not be rejected.

[Here follows discussion in some detail of the mandate for Palestine awarded to Great Britain by the Council of the League of Nations on July 24, 1922.^{9a}]

It seems to the Department that in the absence of precedents, and in view of the possibility of various interpretations being placed upon the language used in the Mandate, in the American-British Convention,¹⁰ and in other pertinent documents, the Zionists can produce plausible arguments in favor of their position. The Department is of the opinion, however, that the position of the British from the legal point of view is the more sound. The Department also feels that in making its decision, the Government of the United States should consider the factual and international political aspects of the problem, not solely those of a legalistic nature.

Among these considerations are the following:

1) Trans-Jordan has been a separate and autonomous part of the Palestine Mandate since 1922, and those provisions of the Mandate which related to the Jewish national home have never been applied to territory East of the Jordan.¹¹ The development of Trans-Jordan as an Arab state under a separate Arab government has resulted in the evolution of that territory in a direction quite different from that taken by Palestine proper. Even the most extreme Zionists have in

^{9a} For the terms of the mandate see *Foreign Relations*, 1924, vol. II, pp. 213-220. For a discussion of the special character of the Palestine mandate, see Marjorie M. Whiteman, *Digest of International Law*, vol. I, pp. 630 and 631.

¹⁰ The mandate of Great Britain with respect to Palestine came into force on September 20, 1923. On December 3, 1924 the United States concluded with Great Britain a convention (signed at London) defining the rights of United States nationals in Palestine; see *Foreign Relations*, 1924, vol. II, pp. 212 ff., or 44 Stat. (pt. 3) 2184, or Department of State Treaty Series No. 728. For a discussion of the treaties or conventions concluded by the United States with the mandatory states defining rights of its nationals in the several mandated territories, see Whiteman, *Digest of International Law*, vol. I, pp. 618 ff.

¹¹ This separate status was established in Article 25 of the mandate agreement between the Council of the League and Great Britain; for text of this article, see *Foreign Relations*, 1924, vol. II, p. 219. For a discussion of Trans-Jordan's special status, see Whiteman, *Digest of International Law*, vol. I, pp. 630 and 631.

the past apparently recognized the special and semi-independent position of Trans-Jordan within the Palestine Mandate, and they have not taken exception to Article 25 of the Mandate which sanctioned the exclusion of Trans-Jordan from the provisions relating to the Jewish national home. Furthermore, the population of Trans-Jordan is almost wholly Arab, and, so far as is known, contains no Jewish residents.

2) Great Britain has gone so far in setting up and recognizing an independent Kingdom of Trans-Jordan that it is not now possible for it to change its policy in this respect. Great Britain, therefore, apparently has no choice other than to support the application of Trans-Jordan for admission into the United Nations. If the United States should oppose the admission of Trans-Jordan, a rift would take place between Great Britain and the United States in the Middle East with a resultant weakening of the position of the Western Powers and a decline of Western influence in that area. Such a development would be extremely unfortunate in the present world situation.

3) The government of the United States may find it expedient to vote reluctantly for the admission into the United Nations of Albania and Outer Mongolia, countries which have no greater degree of independence than Trans-Jordan. The Philippines and India are already members of the United Nations. It would be difficult to explain to the Arab world why the United States in such circumstances should oppose the admission of Trans-Jordan, which is a member in good standing of the Arab League. In this connection, it might be pointed out that the British Embassy has furnished the Department with a paraphrase of instructions issued to Sir Alexander Cadogan on this subject. This paraphrase reads in part as follows:

[Here follows text quoted in fifth paragraph of telegram 3373, July 11, 4 p. m., to Paris, page 411.]

In view of the above considerations and of the over-riding political necessity of maintaining the peace and stability of the Middle East, it is recommended that the delegate of the United States be instructed to vote for the admission of Trans-Jordan to the United Nations.

501.AA/7-1246: Telegram

The Secretary of State to the Acting United States Representative at the United Nations (Johnson)

SECRET

WASHINGTON, July 16, 1946—7 p. m.

140. Amdel. Re first para urtel 418, July 12, 8:15 p. m. 1. Our attitude toward membership application Mongolian People's Republic remains as indicated to you in Deptel 108, June 24, 1946, namely that

we wish neither to encourage nor to discourage the application, but that if pressed we might vote favorably. Nor do we wish advise China concerning attitude it shall assume in matter. Dept has not suggested nor instructed Emb Nanking to suggest to Chinese that they actively sponsor MPR application.

2. Regarding reported secret agreement, we note that Treaty of Friendship and Mutual Assistance between USSR and Outer Mongolia, signed Feb 27, 1946 seems to authorize presence of Soviet troops in Outer Mongolia. Text of treaty published in Dept Bulletin, June 2, 1946, page 968. You may wish to inquire from Dr. Quo whether this is Agreement referred to.

3. Published text Sino-Soviet Treaty Agreement of Aug 14, 1945,¹² to which Dr. Quo apparently refers, contains no provision pledging parties to support an application for membership by Outer Mongolia.

4. Dr. Tan Shao-hwa, Min Chinese Emb, July 13, stated Chinese Govt not disposed raise objection to MPR admission but does not feel present moment is opportune for China to work for MPR's admission.

BYRNES

501.AA/7-1846: Telegram

The Ambassador in the Soviet Union (Smith) to the Secretary of State

SECRET

Moscow, July 18, 1946—10 a. m.
[Received July 18—6:26 a. m.]

2203. Concern of Chinese Foreign Office over possible secret agreement between USSR and Mongolian Peoples Republic providing for maintenance of Soviet troops in MPR (Department's 1282, July 14).¹³

Department is, of course, aware of USSR-MPR treaty of February 27, 1946, providing for mutual assistance (Department State *Bulletin* June 2, page 968). We do not know of any secret annexes or other treaties specifically providing for maintenance of Soviet troops in MPR.

We feel Chinese anxiety over alleged secret agreement is unrealistic. As Soviet satellite MPR is inescapably bound to and subject to USSR

¹²Treaty of friendship and alliance between the Republic of China and the Union of Soviet Socialist Republics, signed at Moscow, August 14, 1945, together with related agreements of the same date; Department of State, *United States Relations With China* (Department of State Publication 3573, Far Eastern Series 30; Washington, released August, 1949), pp. 585 ff., or United Nations Treaty Series, vol. 10, p. 300.

¹³This was a repeat of the first paragraph of telegram 418, July 12, 8:15 p. m., from New York; see p. 413.

through operation of Soviet secret police and party apparatus. Soviet-MPR treaties, secret or open, are therefore matter of form. Soviet penetration and control of MPR is assumed to be so effective that MPR army may be regarded as under direction of Red Army General Staff and to all intents and purposes a part of Soviet military machine. Thus, unless MPR is confronted by major threat, there is no need for Red Army in MPR. If MPR is "threatened" USSR has right by known treaty of February 27 to send Red Army into MPR.

Soviet military relationship to MPR scarcely differs from that with Poland or Yugoslavia, both of whom are members of UNO. If we resist MPR entry into UNO simply because of its military relationship with USSR it would not be surprising if USSR raised question of British military relationship with Iraq and India or ours with Philippine Republic.

Department repeat to Nanking as Moscow's 89.

SMITH

501.AA/7-1946: Telegram

*The Secretary of State to the Acting United States Representative
at the United Nations (Johnson)*

SECRET

US URGENT

WASHINGTON, July 19, 1946—4 p. m.

143. Amdel. If, as appears to us, amendment membership Resolution necessary in order to postpone for approximately three weeks deadline for automatic referral applications to Membership Committee (now July 15) and for Committee report thereon to Council (now August 1), you may request inclusion matter on provisional agenda July 24 meeting or arrange that some other delegation do so.

Form chosen should be simplest and least controversial possible.

We suggest you consider making amendment conform with rules of procedure and have it provide Membership Committee with report to SC 35 days prior to opening Assembly on applications received up to that time. This will avoid confusion on part applicants between resolution and rules which has existed heretofore and will give additional period grace for receipt applications as contrasted possible alternative report set dates such as Aug 19 on applications received by Aug 5. This also keeps matter open without necessity further action should Assembly be further postponed.¹⁴

BYRNES

¹⁴ The opening date of the General Assembly had been moved from September 3 to September 23.

501.AA/7-2046: Telegram

The Secretary of State to the Acting United States Representative at the United Nations (Johnson)

SECRET

WASHINGTON, July 20, 1946—11 a. m.

145. Amdel. 1. Dept believes it desirable to press Soviet Govt for its interpretation of Potsdam commitment to support admission qualified neutral states to UN. You should, accordingly, seek earliest occasion to speak to Gromyko along following lines:

(a) Various neutral States have inquired re our attitude toward their admission, and we believe at least some have made similar inquiries of other Security Council Members including Soviet Union and United Kingdom.

(b) In Chapter X of Potsdam Agreement (see Membership Book, Part III, Item 5¹⁵) three Powers pledged themselves to support applications for membership from those states that remained neutral during war and fulfill qualifications of Article 4 of Charter. Express exception was made in case of Spain. Potsdam Agreement has direct application to present situation in which one neutral has already applied and others have made inquiries allowing reasonable assumption that their submission of applications depends on attitude of Potsdam signatories. We think Potsdam powers obligated in fairness neutrals to interpret Potsdam clearly and remove doubts in minds neutrals.

(c) This Govt believes that only reasonable interpretation Potsdam agreement is that three powers should vote favorably on applications of Sweden, Afghanistan, Iceland, Portugal, and Eire, and application of Switzerland when Swiss in position to accept obligations of Charter and that powers should make this known to neutrals on inquiry.

Above States (1) were neutral during the war and (2) fulfill qualifications set forth in Article 4 of Charter.

(d) We assume that Soviet Union and UK will likewise, pursuant to Potsdam Agreement, support applications from any or all of above States. This Govt desires to know if this assumption correct as far as Soviet Union is concerned. If Gromyko can give no definite answer this Govt would appreciate his making telegraphic inquiry of Moscow.

(e) If Gromyko should raise question of States other than those listed in sub-para (c) above, whether or not they have applied, you might say that you have no views beyond those expressed in your interview July 3. Assume you will seek if possible to confine discussion to obligations accepted by Three Powers at Potsdam.

¹⁵ This book is found in the master files of the Reference and Documents Section of the Bureau of International Organization Affairs (IO Files).

2. You should in your discretion speak also to Cadogan as rep of Potsdam signatory.

3. For your background information, at Under Secretary's meeting Friday morning, course described above was approved in preference to approach discussed with you yesterday.

BYRNES

501.AA/7-2046

Memorandum of Telephone Conversation, by the Chief of the Division of Northern European Affairs (Cumming)

CONFIDENTIAL

[WASHINGTON,] July 20, 1946.

Mr. Aminoff, the Counselor of the Swedish Legation, telephoned me this morning. He said that day before yesterday the Soviet Minister in Stockholm had delivered to the Acting Swedish Foreign Minister a memorandum setting forth the Soviet reply to Sweden's inquiry as to the attitude of the Soviet Union towards a Swedish application for admission to the United Nations.

The Soviet memorandum in translation reads as follows:

"The Soviet Government takes a positive attitude towards Swedish admittance to UNO. At the same time the Soviet Government considers it necessary to point out that its representatives can not during consideration of the matter in the UNO refrain from taking into account the attitude of other countries concerning admittance to UNO, also of countries who have already expressed such desires."

Mr. Aminoff said that since the Soviet reply was obviously somewhat cryptic, the Acting Swedish Foreign Minister had asked the Soviet Minister for clarification. The Soviet Minister had replied that he could add nothing to the text of the memorandum which he had just delivered.

Mr. Aminoff said that he would appreciate our transmitting foregoing information in confidence to Mr. Herschel V. Johnson.

501.AA/7-2946 : Telegram

The Acting United States Representative at the United Nations (Johnson) to the Secretary of State

SECRET

US URGENT

NEW YORK, July 29, 1946—7:45 p. m.

[Received July 29—7:27 p. m.]

458. I had this morning a talk with Gromyko as suggested in the Department's telegram No. 145, July 20, 11 a. m.

I told Gromyko that several neutral states had made inquiries of

us regarding our attitude toward their admission to the United Nations and that we had reason to believe that some at least of them had made similar inquiries of other Security Council members. I referred to Chapter 10 of the Potsdam Agreement and the pledge of the Three Powers to support applications of the neutrals with the exception of Spain who could fulfill the qualifications of Article 4. I said that he must be aware that Sweden and Portugal and possibly other neutral states had hesitated to forward their applications for fear that one of the permanent members of the Council would vote against them. I referred to our talk of July 3 and remarked that I felt certain he understood exactly what my views were on each of the neutral states.

Gromyko said that he still had no instructions as to the attitude which would be taken on applications from these states. I asked him if he would not try to get an indication of Moscow's attitude and said that I thought the neutral countries who were considering applying ought to get some sort of clearance, particularly as there seemed to be no reason to believe that any of them could not qualify under the terms of the Charter. Gromyko registered no objection but said that several states had already made their applications and mentioned particularly Outer Mongolia and Albania. He asked me in what order I thought the applications would be considered in the Membership Committee. I replied that it seemed logical to me for the applications to be considered in chronological order and that the facts found by the Committee on all the applications should be embodied in a single report. I reminded him that at our previous talk, he said all applications should be considered on their individual merits and that I did not see why it was necessary to connect consideration on the application of one state with that of another. Gromyko replied that they were connected in fact. I asked him if he meant "political" and he said yes. I did not disagree with his statement as both of us understood each other perfectly and it seemed unnecessary to get into argumentative discussion. He attempted to argue the case of Albania as a matter of right. I told him I had given him our views on Albania at our earlier meeting, that I hoped Albania would take the necessary steps to qualify, that I personally hoped that all the recognized states of the world could qualify under the Charter and be admitted as soon as possible. I reminded him that the Greeks have indicated objections to Albania and their intention to bring those objections before the Council. He then commented that the Greeks not only disliked Albania but also Bulgaria and the Soviet Union and other countries.

In regard to Outer Mongolia, I said that we know very little about that country and nothing as to whether it is qualified to assume the

obligations imposed by the Charter. I said that conditions in Outer Mongolia were unknown not only to us but to the world, to which he replied that the United States and Great Britain could get all the information they wanted about that country. He did not say how. He said that the Soviet Government had statistical evidence to prove that Outer Mongolia in fact had a very good moral claim to membership, that they had participated actively and in considerable numbers in actual combat against the Japanese.

The only country on which he tried to draw me out was Trans-Jordan. I told him our policy in regard to Trans-Jordan had not yet been formulated and that as he well knew it had important political implications in this country.

It is obvious that Gromyko understands our point of view and knows that we understand his. He did not commit himself specifically on any country but he made it sufficiently clear that Russian support of Albania and Outer Mongolia may go to the point of insisting on their admission as a condition for admitting western European states whose intrinsic claims to membership not even he would question. He was very good humored throughout the interview and promised to let me know of anything he got from Moscow. As a parting shot when I was leaving, he said that consideration of Outer Mongolia and Albania would in fact have a connection with consideration of applications of other states. I said: "You mean a political connection?" He laughed and said yes.

JOHNSON

740.00119 Council/8-346: Telegram

The Acting Secretary of State to the Secretary of State, at Paris

SECRET US URGENT WASHINGTON, August 3, 1946—10 p. m.

3844. Secdel 588. Membership Committee SC organized last week begin substantive discussion Monday.¹⁶ (Reur 3805, August 3—Delsec 770)¹⁷ Procedure favored generally Committee but Russia not agreed

¹⁶ The Committee on the Admission of New Members of the Security Council was convened on July 31 and held its last meeting on August 20. Summaries of the sessions of the Committee, found in the Daily Summary telegrams of the United States Delegation, Series 501.BC, Department of State Central Files, are not printed. The report of the Committee to the Security Council is found in United Nations, *Official Records of the Security Council, First Year, Second Series, Supplement No. 4*, pp. 53-148, annex 7; hereafter cited as SC, *1st yr., 2nd series, Suppl. No. 4*.

¹⁷ Not printed. The Department had been requested to "telegraph the latest developments concerning application for United Nations membership, summarizing the present status and giving an estimate of the probable chances of each state.

"If we should not accept Albania's application, have you any information to indicate how this might affect the chances of other applicants?" (740.00119-Council/8-346).

discuss private session each application chronological order received Albania, Mongolia, Afghanistan, Transjordan, but not vote finally on any application until all reviewed preliminary stage. We believe above procedure will be followed.

In addition above countries UN announced receipt Irish application yesterday. Portugal tells us they filed yesterday and Iceland informs filing today. Siam also expected file.

Sweden has not yet acted. They have been attempting but unable obtain outright advance assurance from Soviets. Do not know what they will do. In conversation with Johnson, Gromyko has not committed himself but implied fairly clearly they tie applications together. We think almost certain necessary vote affirmatively Albania, and probably Mongolia to obtain admission Iceland, Portugal, Eire and Sweden if latter applies. We are prepared finally if necessary to do this but British thus far show no indication do likewise. Above is key situation. May be difficulty with French on Siam. China dislikes Mongolian application but will probably follow us. Dutch and others appear unenthusiastic on Albania and Mongolia.

In Committee next week we intend stall and reserve position on Albania and Mongolia at least until we know Sweden's decision and probably through initial series of discussions which may smoke out Soviets somewhat. We will frankly tell what concerns us about Albania and indicate need of better information Mongolia.

At proper moment will probably be necessary attempt strike bargain Soviet possibly other prominent members anticipating objective affirmative vote all states listed with our agreeing vote for Albania and Mongolia if they vote for the three and four Western European neutrals.

Sent Paris; repeated New York for Herschel Johnson.¹³

ACHESON

501.AA/8-646: Telegram

The Acting Secretary of State to the Acting United States Representative at the United Nations (Johnson)

SECRET

WASHINGTON, August 6, 1946—8 p. m.

155. USdel. We are prepared to approve admission of following group of states: Sweden, Iceland, Eire, Portugal, Afghanistan, Siam, Transjordan, Albania, and Outer Mongolia. You may in your discretion approach Soviet and any other delegations with proposal to admit

¹³ Repeated to New York as telegram 151.

whole group. We suggest proposal might preferably be made after more definite info on Sweden's intentions is received and after preliminary review of all applications is at least substantially completed but before vote on any controversial application. General considerations stated in Deptel 153, Aug 5, 7 p. m.,¹⁹ also in our view remain valid.

In making proposal, U.S. seeks apply Charter in broad, fair and tolerant spirit to achieve quickly objective of admitting broadly representative group of States. You should of course make clear that if Soviet and other Permanent Council Members cannot agree on full list this Government reserves its attitude on each of above States. However, for your info and appropriate use, if French oppose Siam we would still hope agreement could be reached on rest of list, and we will support Siam regardless of French position.

ACHESON

501.AA/S-1446 : Telegram

*The Acting United States Representative at the United Nations
(Johnson) to the Secretary of State*

SECRET

URGENT

NEW YORK, August 14, 1946—3 p. m.
[Received August 14—2 : 36 p. m.]

491. I had a conversation with Sir Alexander Cadogan in my office this morning, at which Lawford (UK) and Raynor and Popper (USdel) were present.

Sir Alexander said that he regarded Albania and the Mongolian People's Republic (MPR) as clearly unsuited for membership at this time. He told me that his instructions were to oppose the admission of these two states. He felt that if the Russians in retaliation vetoes other candidates, it should be left to them to explain the reason for their actions in the Security Council. Cadogan said that he was not prepared to approve any attempt to make a deal with the Russians. He thought that if any horse-trading was to be done, Gromyko should start it. He had no objection to our talking with the Russians, however, and asked to be informed of the results.

I told Sir Alexander that, in previous conversations with Gromyko, the latter had agreed that political considerations were in fact involved in this matter. I argued that we were desirous that the four European neutrals—Sweden, Iceland, Portugal, and Ireland—should be admitted to the United Nations at this time, and that we would be willing to agree to the admission of Albania and the MPR in order to facilitate the admission of the neutrals. I said that if the neutrals were not admitted now, it might be more difficult to bring them in

¹⁹ Not printed.

later, especially since the Soviets might couple their admission with a demand for admission of the Baltic Soviet republics or other unacceptable conditions.

Cadogan reiterated that his present instructions did not permit him to agree to the admission of Albania and the MPR. He thought that the odds were 100 to 1 that the Soviets would not agree to our proposal. Replying to my argument that we might have to pay a higher price in the future, he said he felt he could not yield to that kind of blackmail.

It was his personal opinion that possibly the British might agree to postpone consideration of the Albanian application for one year, but that it would probably be many years before conditions in Outer Mongolia were sufficiently advanced and sufficiently clear to the outside world to permit the admission of the MPR. He said that it was obvious that the Soviets were prepared to link together the applications of Mongolia and Trans-Jordan, and appeared to feel certain that the Soviets had now closed the door to their approval of Trans-Jordan.

We then discussed the procedures to be followed by the Committee. The British feel that it will be impossible to reach decisions on the attitude of the Committee as a whole on the various applications. They would favor a report in which each applicant was considered separately, and in which the various opinions held with regard to each were set forth.

As Sir Alexander prepared to leave, I pressed him as to what his attitude would be if the Russians agreed to admit all the applicants on the basis I had suggested. He replied that in that case he would leave it to London to make the decision and that he could not honestly say that he liked the position we were taking. However, it is my impression that in the last analysis he would reluctantly agree to a settlement on the basis which I proposed to him.

JOHNSON

501.AA/8-1446

Memorandum of Telephone Conversations, by the Director of the Office of Special Political Affairs (Hiss)

[WASHINGTON,] August 14, 1946.

Mr. Raynor called late yesterday afternoon to say that the Membership Committee had yesterday completed its first preliminary survey of applicant states. This now brought up the question of whether we should, as we had been planning, proceed to explain to the Russians our position that we would not be able to vote favorably for Albania and Outer Mongolia unless we were satisfied that states such as

Portugal, Ireland, Iceland and Sweden, which we consider more representative of states eligible for application than are Albania and Outer Mongolia, can also be assured of admittance. Mr. Raynor said that Mr. Herschel Johnson had made an appointment with Sir Alexander Cadogan at the latter's request for 10:30 this morning. Mr. Johnson was most anxious that he have the views of Mr. Hickerson, Mr. Henderson and myself by that time.

After talking to Mr. Hickerson²⁰ and Mr. Henderson²¹ this morning I called Mr. Raynor back and said that we still felt the conversations with the Russians would be desirable; Mr. Henderson, in fact, thought they had already taken place. Consequently we felt that Mr. Johnson and Mr. Raynor should try to persuade Sir Alexander of the wisdom of this course and unless Cadogan disagreed we should go ahead. I said that Mr. Hickerson seemed to feel that if Cadogan did disagree we might reconsider the matter in the light of Cadogan's views.

Mr. Raynor thanked me for this information and said that he would let me know in any event the outcome of the talk with Cadogan.

We then discussed briefly the situation as it may develop, whether we do or do not have private discussions on the matter with the Russians. The Russians have said that they will vote for Afghanistan, that they have an open mind as to Iceland and to Sweden, and that they cannot support but reserve the right to consider again Trans-Jordan, Portugal, Ireland and Siam. We agreed that if the Russians should veto Trans-Jordan and/or Siam but not oppose the others we would probably cast our vote in favor of all applicants. However, if we knew that the Russians were going to veto any one or more of the four European neutrals, we would probably take the position that we could not vote in favor of Albania or Outer Mongolia in as much as we considered that an equally representative state or equally representative states would not be able to obtain admission at this time. Mr. Raynor pointed out, as he had last night, that in order to be able to act intelligently we really needed to know what the Russians would do about these four European states in as much as we would have to vote on Albania and Outer Mongolia before the Russians would have to vote on the four European states. This is the chief reason why Mr. Raynor and Mr. Johnson feel that it is desirable that we promptly explain our position informally to the Russians.

Later Mr. Raynor called to say that he and Mr. Johnson had completed their talk with Sir Alexander.²² He said that Sir Alexander

²⁰ John D. Hickerson, Deputy Director of the Office of European Affairs.

²¹ Loy W. Henderson, Director of the Office of Near Eastern and African Affairs.

²² See telegram 491, August 14, 3 p. m., from New York, *supra*.

does not believe our proposal has much chance of success and expressed his opposition to it, saying that he did not believe in bargaining over principles. However, he also said that he thought the Russians should come to him if they wanted to bargain.

Mr. Raynor commented that he understood in conversation with Mr. Lawford that Sir Alexander's instructions would permit him to go along with us. However, Sir Alexander took the position in his talk with Mr. Johnson and Mr. Raynor that his instructions did not permit him to do so. Sir Alexander said that he had no objection to the United States going ahead with its talks with the Russians provided it was made clear that the British had not agreed to our proposal.

Mr. Raynor said he understood from the foregoing that Sir Alexander wished to vote against both Albania and Outer Mongolia and therefore would not be willing to agree at this stage to support the applications of these countries provided the Russians agreed to support the four European neutrals. However, Sir Alexander said that if the United States should succeed in reaching agreement with the Russians he would report the situation to his government, probably without recommendations.

Mr. Raynor believes that if we succeed in reaching an agreement with the Russians that the British will in fact come along and will not take action that would jeopardize the agreement. He said that Mr. Johnson had concluded his conversation by saying that he planned to go ahead and talk to the Russians anyway.

I spoke to Mr. Hickerson and told him of the foregoing and he agreed that Mr. Johnson should go forward with his proposed talks with the Russians. I notified Mr. Raynor to this effect.²³

501.AA/8-1546 : Telegram

*The Acting United States Representative at the United Nations
(Johnson) to the Secretary of State*

SECRET

U.S. URGENT

NEW YORK, August 15, 1946—6 p. m.

[Received 6:29 p. m.]

300. I have just had a talk with Gromyko along the lines of the Department's 155, August 6, 8 p. m.

He said that his instructions were definite in regard to Portugal, Ireland, Transjordan and Siam, that not only would Russia take a negative attitude toward these four countries in the Membership Committee but he would vote against them in the Security Council. He

²³ Detailed summaries of the completion of the Committee's consideration of the membership applications, and the debate attending the drafting and approval of the report to the Security Council by the Committee, are found in telegrams 495, August 14, 503, August 14 and 506, August 20, none printed (501.BC/8-1446, 501.AA/8-1446, and 501.AA/8-2046.)

said that there is no other reason than the fact that these countries do not have diplomatic relations with Russia, and that in the case of Ireland and Portugal it is clear from their attitudes in the past that they do not desire relations with Russia. The Russian stand on these countries, he said, is one of principle and that he knows of no reason to believe that this attitude may be changed. Sweden and Iceland he mentioned favorably as having diplomatic relations with Russia and as being otherwise eligible from the Russian point of view.

He then spoke warmly about the candidacy of Outer Mongolia, emphasizing particularly the fact that Outer Mongolia had contributed to the limit of her ability in the promotion of the war against Japan. His remarks conveyed the suggestion that the attitude of other countries toward Outer Mongolia might have a bearing on the Russian attitude toward Sweden, Iceland and Afghanistan whose applications on their own merits Russia would be disposed to favor. He did not mention Albania in this connection, although he referred warmly to that country's claim to membership.

I thanked him for his statement and said I regretted his expressed attitude that opinions of other countries about Outer Mongolia should in any way affect decisions on other applications. He countered that remark by saying that Russia felt the merits of Outer Mongolia, despite the primitive state of development of that country, were as fully entitled to consideration as those of countries who had not made any direct contribution to the defeat of Germany and Japan.

Gromyko's remarks gave no reason to doubt that the Russian decision against Ireland, Portugal, Transjordan and Siam is a fixed one. He may have wished, however, to give this impression at the present time in the hope that might influence our attitude. It is not possible from what he said to hazard a guess as to whether Russia will veto all or some of the other applicants if Outer Mongolia is not admitted.

I am communicating the substance of this talk orally to Cadogan and Velloso and I may have talks also with Hsia and Parodi if it seems later advisable.²⁴

JOHNSON

501.AA/8-2146 : Telegram

*The Acting Secretary of State to the Acting United States
Representative at the United Nations (Johnson)*

SECRET

WASHINGTON, August 21, 1946—8 p. m.

164. Amdel. With regard to Gromyko's objection to Siam's application for membership based on fact Siam and USSR do not have dip-

²⁴ Pedro L. Velloso and Alexandre Parodi were Representatives on the Security Council for Brazil and France, respectively, and C. L. Hsia was an Alternate Representative for China.

lomatic relations we are reliably informed that in 1941 the two governments were negotiating on establishment of such relations and that these conversations were interrupted by war. Following end of war Siam renewed negotiations and at present has asked Soviet govt to grant *agrément* for Siamese Minister to Moscow. A Siamese newspaper dated July 17 writes that diplomatic relations between USSR and Siam are in process of being established; that Siamese govt has selected its diplomatic representative but that *agrément* has not yet been given by Soviet govt.

We are informed that Siamese Chargé d'Affaires in Washington has visited Soviet Embassy and informed it of his govt's attempt to establish diplomatic relations with Soviet Union. Siamese Chargé d'Affaires states that Soviet Embassy was unaware of these developments and would inform Gromyko. It seems possible, therefore, that Russia may withdraw its opposition to Siam's application. In this event, France might feel its opposition can no longer be maintained.

ACHESON

501.AA/8-2246 : Telegram

The Acting Secretary of State to the Acting United States Representative at the United Nations (Johnson)

SECRET

WASHINGTON, August 22, 1946—3 p. m.

165. USdel. 1. In event your informal conversations on membership question do not result in securing adequate support for admission representative group of states, you should make initial statement in SC along following lines.²⁵ We will send subsequently resolution²⁶ in support of which this statement should be made.

From the inception of plans for the creation of the United Nations it has been clearly recognized that the organization should move toward universality of membership. In the world conflict which ended only a year ago, the several United Nations had a most vivid realiza-

²⁵ The statement as delivered to the Security Council by Mr. Johnson at the morning session on August 28 followed this text closely; see SC, *1st yr., 2nd series*, pp. 41 ff.

²⁶ Telegram 168, August 23, 4 p. m. The draft resolution read: "The Security Council having received applications for membership submitted to the Organization by Albania, the Mongolian People's Republic, Afghanistan, Transjordan, Ireland, Portugal, Iceland, Siam and Sweden;

"Having pursuant to its rules of procedure and to its resolution of May 17, 1946 as amended, referred the above-mentioned applications to its Membership Committee for examination and report, and

"Having received and considered the Membership Committee's report, which indicates that individual consideration has been given to each application

"Recommends to the General Assembly that it admit to membership the following applicants: [Here follows list of the above nine applicants]." (501.AA/8-2346). The resolution proposed to the Security Council by the United States on August 28 (morning session) was the same as the above except for the omission of Siam and changes in nomenclature; see SC, *1st yr., 2nd series*, pp. 42 and 43.

tion of the interdependence of all peoples and all parts of the world. That great coordinated effort, in which the forces of the various United Nations met the enemy throughout the world, was a lesson to all that took part in it. Now, with the memories of the fighting and the sacrifices already growing dimmer, it is necessary not to forget the fundamental lesson that the interdependence of the world demands its unity in efforts to ensure peace, that the talents and energies of all peoples must be united in an organized effort to this end. If they are not, those left out inevitably become a source of danger or at best an unused resource. If the United Nations is to be successful, no major state can be left out of it any longer than is absolutely necessary.

The conference at San Francisco created the Charter. In the first part of the first session of the Assembly, and the meetings of the other United Nations organs held in London at the time, the structure of the organization was substantially completed. We believe that one of the important constructive acts of the coming assembly meetings should be the logical next step—the expansion of membership to include all presently eligible applicants. The organization cannot afford to function any longer than is absolutely necessary without the cooperation of every qualified state. It should in its very first year seek as great universality as is possible. The General Assembly will not meet again this year after the coming session. It may not meet again for a full 12 months after that session. Unless favorable action is now taken by the Council on applications before it the organization must carry on for some time with a less representative membership than is necessary.

My Government proposes that the Council take broad and far-sighted action to extend the membership of the United Nations now, so far as is consistent with the provisions of Article 4 of the Charter. It accordingly proposes that the Council now recommend to the General Assembly the admission of all the present applicants. We do not disguise the fact that we have misgivings about some of the applicants, especially Albania and Outer Mongolia. Our doubts and questions with regard to these applicants were fully and clearly stated during the proceedings of the Membership Committee.

If there were among the present applicants an entity that was not a State in the international sense, or one that lacked the governmental powers or material means of carrying out the obligations of the Charter, we would not make this proposal. In order to accelerate the achievement of universality of membership we are prepared, on the basis we have suggested, to resolve the questions we have had as to the complete readiness of some applicants to assume the obligations of the Charter. Accordingly, the essence of our proposal is that the Council now, in a spirit of fair-mindedness toward all present applicants and

in the best interests of the organization recommend that the Assembly admit them all to membership.

2. In event foregoing proposal fails of acceptance you should find opportunity prior to actual voting on individual cases to make statement ²⁷ along following lines:

I must express the deep regret and grave concern of my Government over the rejection of what is, in our view, the fair and wise way to apply the Charter provisions as to membership. My Government is, however, determined to minimize the adverse results of such rejection to the fullest extent possible. It does not propose to agree to what is in its judgement an arbitrary use of power to bring about the rejection of clearly qualified applicants and the admission of doubtful applicants. That in our opinion would be contrary to the best interests of the United Nations.

The Membership Committee of the Security Council is established pursuant to the Rules of Procedure to provide a means for the examination of applications and report thereon to the Council. It was clearly contemplated that problems seen by the Members in connection with any application should be brought forward in the Committee, so that an opportunity would exist for clarifying the issues and, if possible, removing doubts in advance of the formal proceedings in the Council.

The record of the proceedings of the Membership Committee leaves no room for doubt that the problems connected with the applications of Albania and Outer Mongolia were raised by my Government and others at the proper place and time—that is, during consideration of the applications by the Committee. The difficulties raised pertained directly to the qualifications of the two applicants as measured by the Charter. Since then, little has been brought forward by either of the two applicants or by the Permanent Member that so strongly sponsored their applications, to remove the grounds for our misgivings.

When the applications of Eire and Portugal were considered, no substantial questions concerning their qualifications under the Charter were raised by any Member. The Delegate of the Soviet Union merely stated that the Soviet Union could not support their admission. This attitude has been maintained although it has not been attended by any explanation, in terms of the Charter, of why the two States concerned are thought not to be qualified.

The United States firmly believes that in the admission of new members there should be no compromise with principles. The decision upon any application should be made according to the objective standards of Article 4 of the Charter. These requirements are that the

²⁷ The statement made to the Security Council by Mr. Johnson on the afternoon of August 28 was identical with this draft; see SC, *1st yr., 2nd series*, pp. 54 and 55.

applicant be a State in the international sense, that it be peace-loving and that it be, in the judgement of the organization, able and willing to carry out the obligations contained in the Charter. Whether or not a State qualifies for admission to membership depends upon its possession of those qualifications. It does not depend upon other considerations. It does not depend for example upon the existence of diplomatic relations with any particular Member. It is true that one of the most reliable evidences of statehood is the acceptance of the entity as a State by other States generally, its reception into the international community of States. But this is far from saying that the Charter justifies a Member in making its vote on an application depend on its own direct relations with the applicant's Government.

It would be a manifest injustice and contrary to the best interests of the United Nations if Portugal and Eire, whose qualifications for membership have not been seriously challenged, should be rejected while two applicants concerning which such material doubts have been raised by a number of Members, should be recommended for admission. The result would be to make the membership of the United Nations unrepresentative of the qualified states of the world. The world will not understand why, in its first consideration of new members, the organization had chosen to admit the doubtful and reject the qualified. Such a precedent would be most unfortunate.

My Government must therefore propose that, in the circumstances, the Council not recommend at this time the admission of Albania and Outer Mongolia. We should dislike to cast an adverse vote. However, if other members insist upon bringing these two applications to a vote, we shall have to vote adversely on both applications.

I therefore move that the Council not take action at this time on the applications of Albania and Outer Mongolia.²⁸

ACHESON

501.AA/8-2346: Telegram

*The Acting United States Representative at the United Nations
(Johnson) to the Secretary of State*

SECRET

US URGENT

NEW YORK, August 23, 1946—7 p. m.

[Received 7:20 p. m.]

515. Reference my telephone conversations this afternoon with Alger Hiss and Hayden Raynor.

At the meeting today on initiative of Secretary General Lie, Parodi,

²⁸ Repeated to the Secretary of State at Paris as telegram 4286, Secdel 726.

Hsia, Gromyko, Cadogan, Lange,²⁹ Sobolev³⁰ and I were present. Informal discussion of membership problem was initiated by Secretary General Lie, who made earnest plea for admission of all 9 candidates. He also implored the members having the right of veto not to exercise this right in the case of applications for membership in the UN. He told the group that he thought use of the veto for this purpose would be damaging to the prestige of the UN and would further lower the esteem of the Security Council in the eyes of the world. Public opinion, he thought, already inclined to the view that the veto had been too frequently employed. He said that he knew that the representatives of the US, Mexico and Brazil favored the admission of all the applicants, and that he believed certain other members of the Council would also. He was also aware of strong objections which had been raised by other states represented on the Council.

I then spoke myself, confirming Lie's statement that the US favored admission of all the applicants, and gave at length our reasons for this view. I told my colleagues that my Government desired me to make our position in this matter clear at the next meeting of the Council, when the report of the Committee on Membership would be considered and that a statement of our views had been prepared which I would then place on the record. I told them that I had copies of this statement with me and would distribute them to all the members present. I expressed the hope that all of them would be able to give the US their support in the Council on this important question. I concluded by saying that I must necessarily reserve the position that my Government would take on applications of individual states in the event that all members of the Council did not give their support to our proposal for admission of all 9 applicants.

Parodi then asked me if I would have to reserve my position in the event that France should be unable to cast an affirmative vote for Siam. He indicated that he wished to vote affirmatively for Siam, but that, pending the outcome of the talks now taking place in Washington between representatives of France and Siam, he would have to oppose the Siamese application under present instructions. I asked him if it would not be possible for him to abstain from voting if it became necessary to vote before the Washington talks had reached a favorable conclusion. He said that he was sorry, but that under his present instructions he would have to oppose the Siamese application.

The general opinion of the group was that the effect of abstention by a member of the Council is not determined. If one of the powers

²⁹ Oscar Lange, Polish Representative on the Security Council.

³⁰ A. A. Sobolev, United Nations Assistant Secretary-General for Security Council Affairs.

possessing the veto should abstain, the controversial question might therefore arise as to whether it was not a veto by implication.³¹

Cadogan said he was sorry he could not say now what his attitude toward our proposal would be, that he could not give it his support under present instructions, but that he would telegraph London immediately.

Gromyko said that he would state his views on our proposal at the next meeting of the Council.

Cadogan informed me privately afterwards that he regretted that he could not give my proposal his full support, but that his present instructions made it impossible. He also indicated that he did not personally agree. I know that Cadogan feels strongly on the subject of Albania and Outer Mongolia, and believes that those countries should not be admitted at the present time. His views probably reflect those of the British Foreign Office. He said that he would not make any recommendation on our proposals and that if Gromyko should speak at the Council first, indicating that he accepted our proposition, the British then might be able to support it, but that he would not speak before Gromyko. I gathered from this remark that Cadogan feels that if all other members of the Council, including the Russians, accept our proposal, the British Foreign Office may allow him to go along.

Lie informed me privately that Gromyko told him yesterday that he would vote against Portugal and Ireland. Since the meeting this afternoon, I have spoken individually with all the other members of the Council who were not present, and have sent them copies for their confidential information of the statement of our position that I shall make at the next meeting of the Council. The Brazilian, Mexican and Egyptian delegates have assured me of their full support. Van Kleffens³² has not yet committed himself, but talked favorably and said that the thing which troubled him most was the Albanian disregard for treaty obligations. I told him that that point troubled us also, but that for the sake of the broader interest involved in securing admission of all 9 applicants, we would be willing to pass over our very real objections to Albania. I made clear to each of those who were not present at the meeting in Lie's quarters that, if our proposals were not supported by all members of the Council, the US would be compelled to reserve its position on individual states.

JOHNSON

³¹ For documentation on this problem as part of the larger question of voting procedures of the Security Council under Article 27 of the Charter, see pp. 251 ff.

³² Eelco van Kleffens, Netherlands Representative on the Security Council.

501.AA/8-2646: Telegram

*The Acting United States Representative at the United Nations
(Johnson) to the Secretary of State*

SECRET URGENT NEW YORK, August 26, 1946—1:30 p. m.

[Received 1:48 p. m.]

517. Reference my 515, August 23, 6:50 p. m. Cadogan came to see me this morning to discuss the membership problem. Although he did not say so specifically, I gathered he has received instructions from the Foreign Office. He said he did not wish to use the veto on our over-all proposition for admission of the 9 applicants but that after I had spoken he would have to make a statement himself expressing the British doubts about Albania and Mongolia. I told him that in the event the French are unable to support Siam, we will consider the possibility of then proposing the admission of 8 members but that final decisions on this point had not been reached. He thought the idea a good one and said that he would have no difficulty in supporting it as a second proposition upon failure of the first. I told him that if we fail on both and voting goes by individual countries that we would have to vote against Albania and Mongolia. His instructions are the same.

Hasluck's³³ attitude is uncertain. I talked with him Saturday and he said that he had telegraphed the text of our proposed statement to Evatt³⁴ with a request for instructions. The Australian attitude is difficult to understand. His reservations on the report of the Membership Committee do not make sense and seem to me contrary to clear stipulations of the Charter. The general Australian attitude seems to be that the voting should be by separate states but I have pressed Hasluck our view that it is desirable to avoid discussion of the merits of each individual case in the Council if we can do so.

I would appreciate the Department's views as soon as possible regarding the proposal that we suggest voting on 8 states if the French have to oppose Siam. I will try to see Parodi before the meeting of the Council on Wednesday. If he still has rigid instructions to oppose Siam and would therefore have to vote against our proposal for admitting all 9 applicants, we might consider whether our initial proposal should not be for 8 applicants, provided Parodi will previously request a postponement of Siam.

JOHNSON

³³ Paul Hasluck, Australian Representative on the Security Council.

³⁴ Herbert V. Evatt, Australian Minister for External Affairs.

501.AA/8-2646 : Telegram

*The Acting United States Representative at the United Nations
(Johnson) to the Secretary of State*

SECRET

US URGENT

NEW YORK, August 26, 1946—6:15 p. m.

[Received August 26—5:30 p. m.]

520. Reference my 517, August 26, 2:30 p. m. Lie told me today that both Gromyko and Sobolev had been much impressed by the extent and character of our proposals regarding membership as outlined orally and in our draft statement at the meeting reported in my 515, August 23.

Lie indicated his belief that Sobolev who is now in Paris will endeavor to persuade the Soviet Foreign Minister not to oppose our proposal for admission of all 9 members. Gromyko has told Lie that he has definite instructions to veto the applications of Portugal, Ireland and Trans-Jordan. Lie now believes that both Gromyko and Sobolev will use their influence for whatever it may be worth to secure modification of the instructions. Lie stated that he has talked personally with each member of the Security Council and urged that our proposal be accepted.

JOHNSON

501.AA/8-2646 : Telegram

The Acting Secretary of State to the Acting United States Representative at the United Nations (Johnson)

CONFIDENTIAL

WASHINGTON, August 26, 1946—6 p. m.

171. Amdel. The following for your guidance in event Greece or Yugoslavia asks to participate in SC discussion Albanian membership application:

As a general rule US favors full participation in SC deliberations of all states whose interests are specially affected by question under discussion. In matter of SC consideration membership applications, however, US believes that in general this question is not one in which interests of any one or several members are specially affected; rather it is of interest to all members that applicants meet qualifications set forth Article 4 of Charter. It is for SC and GA to judge each applicant on basis information available.

In present case all Members UN not members of SC were given opportunity on basis Australian resolution adopted by Membership

Committee Aug 1³⁵ to present to that Committee factual information on applicants. Furthermore, we assume any further written communications could be brought to attention SC.

Final decision as to membership rests with GA, thus providing forum for full oral presentation views by all members.

We believe Greek request to participate SC discussion more valid than Yugoslav because of Greek assertion it is still in state of war with Albania but do not wish to support participation of either. US, however, does not feel this question of sufficient importance to take a position in matter. Accordingly, you should go along with general sentiment of Council.³⁶

ACHESON

740.00119 Council/8-2646 : Telegram

The Acting Secretary of State to the Ambassador in France (Caffery)

SECRET U.S. URGENT WASHINGTON, August 26, 1946—6 p. m.

4381. Secdel 751. I asked Bonnet³⁷ today if his Govt could not be persuaded abstain from voting on our intended proposal for the admission of all 9 applicants to UN rather than veto it because one of the applicants was Siam. ReDeptel 4353.³⁸ He replied he was almost certain it could not. Because time is so short, I then suggested that the Fr Rep to S.C. propose an amendment to our proposal excluding Siam and reducing number of applicants to 8. He would then propose that consideration of Siamese application should be postponed for 30 days, at which time France as result conversations now going on in Wash with Siamese for settlement outstanding problems and termination technical state of war, hoped to be in position no longer oppose Siamese application. Bonnet is cabling suggestion Paris with request Parodi be instructed prior Council meeting Wed morning.

Sent Paris as 4381 rptd London as 6262 and New York as 170.

ACHESON

³⁵ See SC, *1st yr., 2nd series, Suppl. No. 4*, p. 55.

³⁶ Repeated to the Secretary of State at Paris as telegram 4382.

³⁷ Henri Bonnet, French Ambassador to the United States.

³⁸ August 24 (Secdel 740), not printed. This telegram to the Secretary of State, addressed to the attention of the Counselor of the Department (Cohen) and the Director of the Office of European Affairs (Matthews) who were at Paris with the Secretary, described briefly talks with the French Representative on the Security Council (Parodi) at New York, and instructed: "Since French veto would complicate already difficult negotiations would appreciate if one of you could raise same point with Baudet, Chief Far Eastern Section [French] FonOff. Since French seem sympathetic our proposal for broad UN membership some possibility of new instructions on Siamese application may exist." (740.00119 Council/8-2246)

501.AA/8-2746

*Memorandum of Conversation, by the Chief of the Division of
Southeast Asian Affairs (Moffat)*

[WASHINGTON,] August 27, 1946.

Mr. Bhakdi³⁹ called by appointment at his request and informed us that the Siamese delegation had decided to submit a letter to Mr. Lie on Wednesday morning requesting postponement of consideration of the Siamese membership application. I inquired the reason for their proposal and what they proposed to say, pointing out that it seemed difficult to avoid either placing themselves in an embarrassing and perhaps ridiculous position (as such action might be construed as an admission that they were not peace-loving) or else as an attack upon the French (which would make their negotiations with the French very difficult if not impossible). Mr. Bhakdi stated it was proposed to state merely that there were conversations in progress between the French and the Siamese in an effort to settle their differences and they were requesting postponement of consideration of their application pending such settlement. He stated further that he thought such move would be of assistance to us because they knew we were anxious to minimize vetoes and to them because this course of action had been decided prior to the delegation leaving Bangkok. He explained that Siam was determined to avoid a French veto because the reaction in Siam to a veto would be so serious that border incidents and anti-French feeling would inevitably increase. The French would use such incidents to attack the good faith of the Siamese Government and by pointing to such incidents injure the Siamese position.

I explained that Prince Svasti had mentioned at lunch time that Bhakdi would be in to inquire our views regarding such a Siamese move and two or three of us personally had been giving thought to various moves which might be made; that these were purely personal thoughts and not Department views. I explained confidentially the proposed American resolution in which our interest favoring universality was so great that I thought we would be willing to have Siam temporarily excluded from the resolution if by such action individual voting on other countries could be avoided. I explained that there seemed to us to be three procedures by which this could be accomplished: that it was possible the French might move to postpone consideration of Siam, we might make such a motion, or the Siamese might request such postponement. I reiterated that this proposal had nothing to do with Siam *qua* Siam. I then pointed out that if our resolution was in any event defeated and there were individual votes taken on each country, doubtless there would be numerous vetoes.

³⁹ Chargé d'Affaires, Siamese Legation.

It seemed to us in that event that possibly our good offices, if both the Siamese and French approved, might be used to urge a postponement of consideration of the Siamese application in order not to jeopardize the negotiations. He stated that if that situation should arise the Siamese for their part would appreciate such exercise of good offices by the United States.

I inquired whether in any motions for postponement the Siamese would prefer a fixed date not later than the termination of the General Assembly meeting or an indefinite date which, if the conversations were not concluded before the end of the General Assembly meeting, would result in a postponement of action on their application for a year. Mr. Bhakdi stated that the Siamese would prefer an indefinite postponement and then explained that the French appeared to consider that their potential veto or support of the Siamese membership application was a trump card in their negotiations. This, he said, was not so. Siamese membership in UN is not so important to Siam as to warrant their giving way to the French as the price of such admission.

I inquired at least twice of Mr. Bhakdi whether the Siamese decision to withdraw its complaint had definitely been decided upon and he replied in the affirmative. I stated that we would consider further the various possibilities which we had discussed and that I would telephone him that evening any views which the Department might have on the various possibilities which I had outlined. I suggested that Mr. Konthi ⁴⁰ get in touch with Mr. Raynor in New York before he presented the Siamese letter to ascertain any very late developments.

After conferring with Mr. Hiss and Mr. Wallner,⁴¹ I telephoned Mr. Bhakdi in the evening that it was the view of the Department that the decision as to whether Siam would request a postponement of consideration of its membership application was one which the Siamese, after consideration of the advantages and disadvantages to themselves, must make solely from their own point of view. I said the Department would appreciate knowing definitely what action the Siamese decided upon so that it might decide what action if any it wished to take. I also said that the Department thought that if the Siamese decided to request postponement the French should be so informed and that if the Siamese did not wish to tell them directly we would be willing, if authorized by them, to have Mr. Raynor inform M. Parodi.

⁴⁰ Mr. Konthi Suphamongkhon was in charge of the special Siamese delegation that was negotiating with the French regarding the border disputes.

⁴¹ Woodruff Wallner, Acting Assistant Chief of the Division of Western European Affairs.

Later that evening in the course of conversation Mr. Bhakdi informed me that the Siamese delegation had decided to present the note to Mr. Lie requesting postponement of the membership application. The note would be along the lines he had indicated in the afternoon. Mr. Bhakdi also stated that the Siamese would be glad to have Mr. Raynor inform M. Parodi of their decision.

A[BBOT] L[OW] M[OFFAT]

501.AA/8-2746 : Telegram

The Acting Secretary of State to the Acting United States Representative at the United Nations (Johnson)

SECRET

WASHINGTON, August 27, 1946—6 p. m.

172. USdel. You may after proposing resolution favoring admission 9 applicants accept amendment to postpone Siamese application as indicated in Deptel 170, Aug 26.⁴² In that case you should make statement along following lines:

The US believes Siam is qualified for membership in the UN now. We recognize however the special character of Siam's case in that (a) question of its continued possession of territories gained through Japanese aggression is material to its qualifications for membership, and (b) this question is now subject of special negotiations at Washington between the two Governments concerned. We believe these negotiations should and can succeed in the immediate future. While we reluctantly therefore will accept postponement of action on the Siamese application at this time, we look forward to action being taken upon it by the SC in time for consideration of the application by the GA at the forthcoming session.⁴³

ACHESON

[For the basic United States position at the Security Council meetings on August 28 regarding the report of the Committee on the Admission of New Members, see telegram 165, August 22, 3 p. m., to New York, page 429. A United States declaration in favor of universality of membership was accompanied by a warning from the Acting United States Representative (Johnson) that the United

⁴² Telegram 4381, Secdel 751, August 26, 6 p. m., to Paris, p. 437.

⁴³ This statement was not made by Mr. Johnson. Mr. Konthi Suphamongkhon, special Siamese representative in Washington, sent a letter on August 28 to the Secretary-General of the United Nations requesting that "consideration of Siam's application by the Security Council be adjourned until a settlement of the dispute in question [with France] has been effected." This letter was read to the Council by the President of the Council on August 28 just prior to the submission of the United States proposal by Mr. Johnson. For text of the Siamese letter and the Council President's remarks, see SC, 1st yr., 2nd series, p. 41.

States Government reserved its position should its proposal not be accepted (SC, *1st yr., 2nd series*, p. 52). See *ibid.*, pages 52 and 53, regarding the withdrawal of the United States proposal. For the proceedings of the Security Council on this question on August 28, see *ibid.*, pages 40 ff.

In the voting upon individual applications that followed on August 29 the applications of Afghanistan, Iceland, and Sweden were favorably acted upon by the Security Council. Concerning the remaining applications, the United States voted in favor of Eire, Portugal, and Trans-Jordan and against Albania and the Mongolian People's Republic. For the proceedings of the Security Council on August 29, see *ibid.*, pages 81 ff.

The Security Council's recommendation for the admission of Afghanistan, Iceland, and Sweden was subsequently transmitted to the General Assembly in a special report (United Nations document S/177).]

IO Files : SD/A/C.1/26

*Department of State Position Paper*⁴⁴

SECRET

[WASHINGTON,] October 4, 1946.

POSITION OF THE UNITED STATES CONCERNING THE RECOMMENDATIONS
OF THE SECURITY COUNCIL ON THE ADMISSION OF NEW MEMBERS TO
THE UNITED NATIONS

THE PROBLEM

Of the nine applications for membership thus far presented to the Organization, three have been acted upon favorably by the Security Council and transmitted with its recommendation to the Assembly for final action. These three applicant States are Afghanistan, Iceland and Sweden. One applicant (Siam) requested postponement of consideration of its application, two applications (Albania and the People's Republic of Outer Mongolia) did not receive seven affirmative votes in the Council, and three applications (Eire, Portugal and Transjordan) were vetoed by the Soviet Union.

The General Assembly, which has the final decision on the admission of new members will in any case have its first occasion not only to act on applications but also to develop general policies and express its

⁴⁴ Prepared for the use of the United States Delegation to the Second Part of the First Session of the General Assembly; for documentation regarding the composition and organization of the Delegation, and arrangements effected in preparation for the General Assembly session, see pp. 40 ff. There had been a second postponement of the date for the meeting of the General Assembly, from September 23 to October 23.

views on the subject of membership as a whole. General dissatisfaction over the results of the action of the Security Council on membership applications may be reflected in proposals in the Assembly.

Under present procedure, each membership application is referred by the Secretary-General to the Security Council for consideration. The Council, if it approves the application, makes a favorable recommendation to the General Assembly, which decides finally whether or not to admit the applicant to membership. The Australian Government may propose a change of procedure whereby membership applications will be submitted first to the Assembly, referred by it to the Council for a recommendation, and acted upon finally by the Assembly upon receipt of the Council's recommendation. It is not clear whether or not this proposal is designed to provide a means of eliminating the possibility of a veto of membership applications in the Security Council.

RECOMMENDATIONS

1. We should support and vote favorably on the applications of Afghanistan, Iceland and Sweden.

2. We favor thorough study and debate, looking toward the adoption of suitable resolutions by the General Assembly on the membership problem as a whole, including the criteria for admission, and the policies and procedures of the Organization with respect to membership.

3. We see no particular value in Assembly consideration at this time of the applications rejected by the Security Council—those of Albania, the Mongolian People's Republic, Transjordan, Eire and Portugal. We should express this point of view but should also state that we do not oppose such consideration.

4. In case the Assembly should vote to consider any of the above mentioned applications, any U.S. statements on those applications would be made in the light of the circumstances then existing and of our previous proposals in the Council.

5. Any proposals involving questions concerning constitutional aspects of the Soviet veto of certain applications on grounds not found in the Charter should be considered primarily in connection with the other proposals on the general problem of the veto.⁴⁵ However, our objections to the wisdom of these Soviet vetoes may be expressed wherever pertinent during consideration of membership questions.

6. We should favor full discussion of, but should not support, an Australian proposal, if presented, for adoption of a fixed procedure

⁴⁵ See documentation concerning the question of the voting procedure of the Security Council under Article 27 of the Charter, pp. 251 ff.

whereby all membership applications should be considered first by the Assembly, referred by it to the Security Council for a recommendation, and acted upon finally by the Assembly after receipt of the recommendation.⁴⁶

DISCUSSION

1. *Position Taken by U.S. Toward Membership Problem Thus Far.*

(a) *General*

Article 4 of the Charter provides:

“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.”

This Government has strongly espoused the principle that the United Nations must, in order to be fully effective, attain as broad and representative a membership as possible in the shortest possible time. It has taken a series of steps to further this end.

It proposed a resolution, which was adopted by the Security Council on May 17, 1946 providing in substance that all applications received up to July 15 (a date subsequently postponed three weeks) be considered together by a Committee of the Security Council and that the Council itself act upon all these applications in time to make recommendations thereon to the General Assembly at this session. In appropriate cases, the Department informed non-member governments of its willingness to support applications for membership submitted by them.

In the proceedings of the Membership Committee of the Security Council it expressed its support for Afghanistan, Ireland, Portugal, Iceland, Siam and Sweden. It reserved its position with respect to Transjordan and, while declaring that it had an open mind toward the applications of Albania and the Mongolian People's Republic, expressed doubts concerning the qualifications of those two applicants for membership.

In the meeting of the Security Council on August 27[28], the U.S. Representative made a strong declaration in favor of universality of

⁴⁶The substance of this paper was adopted to constitute virtually the whole of a position paper drafted by the United States Delegation to the General Assembly and entitled “Admission of New Members to the United Nations”, October 28, not printed (IO Files, document US/A/C.1/8). For certain changes made, to bring the document up to date, and to reflect the thinking of the Delegation as expressed in a Delegation meeting on October 29, see minutes of the October 29 meeting, *infra*.

membership and proposed a resolution providing for a favorable recommendation upon all applicants but Siam, which had requested that consideration of its application be postponed. In proposing this resolution, the American representative stated that while this Government continued to have misgivings concerning the qualifications of Albania and Outer Mongolia it was prepared, in the interest of helping the Organization to make as rapid strides as possible toward universality of membership, and applying the terms of the Charter in a broad and fairminded way, to resolve its questions with regard to some applicants in case the other members of the Council would join in the proposed action. It was made clear that in case our proposals should not be accepted the position of the U.S. toward each application was reserved. The resolution was opposed by the Soviet Union and Australia, and in the voting upon individual applications which ensued, only the applications of Afghanistan, Iceland, and Sweden were unopposed. Albania received five votes and the Mongolian People's Republic six, these applications being thus rejected by lack of the necessary seven votes. The Soviet Union vetoed the applications of Transjordan, Eire, and Portugal on the expressed ground that it had no diplomatic relations with these applicants. This ground is, of course, not found in Article 4 of the Charter and is hence objectionable as a matter of policy if not contrary to the Charter.

Poland joined the Soviet Union in voting against Transjordan and Portugal. Australia abstained from all votes on individual applications.

As a result of these votes, the Security Council made the following recommendation to the General Assembly :

The Security Council, having received and considered the report submitted by the Committee on the Admission of New Members regarding applications for membership in the United Nations presented by Albania, Mongolian People's Republic, Afghanistan, Transjordan, Ireland, Portugal, Iceland, Siam and Sweden.

Having considered in the course of its debate each one of the above mentioned applications, and having taken due notice of the statements of opinion of the members of the Security Council in regard to those applications, recommends to the General Assembly that it admit to membership in the United Nations the following applicants:

Afghanistan
Iceland
Sweden

A special report on the admission of new members is being made to the Assembly by the Security Council. The first part of this report

contains the recommendations; the second summarizes the Council's proceedings on the subject.

(b) *U.S. Position Toward Individual Applications Recommended by the Security Council.*

Afghanistan

In response to an inquiry by the Afghan Government the Department stated in May that in its opinion Afghanistan fulfilled the qualifications for membership and that this Government intended to lend its wholehearted support to Afghanistan's application. Similar inquiries of the British, French, Indian, Chinese and Soviet governments elicited favorable responses except that the Soviet Union stated that Afghanistan's application could be considered only in connection with those of Albania and Outer Mongolia. The Afghan Government applied by telegram dated July 2, 1946, declaring that it was prepared to accept the obligations contained in the Charter.

It is our view that Afghanistan is fully qualified for membership. Its status as a state is unchallenged, it conducts its own foreign affairs, maintains normal diplomatic relations with about a dozen states, and has succeeded in maintaining its independence. It observed a scrupulous neutrality during the war. It is believed that membership in the United Nations would serve to minimize the possibility of difficulty with Afghanistan's neighbors and of threats to Afghanistan's independence.

During the proceedings of the Security Council's Membership Committee and of the Security Council itself no objection to Afghanistan's admission was expressed by any Government. The U. S. stated its support for Afghanistan's application.

Iceland

Iceland's contribution to the success of the United Nations in the struggle for the North Atlantic sea lanes gave it from the start a close relationship to the United Nations. This relationship was recognized in the invitations extended to Iceland, as a nation associated with the United Nations, to participate in such conferences as those pertaining to the Food and Agricultural Organization, UNRRA, and Bretton Woods. Upon the inquiry of the Icelandic Government in September 1945 this Government stated that it would warmly support Iceland's admission. In July 1946 this Government informed the Icelandic Government that any application for membership should be submitted very shortly in order to secure membership this year, and inquired concerning Iceland's intentions in this respect. The Icelandic Government convoked the Parliament which on July 29 adopted a resolution authorizing an application for membership. This application was filed with the Secretary-General on August 2.

In the consideration of the resolution by the Parliament, the question of major interest concerned the scope and nature of the obligations, under Article 43 of the Charter, to grant bases or other assistance to the forces of the United Nations. Considerable opposition was expressed to the grant of bases. Although Iceland's application was made without reservations or conditions, intimations were given to several governments, including that of the United States, of opposition to the grant of the use of Icelandic territory for military purposes.

This Government has consistently taken the position that Iceland, as an independent and peace-loving state, is fully qualified for membership and that it is able to make a useful contribution to the United Nations.

The United States supported Iceland's application strongly in the Security Council.

Questions.

Little doubt could exist concerning Sweden's qualifications for admission to membership. In July, the United States and British Governments indicated their willingness to support Sweden's application. The Swedish Government then inquired concerning the attitudes of the other permanent members of the Council and received indications of support although the Soviet Union indicated that its attitude toward Sweden would depend upon the attitudes of other Governments toward Soviet candidates for admission. The Swedish Government made application on August 9. No question was raised in the Membership Committee or in the Council concerning its qualifications.

This Government is convinced that as a member of the United Nations Sweden will be able to make an outstanding contribution.

2. Support for Declaration of Policies by Assembly on Membership Questions.

This Government is of opinion that since the General Assembly has the final decision on the admission of new members, it should play as influential a role as possible in determining the criteria for admission and the general policies of the Organization toward the matter. Consideration of the subject at the first part of the first session, at London, was discouraged in order to concentrate on the task of setting up the Organization. The Assembly has, accordingly, not yet dealt with membership questions. It is believed that we should encourage and support any reasonable moves to have the General Assembly give study to the subject of membership and, to the fullest possible extent, elaborate its views and policies with respect to the criteria for admission, to the basic policies of the Organization toward new members, and to the procedures of the Organization for giving effect to those policies.

Such moves may be given impetus by general dissatisfaction with the action of the Security Council on the nine membership applications received thus far. In particular, the action of the Soviet delegate in vetoing the applications of Eire, Portugal and Transjordan in the Security Council on the non-Charter ground that it had no diplomatic relations with those countries was sharply criticized by the Representatives of Australia and other Governments and it is not unlikely that an issue will be made of this matter in the Assembly. The Australian delegate stated in the Council on August 29 that

“our Delegation feels sure that if it should be necessary for this Council to report to the General Assembly that Membership in the United Nations has been denied to an applicant State for some reason which lies entirely outside the Charter of the United Nations, then that is a matter to which the General Assembly must give the very closest and the most careful consideration.”

No concrete proposals designed to remedy the effect of the proceedings in the Security Council have yet been made. However, it would not be surprising if the Assembly were asked to consider and declare its views on the rejected applications with a view toward adoption of a resolution requesting reconsideration of certain applications by the Council. Again, it might be proposed that the Assembly state its views as to the criteria which under the Charter should be applied in the consideration of membership applications. In general, it seems likely that the tendency of the Assembly will be to support the basic objectives for which this Government has contended in the Security Council, namely, the admission of all qualified States and the exclusion of entities that clearly are not qualified. However, since further progress toward our objective of securing the admission of all qualified States depends upon the attitude of the powers on the Council, we have no specific proposals to make in the Assembly. We wish to leave the initiative in the Assembly to other Governments, but to lend general support to a vigorous exercise by the Assembly of its functions in relating to the membership question. We should naturally favor such elaboration of the criteria for membership as may make more difficult the admission of applicants that lack the qualities of statehood.

3. Assembly Consideration of Applications Rejected by the Security Council.

It might be proposed that the Assembly consider the applications rejected by the Security Council—those of Albania, Mongolian People's Republic, Transjordan, Eire and Portugal—with a view toward an Assembly request that the Security Council reconsider its action in any of these cases. In principle, there would appear to be no objection to this, assuming that such consideration would be agreeable to

the applicant States. The status of the applications and the desires of the applicants since the action of the Security Council are not clear. However, it would seem doubtful whether any such request from the Assembly would be heeded by the Council unless any current Soviet candidates were mentioned favorably in the request. Thus if, for example, the Assembly should after considering the applications adopt a resolution stating that Eire, Portugal, and Transjordan appeared to have the qualifications for membership but that Albania and the Mongolian People's Republic were doubtful and requesting Council action in accordance with these views, the Soviet Union could hardly be expected to agree. It would be preferable for the Assembly not to embark on any such action unless there were reasonable prospect of securing a vote in the Security Council in accordance with its objective.

4. *U. S. Position on Rejected Applications.*

The decision as to the position which this Government might make with regard to individual applications in the event that the Assembly should vote to consider them, would need to be postponed until all the circumstances became clearer.

In the Security Council, the U.S. proposed the admission of all applicants in order to secure approval of the maximum number of qualified members. In so doing, it stated clearly that it had certain doubts about the qualifications of Albania and the Mongolian People's Republic and that, in case the broad proposal were rejected, it reserved its position with regard to individual applications. When the proposal was rejected by the Soviet Union, the U.S. representative voted in favor of Eire, Portugal and Transjordan and voted against Albania and the Mongolian People's Republic.

Proposals looking toward universality of membership may be presented and strongly supported in the Assembly. If they are, this Government can refer to its Council proposal and state its support for the general principle. However, there would appear to be no reason why any doubts expressed by the United States in the Council concerning the qualifications of any applicant should not be repeated if still deemed valid at the time.

The Membership Book contains detailed background and policy data on each of the States that applied.⁴⁷

5. *Soviet Veto of Membership Applications.*

Remarks of the Australian and Netherlands representatives in the Council concerning the Soviet veto of membership applications suggest that proposals relating specifically to this use of the veto might

⁴⁷This section constitutes Part II of the Membership Book, found in the IO Files.

be made. Thus, the Netherlands representative mentioned the possibility of a request for an advisory opinion from the International Court of Justice on the subject. However, two proposed resolutions concerning the veto are already on the provisional agenda and their consideration should involve study of the veto problem as a whole by Committee I. It is believed that any proposals raising constitutional questions concerning the veto could be considered most usefully as part of this broader study. This does not mean that we should not express, in connection with discussions of the membership question, our general opposition to the Soviet veto. However, it would not be desirable, in present membership discussions, to take a definite position on the legal aspects of these vetoes.

6. *Australian Views Concerning Membership Procedure.*

The Australian Government has on various occasions expressed its adherence to a novel interpretation of Article 4 of the Charter. According to this interpretation, membership applications should appropriately be submitted first to the General Assembly for a decision as to whether or not they should be "entertained", thereupon referred to the Security Council for its recommendation and then returned to the Assembly for final action. The Australian Government made a reservation in the Membership Committee of the Security Council and in the Security Council itself that the fact that an application for membership had or had not been considered by the Committee (and presumably by the Council) should not exclude such application from consideration by the General Assembly. It abstained from all votes on the individual applications in the Council. It has given other indications that it will present these views, possibly in the form of a concrete proposal, to the coming Assembly. It is not yet clear where, if at all, the Australian proposal will be presented. It has not been placed on the agenda. Since it relates to procedure, it may possibly be offered to the subcommittee of Committee VI appointed to consider revisions of the Assembly's provisional rules of procedure. In any case it seems likely to be discussed generally in connection with membership questions.

Since the proposal has not been submitted in concrete form, the following discussion is necessarily general and tentative in character. It has not been made clear how this procedure is thought to strengthen the role of the Assembly in the membership question. The procedure might, however, conceivably be proposed as a method of circumventing the veto on membership applications. Such use would depend on the theory that the Council's "recommendation" might be either favorable or adverse and that the Assembly could accept or reject either type of "recommendation". Thus, the Assembly might consider appli-

cations in the first instance, expressly request recommendations (either favorable or adverse) from the Security Council on each application, and finally accept or reject such recommendations if and when received, voting to admit such applicants as it might consider qualified.

However, the records of the preparatory work which led to the adoption of Article 4 of the Charter indicate clearly that it was the design of the framers of the provision that the Assembly should not be able to admit an applicant State to membership without favorable action by the Security Council. Moreover, when the Australian representative in the Security Council presented the Australian plan as an argument for postponement of adoption of the Council's provisional rules of procedure on membership, the Chinese, Mexican, United Kingdom and Soviet representatives clearly stated their understanding that the Assembly can admit an applicant to membership only if favorable action on the application by the Council also takes place. In addition it should be noted that the Security Council could, simply by refusing to make a negative recommendation on an application of which it did not approve, remove every possibility of final Assembly action on the application. It does not appear, therefore, that the adoption of the procedure outlined by Australia would provide a means of eliminating the veto of membership applications.

The proposal may, however, be designed not to remove the veto from the membership question but simply to vest more control over the matter in the Assembly by providing that the Assembly take both the initial and the final steps in handling an application. This might be thought to afford some insurance against "horse trades" in the Security Council the results of which the Assembly could only accept or reject. It may be thought, further, that such a procedure would facilitate consideration of applications on their merits. While, however, there is nothing to restrain the Assembly from considering membership applications at any stage, a fixed procedure requiring double consideration of each application by the Assembly would be cumbersome and time-consuming, and there would be no assurance that it would bring substantial improvement.

The Provisional Rules of Procedure of the Assembly and of the Council, adopted by the respective bodies, both clearly reflect the intention that the Assembly will ordinarily act to admit an applicant only after a recommendation has been received from the Security Council. When the Council's draft rules of procedure drawn up by the Committee of Experts were considered by the Council, the Australian representative proposed postponement of their adoption on the ground that applications should be considered first by the Assembly.

His proposal was rejected 10-1, after various representatives had stated their preference for the draft rules.⁴⁸

It would appear that adequate grounds for U.S. support for the Australian proposal have not been shown.

IO Files: US/A/M (Chr.)/12

Minutes of the Twelfth Meeting of the United States Delegation to the General Assembly, New York, Hotel Pennsylvania, October 29, 1946, 9 a. m.

SECRET

[Here follows list of names of persons (25) present, and discussion of other subjects.]

Admission of New Members to the United Nations

Mr. Sanders⁴⁹ reminded the Delegation that the first two recommendations in the position paper on the Admission of New Members to the United Nations (US/A/C.1/8)⁵⁰ had been approved on October 22. It was desirable to have the Delegation's approval of the remaining recommendations in order that position could be clear when the matter came up for discussion early in the meeting. Mr. Sanders then read the remaining recommendations on recommendations as follows: (US/A/C.1/8, pp. 1-2).

"3. We see no particular value in Assembly consideration at this time of the applications rejected by the Security Council—those of Albania, the Mongolian People's Republic, Transjordan, Eire and Portugal. We should express this point of view but should also state that we do not oppose such consideration. (None of these countries could in any case be admitted without prior approval by the Security Council).

"4. In case the Assembly should vote to consider any of the applications mentioned in (3) above, any U.S. statements on those applications would be made in the light of the circumstances then existing and of our previous proposals in the Council.

"5. Any proposals involving questions concerning constitutional aspects of the Soviet veto of certain applications on grounds not found in the Charter should be considered primarily in connection with the other proposals on the general problem of the veto. However, our objections to the wisdom of these Soviet vetoes may be expressed wherever pertinent during consideration of membership questions.

"6. We should favor full discussion of, but should not support, an

⁴⁸ See bracketed note, p. 386.

⁴⁹ William Sanders, Associate Chief of the Division of International Organization Affairs, and at this time serving as an officer-adviser on the staff of the United States Delegation as a specialist in First Committee affairs.

⁵⁰ See footnote 46, p. 443.

Australian proposal, if presented, for adoption of a fixed procedure whereby all membership applications should be considered first by the Assembly, referred by it to the Security Council for a recommendation, and acted upon finally by the Assembly after receipt of the recommendations.”

Senator Connally said that offhand he could not approve the last sentence of paragraph 5. He did not think it wise that if the Security Council voted properly that the General Assembly should raise objection unless something more vital were involved than appeared to be the case.

Mr. Sanders pointed out that the Soviet objection to the candidates whom they had vetoed had been that the U.S.S.R. had no diplomatic relations with those states. The United Kingdom had taken the position that this was an improper use of the veto under the Charter. It was possible that the United Kingdom would raise the question.

Senator Vandenberg wished that the sentence might be revised to point out that there was no objection to the Security Council's action as such, but to the Soviet use of the veto. Mr. Dulles pointed out that the fact was that Article 4 of the Charter stated that membership in the United Nations was “open to all other peace-loving states which accept the obligations of the Charter, and in the judgment of the Organization, were able and willing to carry out these obligations”. It was mandatory to admit to the United Nations those states that met these tests. Extraneous grounds should not be introduced as a test for membership. Thus the question was whether the veto had been correctly used in the face of Article 4.

Mr. Sandifer said that it would be possible to word the sentence in question more explicitly. Senator Austin suggested that this be done.

Mr. Dulles inquired why the United States had voted against Outer Mongolia. Mr. Taylor replied that adverse vote had been cast since one government which we thought was more qualified than Outer Mongolia had been opposed by the Soviet Union, and because so little is known about that country. Chiefly, he said it was because so little was known about Outer Mongolia which only had diplomatic relations with the Soviet Union. Since there was no case made for it, it could not be certain Outer Mongolia could carry out its obligations.

Mr. Foote⁵¹ pointed out that the United States said it would be willing to waive its doubts in the interests of the principle of universality provided objection was not raised to other candidates. However, once the Soviet veto had been exercised, the United States had not felt it could vote for Outer Mongolia.

⁵¹ Wilder Foote, Director of Information, United States Delegation to the United Nations.

Senator Connally inquired whether he was correct in believing that the Russians gave as their only reason the lack of diplomatic relations. He was assured that this was the case.

Senator Austin polled the Delegation on accepting the proposition that whenever pertinent our objection to the wisdom of the Soviet vetoes on the basis the applicant states had no diplomatic relations with the Soviet Union should be expressed. The Delegation unanimously approved this amendment to recommendation 5, (US/A/C.1/8, p. 2).

In discussing paragraph 6 (US/A/C.1/8, p. 2) of the recommendations on the Australian proposal on membership, Senator Connally observed that Australia could not maintain this position because it was clearly against the Charter. Mr. Sandifer remarked that the Australians had a novel interpretation of the Charter, that both the initiative and the final action in regard to membership was in the hands of the General Assembly. Senator Vandenberg remarked that the Australians wanted to amend the Charter. Senator Connally agreed that it was clear that the Charter required the Security Council to act first. Mr. Raynor remarked that Australia had no support for this view, but had a blind spot on the Assembly's authority.

Senator Austin stated that certainly the United States Delegation would adhere to the letter and spirit of Article 4 of the Charter. Senator Connally said that he would prefer that recommendation 6 should state that "We do not object to" rather than "We should favor" full discussions. There was no objection to this change, and with it the recommendation was approved.

[Here follows discussion of another subject.]

Editorial Note

The General Assembly on October 31 referred the question of new members to the First Committee. That committee's recommendations were transmitted to the General Assembly in three reports, one on November 9 (United Nations, *Official Records of the General Assembly, First Session, Second Part, First Committee*, page 318, annex 6; hereafter cited as GA(I/2), *First Committee*) and the other two on November 19 (United Nations, *Official Records of the General Assembly, First Session, Second Part, Plenary Meetings*, pages 1493 and 1494, annex 39 and pages 1494 and 1495, annex 40, respectively; hereafter cited as GA(I/2), *Plenary*).

The first report, on the admission of Afghanistan, Iceland, and Sweden, recommended favorable action and the draft resolution accompanying the report was adopted by the General Assembly with

one change on November 9; the representatives of the three countries were seated on November 19. The second report recommended to the General Assembly a draft resolution which asked the Security Council to reconsider those applications that the Council had examined but on which it had made no recommendations; the General Assembly adopted this resolution unanimously on November 19. In its third report the First Committee recommended a draft resolution in which the General Assembly would request the Security Council "to appoint a Committee to confer with a Committee on procedure of the General Assembly, with a view to preparing rules governing the admission of new Members which will be acceptable both to the General Assembly and to the Security Council"; this was adopted by the General Assembly on November 19 by 32 votes to 9 with one abstention, the United States voting negatively.

Throughout the deliberations of both the First Committee and the General Assembly the United States Delegation followed closely the policies established in the position papers of October 4 and October 28, supplemented by a Departmental telegraphic instruction of November 7 (telegram 275, November 7, 6 p. m., to New York, (501.BB/11-446)) which set forth this Government's judgment that a proposal by Australia was incorrect in claiming for the General Assembly primary and final responsibility in the admissions process. In the same telegraphic instruction the Department also restated its objection to vetoes of membership applications "on grounds not found in [the] Charter", a principle invoked by Senator Connally subsequently in the First Committee on November 11 when certain states attempted to fix the attitude and conduct of an applicant state during the Second World War as a criterion of acceptability for membership (GA (I/2), *First Committee*, pages 321-323).

501.AA/11-1446

Memorandum by the Former United States Representative to Albania (Jacobs) to the Deputy Director of the Office of European Affairs (Hickerson)

[WASHINGTON,] November 14, 1946.

For the following reasons it is believed that the United States should oppose the admission of Albania to UN when consideration of that question comes up again before the Security Council upon recommendation made by the General Assembly on November 11, 1946:

1. The U.S. opposed the admission of Albania during the Security Council's consideration of Albania's application in August, for the reason that the present regime in control of the country has failed to

meet its international obligations by steadfastly refusing to recognize the treaties in existence between the U.S. and Albania when Italy invaded Albania on April 8, 1939. The U.S. was prepared, however, as proposed at the meeting of the Security Council on August 28, 1946 to agree to Albania's admission under the "rule of universality".

2. Since the occasions referred to above, Albania has renewed its refusal to recognize the aforementioned treaties in Prime Minister Hoxha's note of August 13, 1946 to the U.S. Mission at Tirana (although it did accept multilateral treaties) and, as a result of this renewed refusal and for other reasons, the Department has now withdrawn its Mission from Albania.⁵²

3. The withdrawal of the Mission referred to above constitutes a "rupture" of relations of sufficient gravity to warrant not only adherence to the Department's previous policy of opposing Albania's admission but also the withdrawal of our offer to agree to admission under the rule of universality.

4. The Secretary has indicated his unwillingness to recognize the regime in Albania at the present time even if it should agree to the continued validity of the treaties (Delsec's telegram to Department no. 968, September 20, 1946).⁵³ If we should now agree to Albania's admission to UN and the regime suddenly agrees to the treaties, it would be most difficult for the U.S. to refuse to recognize the regime and exchange diplomatic representatives.

5. In addition to the foregoing reasons the conduct of the present regime in inaugurating a campaign of calumny against the Mission and false charges against Mr. Harry T. Fultz of the Mission, which involves the barbarous treatment of several Albanians, is ample evidence of the ruthless and unscrupulous character of the regime to indicate its unworthiness of membership in UN.

6. Finally, now that our Mission has been withdrawn, we can use as additional arguments against Albania's admission the facts that the regime (*a*) is carrying on a regime of terror against all opposition and is thus wholly unworthy of designation as "democratic", (*b*) has mobilized its manpower on a war footing at a time when UN is striving for peace and security, and (*c*) has compromised the independent status of Albania by permitting the country to become honeycombed with Yugoslav and Soviet advisers.

J. E. JACOBS

[The Security Council took up the General Assembly resolution regarding re-examination of applications for membership on Novem-

⁵² For documentation on this subject, see vol. vi, pp. 1 ff.

⁵³ Vol. vi, p. 27.

ber 29 (SC, *1st yr., 2nd series*, pages 507-522). Subsequently, informal consultations on the part of the President of the Security Council (Johnson) with Council members established that there was general agreement to defer for the time being Security Council reconsideration of the applications (*ibid.*, pages 523-525).]

501.AA/12-546: Telegram

The Acting Secretary of State to the Acting United States Representative at the United Nations (Johnson)

CONFIDENTIAL

WASHINGTON, December 5, 1946—7 p. m.

305. USdel. 1. As you know the Department is prepared to support prompt consideration by the SC of the Siamese application for membership⁵⁴ so that Siam's admission can be accomplished by necessary SC and GA action during the present GA session. We think it would be particularly unfortunate in connection with reconsideration of rejected applications, however, for SC to make an adverse decision on Siam's application at this time. The position you take in the Council with respect to the timing of a decision by the Council on Siam's application should be guided accordingly.

2. Favorable action by SC on Siamese application appears now to depend largely on Soviet attitude. Should Soviet representative indicate either that he will support or not oppose Siamese application, you should endeavor to bring application to a vote following discussion in SC and without reference to Membership Committee. On other hand, in event it is learned that Soviet representative will oppose Siamese application or in event that Soviet position is undecided or unknown to you, application should probably be referred to Membership Committee in order to postpone immediate SC action.

3. Confidential telegram No. 1334 from Bangkok dated Dec 3⁵⁵ indicates Soviets have tentatively agreed to establish diplomatic relations with Siam subject certain conditions which officers in SEA here believe Siam will fulfill. Lack of diplomatic relations was, as you know, reason given by Soviet representative in Membership Committee last summer for opposition to Siamese application. In view of above and in order to minimize possibility that mistake in timing might prejudice favorable action by SC on Siamese application suggest you discuss matter with Prince Wan of Siamese delegation who is in

⁵⁴ The Siamese application had been forwarded to the Secretary-General by Prince Wan Waithayakon, Siamese special representative, in a letter of November 29 (SC, *1st yr., 2nd series, Suppl. No. 10*, p. 169, annex 15), following the settlement of the dispute between France and Siam.

⁵⁵ Not printed.

New York and who should have latest information re Soviet attitude.

ACHESON

501.AA/12-646: Telegram

The Acting Secretary of State to the Acting United States Representative at the United Nations (Johnson)

CONFIDENTIAL

WASHINGTON, December 6, 1946—7 p. m.

309. USdel. In connection with telegram No. 305 dated December 5, Department believes that the position you take with respect to the timing of a decision by the Council on the Siamese application should be guided by wishes of Siamese delegation and your opinion as to the most opportune moment for favorable action.

Prince Wan informed Kenneth Landon of SEA⁵⁶ on December 2nd that he was prepared to ask the Council to defer consideration of the Siamese application should this be necessary to avoid a Russian veto at the present time. He stated further that he was prepared to do this because of his confidence that the Russians would, in due course, withdraw any opposition they may now have to Siamese application.

We do not wish to do anything which would embarrass or prejudice Siamese opportunity to become a member of U.N. Accordingly, unless Prince Wan wishes, US should not press for immediate SC consideration if it is anticipated that admission will be blocked by a veto.

If we receive further information re Russian recognition of Siam, we will inform you immediately by telephone.

ACHESON

501.AA/12-846

Memorandum of Conversation, by the Assistant Chief of the Division of Southeast Asian Affairs (Landon)

CONFIDENTIAL

[WASHINGTON,] December 8, 1946.

Participants: Prince Wan Waithayakon, Head of Siamese Mission; His Excellency, Pridi Banomyong, Former Prime Minister;
Mr. Kenneth P. Landon, SEA.

In the course of a conversation at the Siamese Legation the question of Siam's application for membership in the United Nations arose. I made it clear to Prince Wan that Mr. Herschel Johnson was expecting to hear from Prince Wan in regard to the method of procedure

⁵⁶ The Assistant Chief of the Division of Southeast Asian Affairs.

at Tuesday's meeting of the Security Council.⁵⁷ I said that Mr. Johnson would like to be informed whether Siam wanted the American delegation to support strongly Siam's application even though there might be a possibility of a Russian veto or whether Prince Wan would prefer to defer consideration of the question if Russia seemed inclined to veto the application. Prince Wan assured me that he would call upon Mr. Johnson on Monday after a further conversation with Mr. Gromyko and would discuss the best method of procedure.⁵⁸

501.AA/12-1146

*Memorandum of Conversations, by the Assistant Chief of the
Division of Southeast Asian Affairs (Landon)*

CONFIDENTIAL

[WASHINGTON,] December 11, 1946.

In the course of a conversation with His Excellency Pridi Banomyong, in reply to a question, I outlined briefly the situation in regard to Siam's application for membership in the United Nations. I made it clear to His Excellency that as matters stood the American delegate would press for immediate consideration only if so urged by Prince Wan in New York; that the question of Siam's application was coming up on Thursday⁵⁹ at 3:00 p. m.; and that as far as I knew Prince Wan had not made his position clear to Mr. Herschel Johnson. His Excellency expressed great concern that Siam become a member of the United Nations; he asked whether there was still time to urge Mr. Johnson to support Siam's application strongly and expressed the hope that as he himself was not in an official position to express such an opinion to Mr. Johnson that the Department would urge Mr. Johnson to give such strong support. I said that I appreciated his expression of opinion.

[December 11, 1946, 4:00 p. m.: In telephone conversation with Mr. Charles Yost⁶⁰ in New York, I learned that Mr. Yost and Prince Wan had been in consultation on the subject of Siam's application; that Prince Wan hoped that Mr. Johnson would make a strong speech in support of Siam's membership and would press for immediate consideration of the question; that this would then require an expression

⁵⁷ Siam's application appeared as the second item on the provisional agenda for the meeting of the Security Council on December 10 (Tuesday).

⁵⁸ At the December 10 meeting, upon the request of the representative of the Soviet Union (Gromyko), the Security Council agreed to place the Siamese application upon the list of matters of which the Security Council was seized rather than upon the agenda itself (SC, *1st yr., 2nd series*, pp. 525-527).

⁵⁹ December 12.

⁶⁰ Foreign Service Officer; at this time Adviser and Political Officer on the staff of the United States Delegation to the General Assembly.

of opinion from Mr. Gromyko; and that at that point if Prince Wan felt that Gromyko was taking a strong position which would inevitably lead to a veto that he himself would then take steps to ask for deferment of the question.]⁶¹

501.AA/12-1146

Memorandum of Telephone Conversation, by the Assistant Chief of the Division of Southeast Asian Affairs (Landon)

CONFIDENTIAL

[WASHINGTON,] December 12, 1946.

Prince Wan telephoned from New York and informed me that he had just had a conversation with Mr. Gromyko who had in simple language stated his position to the effect that until Siam issued a communiqué along the lines of an exchange of letters which have already taken place at Stockholm indicating that Siam repudiates the anti-communist attitude of previous governments that he is instructed to move for a deferment of consideration of Siam's application and failing that, as a last resort, to veto.

Prince Wan stated that his Government had no objection to the issuance of such a communiqué but that the Minister of Foreign Affairs felt reluctant to use such a strong phrase in regard to the attitude of previous Siamese governments toward communism, and that a compromise formula was being sought.

I asked whether Prince Wan felt that the matter could be resolved in time for Siam's admission to the United Nations this year. He replied that he had pointed out to Mr. Gromyko that there would not be time for an exchange of telegrams with Bangkok and that he would give him a letter of assurance that such a communiqué would be issued. He explained that he felt justified and empowered to make such a written statement in view of the fact that he had discussed the matter for several hours last night with His Excellency, the Elder Statesman, Pridi Banomyong and that His Excellency had thoroughly concurred in such a letter. Prince Wan added that, as I knew, the present Government was composed of followers of the Elder Statesman and there was no question of their supporting his judgment.

I urged Prince Wan immediately to see Mr. Johnson and tell him what he had told me. Prince Wan said that he would do so as soon as he hung up his receiver.

[In a telephone conversation with Charles Noyes⁶² in New York he stated that Prince Wan had had an extensive conversation with

⁶¹ Brackets appear in the original.

⁶² Special Assistant to the Acting United States Representative (Johnson).

Herschel Johnson and himself and had asked Mr. Johnson to agree to postpone consideration of Siam's application for membership until the next meeting if Mr. Gromyko so desired on the grounds that he needed two more days to complete the arrangements that he had in mind. He then repeated the substance of the foregoing conversation and said again that he believed that he would be able to get the communiqué issued within two days. He added, however, that he was going to see Mr. Gromyko immediately and try to persuade him to be satisfied temporarily with a letter assuring him that such a communiqué would be issued and to withdraw his objections to Siam's application for membership.

Mr. Noyes said that their procedure would be for Mr. Johnson to make a statement favoring Siam's application and that if Mr. Gromyko asked for a postponement then Mr. Johnson would reluctantly agree to postponement stating that he would be willing to do so only until the next meeting or until an earlier moment than the next regular meeting if Mr. Gromyko were willing at an earlier time to discuss the matter.⁶³ Mr. Noyes added that in view of the fact that Prince Wan had asked that the U.S. delegate agree to postponement, if Mr. Gromyko desired it, that there seemed to be no other course to pursue.]⁶⁴

501.BB/12-1346 : Telegram

The Acting Secretary of State to the United States Representative at the United Nations (Johnson)

URGENT

WASHINGTON, December 13, 1946—6 p. m.

319. USdel. Dept most anxious that Siam be admitted to membership in UN at this session GA. Please make every effort expedite procedure to this end.⁶⁵

ACHESON

⁶³ The Security Council met at 3:30 p. m., December 12, with the Siamese application on the provisional agenda. When the agenda was adopted with no objection, the representative of China (Quo) made a motion that the Security Council adopt a resolution recommending favorable consideration by the General Assembly of Siam's application for membership, and the resolution was adopted unanimously (SC, *1st yr., 2nd series*, pp. 561-563).

⁶⁴ Brackets appear in the original.

⁶⁵ The resolution admitting Siam to membership in the United Nations was adopted unanimously by the General Assembly at the last plenary meeting of the Session on December 15 (GA (I/2), *Plenary*, pp. 1458 and 1459).

IV. POLICY OF THE UNITED STATES REGARDING THE APPORTIONMENT OF EXPENSES OF THE REGULAR (ADMINISTRATIVE) BUDGET OF THE UNITED NATIONS AMONG MEMBERS OF THE ORGANIZATION

501.AB/8-2946

Memorandum by the Deputy Director of the Office of Special Political Affairs (Ross) to the Director of the Office (Hiss)

[WASHINGTON,] August 29, 1946.

Jack Thompson⁶⁶ talked to you this morning about the proportion of the United States contribution to the United Nations and I understand you plan to take this up with Mr. Acheson⁶⁷ at 10:30 this morning. The papers on this subject are attached but the principal points may be summarized as follows:⁶⁸

⁶⁶ Elwood N. Thompson, Special Assistant to the Director of the Office of Special Political Affairs.

⁶⁷ Dean Acheson, Under Secretary of State (Acting Secretary at this time).

⁶⁸ Papers not attached. At the London session the General Assembly had appointed a standing expert Committee on Contributions of ten members and directed it to establish for the consideration of the General Assembly at the second part of the first session a contributions scale for apportionment of the expenses of the Organization amongst the Member States. This was on the recommendation of the Preparatory Commission which had met at London during November and December 1945 (see *Foreign Relations*, 1945, vol. I, pp. 1433 ff.).

The General Assembly in setting up the Committee on Contributions instructed it to base the recommended quotas on the formula set forth by the Preparatory Commission in its Report (United Nations, *Report of the Preparatory Commission*, December 23, 1945, p. 108):

"The expenses of the United Nations should be apportioned broadly according to capacity to pay. It is, however, difficult to measure such capacity merely by statistical means, and impossible to arrive at any definite formula. Comparative estimates of national income would appear *prima facie* to be the fairest guide. Other factors which should be taken into account in order to prevent anomalous assessments include the following:

(a) comparative income per head of population, e.g. in the case of populous states with low average income per head;

(b) temporary dislocation of national economies arising out of the second world war;

(c) the ability of Members to secure foreign currency.

Two opposite tendencies should also be guarded against: some Members may desire unduly to minimize their contributions, whereas others may desire to increase them unduly for reasons of prestige. If a ceiling is imposed on contributions the ceiling should not be such as seriously to obscure the relation between a nation's contributions and its capacity to pay. The Committee should be given discretion to consider all data relevant to capacity to pay and all other pertinent factors in arriving at its recommendations."

The Committee membership was made up of ten experts from as many states; they were not, however, representatives of the governments of those states. Mr. Paul H. Appleby was the member from the United States. For General Assembly action concerning the Committee see United Nations, *Official Records of the General Assembly, First Session, First Part, Plenary Meetings* [hereafter cited as GA(I/1), *Plenary*], pp. 621 ff., annex 19, especially pp. 627, 640, 641, and 448.

1. The Committee on Contributions was opposed to establishment of any ceiling.⁶⁹

2. The Committee recommendation based on capacity to pay would call for a contribution of 49% for the United States, 11% for the United Kingdom, 9% for the U.S.S.R., 4% for France, and 2% for China.

3. However, the Committee gave three other scales calling for contributions of 25, 30 and 35% by the United States.

4. I understand Mr. Appleby's position is that the United States should be prepared to pay 30 or 35% plus 5% for war damages.

5. The OA recommendation calls for a payment of 30 or 35% *including* war damages.

I personally feel very strongly that our initial position should be that we would be willing to make a contribution of 25% and that we might recede to 25% plus 5% for war damages but no further, and I

⁶⁹ United States policy had favored the establishment not only of a "ceiling" (maximum contribution) but also a "floor" (minimum contribution). This policy was formulated in the Department during September and October 1945 for the guidance of the United States Representative on the Executive Committee of the Preparatory Commission (Stettinius), and was communicated to Mr. Stettinius in telegram 8786, Preco 149, October 4, 1945, to London, which telegram read in pertinent part:

"We agree that countries should contribute on the basis of a rough approximation of their capacity to pay as indicated by their net national income, per capita income figures for the latest available pre-war year, and other pertinent factors such as the effect of the devastation of war on capacity to pay during the next few years. The capacity to pay principle should be modified by imposing both a ceiling and a floor to contributions. The minimum contribution might be fixed at \$5,000 since without such a provision the smallest countries would contribute only very trivial amounts. It is thought that the membership of UNO should be worth at least \$5,000 for any country. As to the ceiling, we are not prepared to make any definite suggestions before consultation with Congressional leaders. It should be noted, however, that if no ceiling provision were adopted, the United States' share might be approximately 45 percent of the total. Although such an assessment would be equitable according to capacity to pay, it would be undesirable for any one country to have such a dominant position in the financing of UNO. . . ." (500.CC(PC)/10-445)

When the Executive Committee failed to make "a positive recommendation in favor of imposing either a ceiling or a floor on contributions", the Department cabled its disapproval to the Acting United States Representative on the Preparatory Commission (Stevenson) in telegram 10176, Preco 305, November 21, 1945, to London. Mr. Stevenson was informed that "We continue to consider it essential that the formula of capacity to pay be modified by applying both a ceiling and a floor, and we favor the recognition of this principle by Preco [the Preparatory Commission]." (500.CC(PC)/11-2145 and FW 500.CC(PC)/11-2145)

The Committee on Contributions began its meetings in June. In May a paper had been prepared in the Department entitled "Scale of Contributions for Apportionment of United Nations Expenses", to be transmitted informally to Mr. Appleby. This memorandum is missing in the Department's files, but it may be presumed that it embodied the principle of a floor and a ceiling for contributions in light of previous and subsequent developments. (Memoranda, the Deputy Director of the Office of Special Political Affairs (Ross) to the Associate Chief of the Division of International Organization Affairs (Stokes), May 17, and Mr. Marion W. Boggs of the Division of International Organization Affairs to the Chief of the Division (Sandifer), June 3, both File No. 501.AB/6-346). The Committee's work on this question was substantially done by this date (August 29), although its Report was not formally completed until September.

think this is the position Mr. Acheson should take in his discussion with Mr. Appleby today.⁷⁰

On the matter of clearances I think we should discuss this matter with Don Russell and with or through him the Appropriation Committee Chairmen if they are in town. Subsequently the matter should, of course, be discussed with the Congressional members of the Delegation which should be given discretion to recede beyond what I suggest above as may be determined by the circumstances.

I think you understand the theory of "war damages". This means that for a period of a few years the United States would pay a slightly higher proportion while some of the other countries recovering from the war would pay a somewhat lower percentage.

IO Files : US/A/C.5/7

*Memorandum by Mr. Paul H. Appleby to the Director of the Office of Special Political Affairs (Hiss)*⁷¹

SECRET

[WASHINGTON?] October 15, 1946.

UN Contributions

I am attaching the final report of the Committee on Contributions.⁷² As you know, I served on the Committee in my personal capacity and not as an official of the United States Government. Since I am an

⁷⁰ This view had been expressed with equal emphasis by Mr. Ross in an internal SPA memorandum dated April 24 concerning informal talks being held at that time on this problem between budget officers of the Department and officers of the Bureau of the Budget at the White House. ". . . the contribution of the United States should be limited to a maximum of 25%. Although our share might be very considerably larger based on 'capacity to pay', there are two main objections to increasing our contribution above the 25% which was set for the working capital fund. First, from the international point of view it does not seem to me appropriate for the United States to carry any larger proportion. A contribution larger than 25% would give the United Nations too much of the flavor of being an American organization. Second, our Congress is already conditioned to the idea of a 25% contribution and I doubt very much whether they would take kindly to an increase." (SPA office lot files, Lot 54-D510, Box 20013, "R" folder) Mr. Ross' statements regarding a United States quota of 25% refers to the United States share in the provisional scale of contributions established by the General Assembly at London on the basis of the Food and Agriculture Organization quota formula (see GA (I/1), *Plenary*, pp. 623, 448).

⁷¹ Mr. Appleby's memorandum was the first of two documents attached to a United States Delegation working paper, "Contributions Scale for the United Nations," October 26, 1946. The covering memorandum stated that the Appleby memorandum "represents the personal comments of Mr. Appleby, who served on the Contributions Committee in a personal and individual capacity rather than as a representative or official of the United States Government. Accordingly the comments have no official standing and are attached solely for the information of the Delegation in its consideration of the report of the Contributions Committee. . . ."

⁷² Printed as United Nations document A/80, October 11, 1946, and found in depository libraries of United Nations documentation. Copy also found in central indexed files of the Department of State (501.AB/10-2646).

official of the United States Government,⁷³ however, I feel at liberty to offer you some comments on the Report and the Committee's proceedings which may be helpful to the United States at the meeting of the General Assembly.

The first point I want to make perfectly clear is that the scale prepared is not the scale of contributions recommended for adoption by the Assembly. It is an index of relative capacities to pay and is submitted merely as a basis for negotiation in the Assembly.

I consider that the Committee fell short of completing its assignment when it decided not to prepare a scale that it would recommend for adoption. I personally felt very strongly that contributions should be determined by experts and taken out of politics as far as possible. As it is, the scale must now finally be determined by political argument in the Assembly.

The great obstacle in the way of a definite recommendation was the question of the United States contribution. While I agree that the statistical and economic data lead to the conclusion that the capacity to pay of the United States is over 49 per cent for the next three years, I decidedly do not agree, for reasons I shall elaborate upon later, that the United States contribution should be that high. I urged this position strongly in the Committee and was supported by Mr. Jacklin⁷⁴ from South Africa, but we had no success whatever in persuading the Committee to deviate from the principle of capacity to pay. Consequently, the compromise solution arrived at was the only way to achieve agreement in the Committee.

The Report of the Committee is unambiguous on the point that the scale is not a recommendation for adoption. I quote the concluding paragraphs in full:

"21. Conclusion

The Committee has confined its work to making estimates of relative capacity to pay, recognizing that factors other than capacity to pay including ceiling provisions, which raise political issues, may be discussed by the General Assembly if it so desires.

"By taking into account the combined effects of its estimates on account of war dislocation, war improvement, availability of foreign exchange and per capita incomes, the Committee made adjustments to the scale derived from the original national income figures, and thereby arrived at the scale of relative capacities to pay that it now submits to the General Assembly. While differences in capacity to pay are very large in some instances, the Committee has exercised restraint in respect both of war allowances and degree of progressiveness. It feels confidence in its results and considers that the scale provides an

⁷³ Mr. Appleby was Deputy Director of the Bureau of the Budget.

⁷⁴ Mr. Seymour Jacklin was the member from South Africa on the Committee on Contributions.

appropriate estimate of capacity to pay for the years 1946, 1947 and 1948. Before the end of that period it can be hoped that the distortions in national economies produced by the war will have greatly diminished and that revised estimates can then be worked out on a firmer statistical basis. Meanwhile the Committee hopes that the exploratory work it has done in working out the present scale will prepare the way for improvement in the future.

V. *Scale*

"22. The Committee on Contributions submits that the following scale be accepted by the General Assembly *as reflecting relative capacities to contribute* to the administrative expenses of the United Nations:" (italics supplied)

I believe a large part of the trouble lies in the instructions of the Committee. Possibly the most literal interpretation of those instructions restricts the Committee to the question of capacity to pay. The only peg on which you can hang other considerations is the sentence "The Committee should be given discretion to consider all data relative to capacity to pay and all other pertinent factors in arriving at its recommendations." We argued that all other pertinent factors included factors other than capacity to pay. The majority of the Committee believed that the factors referred to were economic and nonpolitical factors of the same nature as capacity to pay.

There is, therefore, a possibility that the Assembly may have to revise its principles of assessment and make it clear that other factors are to be considered if it is to arrive at a scale of contributions that is acceptable to the United States.

When we started the negotiations, we thought that the idea of a ceiling would be acceptable to the Committee. We felt they would want no one nation to be predominant in the organization. We found that not to be the case. With the exception of Mr. Jacklin and Mr. Brigden,⁷⁵ everyone seemed to think that the more the United States paid the better. I was particularly surprised to find this point of view held by the United Kingdom member. I should have thought that questions of prestige might enter in. I do not know whether the Committee is an adequate index of the temper of the Assembly, but I suspect that we shall find more resistance to the idea of a ceiling than we have been assuming.

The Preparatory Commission report states that "If a ceiling is imposed on contributions, the ceiling should not be such as seriously to obscure the relation between a nation's contributions and its capacity to pay." I believe that a figure that would be acceptable to the United States and desirable for the United Nations would deviate seriously from its capacity to pay, especially for the administrative budget of

⁷⁵ Mr. J. P. Brigden, member from Australia on the Committee on Contributions.

the United Nations. I believe that other factors should have an important weight in determining contributions. Some of these considerations are:

1. A contributions scale should take into account the principle of sovereign equality as well as capacity to pay. Since every nation has one vote, the capacity to pay figure should be adjusted in the direction of equal contributions. Although the Committee refused to accept this idea I am sure it was unconsciously applied to the the assessments for Latin America. Had South America consisted of one country instead of 20, I am sure its total contribution would have been lower. If the budget was small enough I would favor a system of equal contributions for each country. As it is, I believe there should be a compromise between the principle of capacity of pay and the principle of sovereign equality. Needless to say, the Committee would not accept this position.

2. It is undesirable for any one country to bear too large a share of the budget. This is true from the point of view both of the country in question and of all other countries. If the United States pays a large proportion of the budget, other countries would be likely to tolerate administrative extravagances on the grounds that the United States is paying most of the bill. I think we have seen evidences of this already.

3. The contributions of the veto powers should not differ too widely. There is no need for me to labor this point as I know you are fully aware of it. Mr. Jacklin and I tried out on the Committee the idea that the Big Five contributions should be settled by special consideration, but we met with a most hostile reception.

After giving a great deal of thought to this matter, I am convinced that from the point of view of the United Nations, the contributions of the United States should not in any event exceed 35 percent and should probably be less. If the Assembly is persuaded to accept this position, it will have to reverse its previous decision about the relation of a ceiling to capacity to pay.

The Committee was as reluctant to accept the idea of a floor to contributions as it was a ceiling. At one stage, we had thought of a floor of .05 percent. This would result in inequities as between the countries to which the floor applied, and the countries just above the floor. As it is, no country in the scale has an allocation of less than .02 percent. This means \$5,000 on a \$25 million budget. If the United States contribution were lower than 50 percent the minimum would probably be raised. It would be at least sufficient to pay the fares of five delegates to the Assembly meetings.

[Here follow comments in some detail by Mr. Appleby on the scale decided on by the Committee with a table showing indexes of relative capacity to pay for each Member of the United Nations based on national income reported for 1938-1940 and estimated national income for 1946.]

IO Files: US/A/C.5/2

United States Delegation Position Paper

SECRET

[NEW YORK,] October 21, 1946.

PRINCIPAL ISSUES BEFORE COMMITTEE 5

Following is a summary of the principal issues anticipated for Committee 5 arranged in order of relative importance. References to tab numbers correspond to the position papers in the Committee 5 Handbook.⁷⁶

1. (Tab 4) *Report of the Committee on Contributions on a Scale for the Apportionment of Expenses.* The Committee on Contributions, appointed by the Assembly, will submit an index of relative capacity to contribute to the support of the Organization for the first three years. This index lists the U. S. capacity at 49.94 per cent, the UK at 10.5 per cent, the USSR (together with Byelorussian SSR and the Ukranian SSR) at 7 per cent, France at 5.5 per cent, and China at 2.75 per cent. On the basis of a \$25,000,000 budget, the annual U. S. contribution would amount to \$12,485,000. The report refers to the Assembly the question of a ceiling on contributions and does not propose a floor.

U. S. POSITION

It is suggested that the U. S. Delegation should:

(1) Propose that the Assembly accept the Committee Report as a general *technical* basis to aid in determining contributions for the first three years (the U. S. would thus not have to attack the technical quality of the report);

(2) Propose adoption by the Assembly of the principle of a ceiling, in order to prevent undue dominance of the Organization by one Member, and in recognition of the principle of sovereign equality as set forth in the Charter;

(3) Propose that the basic ceiling be fixed at 25 per cent, but indicate a willingness to discuss a higher U. S. contribution for the first three years as a means of compensating for the "exemption" to be allowed certain countries on account of war damages;

(4) Seek to secure adoption of a temporary three-year U.S. quota of not more than 30 per cent (i.e., a 25 per cent ceiling, plus 5 per cent, to compensate for war damages exemptions), but be prepared, if

⁷⁶ This has reference to volume 1 of two "books" of position papers and background memoranda relating to the Fifth Committee which had been prepared in the Department, and which are found in the IO Files. This Delegation position paper (in pertinent part) was an abbreviated version of a position paper prepared in the Department on the subject of the Report of the Committee on Contributions (IO Files, document SD/A/C.5/1). The Departmental paper is missing from the book in the IO Files, but a revised copy dated October 23 is found in the Department's central indexed files (501.AB/10-2646).

necessary to facilitate agreement, to accept a temporary three-year quota as high as 33- $\frac{1}{2}$ per cent (i.e., a 25 per cent ceiling plus 8- $\frac{1}{2}$ per cent compensation for war damages) ;

(5) Refrain from pressing its previously held position for a floor and vote against a floor if one is proposed. ⁷⁷

[Here follow statements on other items on the agenda of the Fifth Committee.]

IO Files : US/A/M (Chr.)/13

Minutes of the Thirteenth Meeting of the United States Delegation, New York, Hotel Pennsylvania, November 1, 1946, 9:00 a. m.

TOP SECRET

[Here follows list of names of persons (32) present.]

United States Attitude Toward Contribution Ceiling

Senator Vandenberg stated that he wished to put before the Delegation the issue of the United States attitude on a contribution ceiling since Committee V met that morning. It had been proposed that Committee V immediately divide into two sub-committees, and he wished to be able to make the United States position clear to the whole

⁷⁷ The United States Delegation to the General Assembly (see pp. 37-42 for information about the composition of the Delegation) discussed the contributions question at meetings on October 21 and October 28; this paper was used by the Delegation in its October 21 discussion. At this meeting a lengthy review of the problem was presented by Mr. William Hall, Adviser on the staff of the Delegation and expert on Fifth Committee (administrative and budgetary) matters. In a statement that followed Senator Vandenberg expressed apprehension that the United States "would pay so much that sovereign equality would become meaningless. . . ." Later in the discussion Mr. Ross said he wished to clarify the thinking of the Department, where the emphasis was not so much on the principle of sovereign equality, "a frank and sincere [approach]", as on other factors. "More stress was put on (a) what Congressional reaction would be toward the proposed rate of the contribution in general, and (b) a concern lest Congress and the Executive Department be misled into thinking that, since the U.S. contributed almost half the expenses, it could exercise more influence in the UN than was actually the case. . . ." In the end the Delegation decided to defer its decision on the United States position until there had been more opportunity to study the Report of the Committee on Contributions. (IO Files, Minutes of the 5th Meeting of the U.S. Delegation, October 21, document US/A/M(Chr.)/5)

At the October 28 meeting the paper under discussion apparently was the Department's own position paper on the Committee's Report (SD/A/C.5/1) referred to in footnote 76, p. 467, and the Delegation quickly approved it (IO Files, Minutes of the 11th Meeting of the U.S. Delegation, October 28, document US/A/M(Chr.)/11).

On October 31 the Delegation received a telegram from the Department (telegram 259, October 31, 8 p. m., File No. 501.AB/10-2646) which directed that the first recommendation of the Department's position paper (and so of this Delegation working paper) be revised to read that "U.S. Delegation point out the admitted statistical inadequacies of the Report and the failure of the Committee to consider fully differences in cost of living and price indexes, but agree to use the Report as a general guide to differences in capacity to pay among Members in the sense that the United States has greatest capacity to pay even though it is not as great as indicated in the Report."

Committee before that time. He recalled that the Department's position was that there should be a ceiling of 25 per cent of the contribution of any member. However, the United States, because of the post war emergency, would be willing to increase its contribution for 1947. Senator Vandenberg said that he thought that it would be almost impossible to get any ceiling imposed, knowing that even the Canadians opposed a ceiling. Therefore, he thought that the only possible position was a bold and immediate statement of the United States position to the entire Committee. He stated that he had prepared a statement on that subject and had submitted it to Mr. Bloom and Mrs. Roosevelt, whose opinion he particularly valued. He thought the question was whether the United States should meet the question head-on. He pointed out that the report of the Committee on Contributions recommended a 50 per cent United States contribution.

Senator Connally inquired regarding the prospects for getting by with the United States position. Senator Vandenberg replied that he did not know what the prospects were, but he felt sure that a proposition for the United States to pay 50 per cent of the budget could not get by Congress. Mr. Eaton stated that he was sure that such a proposition could not be passed, especially if there were a Republican House.

Mr. Sandifer pointed out that the matter had been carefully considered by the Department and that the view of Mr. Eaton had been taken into account. He thought that the other Delegations should be informed as to how far the United States was willing to go, and he thought it desirable that a public statement should be made. Mr. Ross also agreed to the desirability of making a bold and immediate statement. However, he proposed that the door should be left open in view of the economic dislocation of the world. While the 25 per cent ceiling should be a standard rule, it should be clear that the United States would be willing to go as far as a one-third contribution to the budget.

Mrs. Roosevelt said that she hoped Senator Vandenberg would stress that any group making such a large contribution to the budget as 50 per cent would be open to pressure by its constituency to exercise pressure on the Organization. It should be made clear that the United States interest was not only a monetary one but a concern that the Organization must be free.

Senator Vandenberg agreed that this was his primary point. He also said he would take occasion to point out that it was an old dictum that taxation without representation was unjust. He said he would note that for his British colleague.

Senator Connally said that he thought Mrs. Roosevelt's point was a very good one, for if the United States contributed 50 per cent, there would be stimulated a spirit of suspicion. Mr. Dulles added that it would also stimulate a tendency toward extravagance.

Mr. Eaton said that the question had to be faced in view of the attitude of the House of Representatives. He said that the House of Representatives would never pass a bill providing that the United States pay 50 per cent of the expenses of the United Nations. He pointed out that it was difficult to get more money for UNRRA and emphasized that money bills had to originate in and be approved by the House.

Senator Vandenberg reminded the Delegation that every other representative at the Committee table would also be under an obligation to defend his position before his parliament.

Mr. Sandifer cautioned that it was important that the statement be firm and clear, but it would be dangerous to make it appear to be an ultimatum.

Senator Vandenberg said that he would agree to put in for an emergency ceiling of one-third of the budget to be paid by the United States and would emphasize that this should apply to the purely administrative budget. Insofar as the affiliated agencies were concerned, the United States would accept what was demanded by their needs. He would also say that in regard to the specialized agencies, wherever the United States had a special responsibility it would pay what was necessary.

Senator Austin polled the Delegation on whether Senator Vandenberg was authorized to state a firm position based on the Delegation's previous decision accepting a ceiling of 25 per cent on contributions, with an emergency ceiling of 33 $\frac{1}{3}$ per cent in respect to the administrative budget for United Nations.⁷⁸ This was approved unanimously.⁷⁹

[Here follows discussion of other items.]

⁷⁸ See footnote 79, below.

⁷⁹ At the first meeting of the Fifth Committee at 11 o'clock the same morning Senator Vandenberg made a statement setting forth the principal points of the United States position. He stressed the danger to the principle of "universal and equal authority" inherent in the allocation of "almost fifty percent" of the total assessments to one member; and criticized the Report of the Contributions Committee as "technically inadequate". "Mr. Vandenberg emphasized that he was not speaking of the operational budget [a reference to the budgets of specialized programs such as that of the International Refugee Organization], in which the United States clearly accepted larger responsibility, but of the administrative budget [the "house-keeping" budget of the Organization itself], regarding which his Government proposed that a ceiling of twenty-five per cent should be set on the assessments to any one Member. Although extraordinary conditions, such as the temporary incapacity of many nations to pay, resulting from war damages, might call for a temporary divergence from the twenty-five per cent standard, such a divergence should be an emergency measure only. Under present conditions, the United States Government was prepared to urge its Congress to meet a temporary assessment of thirty-three and one-third per cent." (United Nations, *Official Records of the General Assembly, First Session, Second Part, Fifth Committee*, p. 72; hereafter cited as GA (I/2), *Fifth Committee*)

At a meeting of the executive and political officers of the Delegation on November 7 "It was urged that everything possible be done to persuade other States to accept the U.S. position that there should be a ceiling on contributions. The anticipated serious difficulty with Congress on this question should be pointed out." (IO Files, document US/A/M/8)

501.BB/11-846 : Telegram

Senator Austin to the Secretary of State

[via Courier] NEW YORK, November 8, 1946—10:25 p. m.

782. Daily Plain Summary. *Committee V (22nd Meeting)*

[In a statement to the Committee on the contributions question⁸⁰ Senator Vandenberg “re-emphasized the U.S. position on the necessity for a ceiling on contributions to UN administrative budgets. . . .”]

Asserting that the U.S. did not seek to avoid any appropriate responsibility he assured the Committee that no matter what party was in the majority in Washington, full U.S. support was behind the UN. The issue, he added, was not what the U.S. could afford to pay, but “what is right and wise and just as between partners in this common enterprise.”

The U.S. continued to be unable to agree that “relative capacity to pay” could justify a basic American assessment of 50%. The experts, he declared, had estimated 1946 national incomes in lieu of complete statistics, and “since it admittedly is a temporary figure representing temporary exigencies, it should not be consulted for more than one year.”

The temporary U.S. acceptance of an unequal share of the administrative budgets, and application of a completely different standard to operational budgets “quite clearly demonstrates our complete desire and willingness to take our full share of the load,” the U.S. delegate declared: The U.S. protest involves relatively small sums, but “a relatively large principle,” he added.⁸¹

Vandenberg urged that the UN avoid the “mundane” relationship between contributions and control already recognized in some other international institutions, referring to the International Bank. He held further that decisions on the 1947 allocations should be con-

⁸⁰ For the Vandenberg statement to the Fifth Committee on November 8, see GA (I/2), *Fifth Committee*, p. 92 and U.S. Delegation Press Release No. 66, November 8 (IO Files, U.S. Delegation Press Releases, 1946).

⁸¹ In the Delegation press release the sentence following at this point reads: “It [the U.S. protest] involves only what may become the permanent basic criterion for supporting the *general administrative budget*.”

Senator Vandenberg went on to say (press release text): “We have suggested, therefore, the desirability of a *ceiling* at this *one* point. We do *not* believe it is desirable for this basic budget to indicate anything like a 50% reliance upon *any ONE* member of the United Nations. Although this view has been quite uniformly dismissed in the general debate, it persists in our thinking. . . .”

“In the course of the recent general debate, one of our able colleagues reserved a doubt as to just how serious I may have been in my recent argument that the indispensable ‘sovereign equality’ among us may soon be jeopardized if any one member Nation is permitted to dominate the contributions [presumably a reference to his statement to the Committee on November 1; see footnote 79, p. 470]. I can assure him we are very serious—because, as a practical matter, any such preponderant contributor *must* take a somewhat relevantly preponderant interest in the creation of obligations and in the expenditure of funds. It will be his only protection. I am afraid that this sequence is inevitable. . . . Certainly the government of the United States has no remote wish to see any such situation created. . . .”

fined to one, single year and that the standing Contributions Committee and Advisory Committee on Budgetary Problems be instructed to reexamine the whole question of assessments without restriction and to report its recommendations to the 1947 GA.

Since the U.S. has offered to accept special obligations in respect to operational budgets, and also to accept extra, temporary obligations in respect of the basic administrative budget, Vandenberg contended it was only fair that all these obligations be considered together in fixing the 1947 allocations. Proposed budgets should be submitted at the earliest possible date to permit deliberative consideration, and decisions respecting allocations should be made at the same time, he said.⁸²

The Uruguayan delegate remarked that there had been no concerted drive for unanimity since the Uruguayan and Belgian Delegations had "categorically" supported the U.S. principle that no nation should be responsible for a 50% contribution.

[Here follows review of other Fifth Committee items.]

AUSTIN

501.BB Summaries/11-846: Telegram

Senator Austin to the Secretary of State

SECRET US URGENT NEW YORK, November 8, 1946—9:40 p. m.
[via Courier]

781. GA Secret Summary. SYG⁸³ *Views on Contribution Scale*. The SYG told Vandenberg after his [Vandenberg's] speech on No-

⁸² The Vandenberg proposals appear in the Committee records as follows:

"Mr. Vandenberg made the following suggestions:

"First, when the Committee decided upon the 1947 allocation, the decision should be confined to a single year.

"Secondly, the Committee should instruct the standing Committee on Contributions or the Advisory Committee on Administrative and Budgetary Questions to re-examine the whole study of assessments without restriction and report its recommendations to the second session of the 1947 General Assembly.

"Thirdly, since the United States had offered to accept special obligations in respect to operational budgets, and also to accept extra temporary obligations in respect of the basic administrative budget, it was only fair that *all* those obligations should be reviewed together at one time in fixing *all* the allocations for 1947. The Committee could [*should?*] not weigh those obligations separately. The answer to one problem would necessarily affect its attitude toward other problems.

"Fourthly, all proposed budgets should be submitted as early as possible to permit ample time for deliberative consideration. If certain of the budgets could not be presented, the most definite estimates available should be placed before the Committee. Any decisions respecting allocation should be postponed until *all* decisions could be made at the same time." (GA, (I/2), *Fifth Committee*, pp. 93 and 94) These suggestions were submitted as a formal proposal by the United States (United Nations document A/C.5/61, GA (I/2), *Fifth Committee*, pp. 322 and 323, annex 6a)

⁸³ Trygve Lie, Secretary-General of the United Nations.

vember 8⁸⁴ that he had decided to intervene in the debate on the contributions scale in support of the U. S. The Secretariat would be in an intolerable situation if any one country contributed half of the budget, Lie said.

U. K. Views on Contributions

Pitblado⁸⁵ (U. K.) told USdel that he found the contributions scale generally satisfactory except that the Russians and Latin-American States were under-assessed and the British Commonwealth countries and the U. S. slightly over-assessed. Considering that new members would contribute slightly more than two per cent and that other States might be expected to bear a one-tenth increase in their contributions, he thought it would be possible to bring the U. S. figure down to forty-two per cent, subject to possible Soviet objection. He believed that any scale adopted might apply only for one year.

While Pitblado was not prepared to fix a figure for the U. S., he hoped that the time would not be very far off when one-fourth to one-third would represent a reasonable percentage based on the U. S. share of the world income. He said the U. K. would oppose a vote on the contributions question, believing the U. S. would be voted down. The U. K. view was that it would be an unfortunate precedent to establish a scale over the negative vote of any major country.

The U. K. representative stated that the British reaction to proposed UN scales, particularly if applied for only one year, would be conditioned by agreements reached with the U. S. on other items involving dollar exchange, such as the IRO and the U. K. share of the cost of German occupation. He added that it would be helpful to the U. K. if the IRO and UN contribution scales could be considered at the same time and inquired whether the U. S. would consider an increase in its proposed forty-three per cent contribution to the IRO.

Soviet Views on Contributions

After Vandenberg's speech in Committee V on November 8, Geraschenko⁸⁶ (U.S.S.R.) stated to USdel that "speaking as an individual" he was impressed by the U. S. position and would be prepared to support in his Delegation a reduction of the U. S. contribution to forty per cent or slightly less, assuming some method of spreading the reduction could be devised to keep the Soviet contribution below 7.5 per cent. Chernyshev⁸⁷ (U.S.S.R.), at the same discussion, said

⁸⁴ See telegram 782, November 8, *supra*.

⁸⁵ D. Pitblado, Adviser to the United Kingdom Member on the Fifth Committee (Younger).

⁸⁶ Vladimir S. Geraschenko, Alternate Member for the Soviet Union on the Fifth Committee.

⁸⁷ P. M. Chernyshev, Alternate Member for the Soviet Union on the Fifth Committee.

he personally did not agree that the U. S. scale should be below forty-five per cent, citing the U. S. standard of living as compared to that of other countries.

[Here follows summary of other developments of interest to the Delegation that occurred on November 8.]

AUSTIN

501.BB Summaries/11-1446: Telegram

Senator Austin to the Secretary of State

[via Courier]

NEW YORK, November 14, 1946—12:30 a. m.

802. The following is the continuation of daily plain summary—November 13.

*Committee V (23rd meeting).*⁸⁸

The United Kingdom came out in Committee V on November 13 with strong support for the United Nations contribution scale recommended by the Contributions Committee as Younger⁸⁹ (UK) pointed out that a downward revision of the United States quota meant an upward revision of quotas of other countries much less capable of meeting heavy financial demands.

In a careful analysis of the present contribution scale, Younger admitted that the present United States quota of 49.89 percent was too high, but added that it was only a temporary quota due to exceptional post-war circumstances. The recovery of national economies, he asserted, would bring about a natural revision of present inequalities.

Younger declared that no one could be surprised at the high United States quota because the factors used by the Contributions Committee in determining "capacity to pay" were (1) national income which was highest in the United States, (2) per capita income which was highest in the United States, (3) dislocation of national economy from the war which had been least serious in the United States, and (4) the status of foreign exchange which affected the United States not at all. In fact, Younger added, the further one investigated the excellent work of the Contributions Committee in an attempt to justify the United States contention that its quota was too high, "the stickier the going becomes". Younger further backed his case by asserting that

⁸⁸ Within the general area of its discussion of the Report of the Committee on Contributions the Fifth Committee on this date had under specific consideration the proposals formally advanced by Senator Vandenberg at the end of his statement to the Committee on November 8 (see footnote 82, p. 472). For the summary record of the Committee's discussion at this time (November 13), see GA (I/2), *Fifth Committee*, pp. 102 ff.

⁸⁹ Maj. Kenneth Younger, M.P., United Kingdom representative on the Fifth Committee.

much of the estimated 23 millions for United Nations expenses in 1947, of which 19 millions were for personal and common services, constituted "an invisible import" for the United States.

With respect to the political implications of the high United States quota and its effect on sovereign equality, Younger declared that the United Kingdom could [not?] agree with Vandenberg, since in a contributions scale having numerous inequalities, there was no point at which national sovereignties were clearly infringed. He added that in his opinion the doctrine that the amount of representation was related to total contribution was novel in international practice.

[Here follows summary of views of other representatives of the Committee, and discussion of other Committee items. It may be noted that at this meeting the Committee took steps to establish a sub-committee to study the report of the Committee on Contributions, the proposals of the United States Delegation and any new information which other delegations might wish to submit. (GA(I/2), *Fifth Committee*, pages 105 and 106⁹⁰)]

AUSTIN

501.BB Summaries/11-1446: Telegram

Senator Austin to the Secretary of State

SECRET

NEW YORK, November 14, 1946—5:05 p. m.

[via Courier]

806. GA Secret Summary

[Here follows discussion of several items.]

Chinese Attitude on Contributions Scale

The opinion that Committee V might accept a 39 per cent contribution from the U. S. was expressed to USdel on November 14 by Hsia (China). This would have to be done in subcommittee by specific increases in contributions of several of the larger and middle powers. China would be prepared to increase its contribution at least 2 per cent in order to partially meet the U. S. position, he said.

USdel gained the impression that China might propose in the Subcommittee an increase in its own quota and suggest that other Members make similar concessions to bring the U. S. figure down. Hsia felt it

⁹⁰ Formal constitution of the sub-committee was deferred, however, until the Fifth Committee's meeting on November 15, at which time it was agreed that the sub-committee would be made up of the representatives of Canada, China, Egypt, France, Mexico, the Netherlands, Poland, the Soviet Union, the United States, and Uruguay (GA(I/2), *Fifth Committee*, pp. 110 and 111). The formal terms of reference of the sub-committee were conveyed to it in a letter from the Chairman of the Fifth Committee which is printed in pertinent part *ibid.*, p. 318.

would be advisable for the U. S. to refrain from further pressing its case on the contributions scale.

[Here follows comment on another subject.]

AUSTIN

501.AB/11-1546

*Memorandum by the Director of the Office of Special Political Affairs (Hiss)*⁹¹

SECRET

[WASHINGTON,] November 15, 1946.

The Department this morning received from the Assembly Delegation a brief cable which reads:

“Present strong indication that committee will vote US contribution 49.89 percent. Please advise delegation course of action this event.”⁹²

The total budget for this year is about \$20,000,000 and the proposed budget for 1947 is \$23,700,000. Information from New York indicates that the 1947 budget may be increased considerably. The contribution scale decided by this Assembly will apply to these two budgets and to the \$25,000,000 working capital fund.

You will recall from your discussions with Mr. Appleby, who is Chairman of the UN Committee on Contributions, that his committee, whose members were appointed as experts rather than as representatives of governments, developed an index of relative capacity to contribute. This index listed the US capacity at 49.89 percent, the UK at 10.5, the USSR (together with Byelo-Russia and the Ukraine) at 7., France at 5.5, and China at 2.75.

You will also recall that Assistant Secretary Russell felt that it would be a mistake to accept these figures literally, since income figures, on which to base capacity to pay, were not necessarily comparable nor accurate for all countries reported upon. Moreover, the Department took the position that the US should propose adoption by the Assembly of the principle of a ceiling, in order to prevent

⁹¹ Addressed to the Under Secretary of State (Acheson) and the Under Secretary of State for Economic Affairs (Clayton).

⁹² Telegram 804, November 14, 1:28 p. m., from New York (501.BB/11-1446). The Delegation at a morning meeting on November 14 had devoted virtually the entire session to the contributions problem, Senator Vandenberg leading off by stating “that he wished to have the problem of the UN budget considered because of developments on the previous day which he felt were most serious for the whole United Nations. He reported that the UK and Canadians had taken the leadership in the move to assess the United States for fifty per cent of the UN budget, regardless of any other consideration. They have declined to accept the ceiling idea.” (See telegram 802, November 14, from New York, p. 474.) After lengthy discussion it was decided to ask the Department for guidance. (IO Files, Minutes of the 20th Meeting of the U.S. Delegation, November 14, 9 a. m., document US/A/M(Chr.)/20)

undue dominance of the organization by one member and in recognition of the principle of sovereign equality as set forth in the Charter. Our position was that a ceiling should be fixed at 25 percent but that we would be willing to discuss a higher percentage—not to exceed 33⅓ percent—for the first three years as a means of compensating certain countries because of “war damage”.

The Delegation has found little or no support in the Assembly for the principle of a ceiling. And, as the cable from the Delegation indicates, it is now apparent that there is no possibility of obtaining an agreement on a ceiling at or close to our previously adopted top limit of 33⅓ percent. However, there is some reason to believe we may be able to work out an arrangement with the British, whose position is likely to be of crucial importance, and ultimately with other delegations for a one-year contribution scale in which our share would be approximately 40 percent.

Recommendations

1. That you talk over this problem with Senator Vandenberg while he is in Washington this weekend.

2. That you recommend to Senator Vandenberg that he, with Senator Austin if that seems appropriate, discuss the problem with the Secretary and suggest that the Secretary may wish to speak directly to Mr. Bevin in view of our indications that the British attitude has substantially stiffened in the last few days. For your information we understand that Senator Vandenberg is having dinner with Mr. Bevin Sunday night.⁹³

3. That in talking with Senator Vandenberg you suggest the following position, which he may also wish to discuss with Senator Austin and the Secretary :

a. Any scale adopted this year should be considered temporary only, with a definite understanding that the question be reconsidered at the next Assembly. This is not without precedent since the present scale applicable to provisional advances was adopted temporarily. (The FAO formula was adopted in London as a stop-gap. Under it our share has been approximately 25 percent.)

b. A Sub-Committee of Committee 5 should be appointed to work out this temporary scale since the views of most delegations have been publicly expressed on the floor of Committee 5, and negotiation in such a large body is difficult.

c. That our Delegation try to work out a scale under which the US would contribute just under 40 percent. The opinion that Committee 5 might accept a 39 percent contribution from the US has been expressed to the US Delegation by Mr. C. L. Hsia of China, and the Delegation

⁹³ No record has been found in the Department's files of any of the conversations proposed here.

has reported in this connection that China would be prepared to increase its contribution at least 2 percent in order to partially meet the US position, Mr. Hsia has stated.

d. If a proposed assessment of just under 40 percent should come to a vote in the Sub-Committee, in Committee 5, or in the Assembly, the US Delegation should say that it cannot vote in favor of this percentage but must abstain because it feels the rate of assessment is too high, and unwise even on a one-year basis.

e. If a scale requiring the US to contribute more than 40 percent should come to a vote in the Sub-Committee, in Committee 5, or in the Assembly, the Delegation should vote "No", since the scale is so far from a plan which this government considers wise from the standpoint of the interests of the United Nations. The Delegation should not in this event indicate that the United States will not accept the verdict of the Assembly. A negative vote is simply the only effective way of registering our objection to what we consider a very unwise step.

f. In all the above steps the Delegation should feel free to use its own judgment within the broad lines indicated and to use any lines of procedure which it believes wise and calculated to obtain the desired objectives.

Note: Assistant Secretary Russell is out of the city and we were not able to reach him by telephone. In a conversation with Mr. Panuch,⁹⁴ who was in Washington today, the latter agreed generally with the steps outlined immediately above and was particularly favorable to the idea of a Sub-Committee in which an attempt could be made in a more intimate atmosphere than prevails in a full committee to obtain a satisfactory solution. He did not feel that the amount of money involved was such that we should raise a major issue on that ground alone. He said he would be in New York tomorrow and would be glad to do anything we wished.

IO Files: US/A/C.5/41

*Memorandum of Conversation, by G. Hayden Raynor*⁹⁵

SECRET

[NEW YORK,] November 15, 1946.

This afternoon I expressed strongly to Mr. Gore-Booth⁹⁶ our concern over the fact that the British had spoken in Committee 5 in favor of the United States contribution of 49.88 per cent.⁹⁷ I also expressed regret that they had not consulted with us prior to making

⁹⁴ Joseph A. Panuch, Deputy to the Assistant Secretary for Administration (Russell).

⁹⁵ Mr. Raynor, an Adviser on the staff of the United States Delegation to the General Assembly, was Special Assistant to the Director of the Office of European Affairs, Department of State.

⁹⁶ P. H. Gore-Booth, Assistant Principal Adviser to the United Kingdom Delegation to the General Assembly.

⁹⁷ See telegram 802, November 14, from New York, p. 474.

the statement. Mr. Gore-Booth expressed surprise that there had not been consultation and regret on his part that there had not been.

I then spoke of the concern felt by our Delegation, especially the Congressional members, with respect to this whole question. I stated that we viewed the matter as a very serious one and that we felt that a contribution of this size would have a most unfortunate effect in our Congress and in the country.

Mr. Gore-Booth stated that the British were under instructions to make a statement they had made on the economic aspect of the question and he felt they were right on that aspect. He added, however, that he knew there was considerable personal feeling in their Delegation that a single country should not be called upon for such a heavy contribution. He added that although they had been instructed to make the statement they made that this was not necessarily their last word on the subject. Entirely of his own volition he made the suggestion that it might be a good thing for Messrs. Noel-Baker⁹⁸ and Younger to discuss this matter with Senators Austin and Vandenberg.⁹⁹

501.AB/11-1646

Memorandum by John C. Ross, Senior Adviser to the United States Delegation, to the Political Advisers¹ on the Delegation Staff

CONFIDENTIAL

[NEW YORK,] November 16, 1946.

I have a report this morning from Washington on conversations in which Mr. Hiss participated with Senator Vandenberg, Mr. Acheson, Mr. Clayton, and members of the Congress.

As the result of these conversations the United States position is absolutely clear that there must be a ceiling on contributions.

An energetic campaign on the part of all of our political officers and others concerned in support of this position is essential.

Stated in briefest terms the United States position is that our contribution for this year should be clearly on a provisional basis; the primary objective is to secure acceptance of the ceiling principle. The United States contribution should in no case be larger than 40% and the political officers in their conversations with members of the foreign delegations on this subject should seek actively to persuade other delegations to agree to some percentage *under* 40%, possibly between 33 and 39%.

⁹⁸ Philip Noel-Baker, Representative on the United Kingdom Delegation.

⁹⁹ No record has been found of such discussions.

¹ For the names of the 13 men who comprised the team of Political Advisers on the United States Delegation advisory staff, and to whom this memorandum was addressed, see footnote 65, p. 41.

I should greatly appreciate it if you would get this campaign under way actively.

501.BB Summaries/11-1646: Telegram

Senator Austin to the Secretary of State

[via Courier] NEW YORK, November 16, 1946—9:25 p. m.

817. *Committee V (26th Meeting)*. Firm support for the U.S. position on the Scale of Contributions was voiced by SYG Lie at a meeting of Committee V on November 16. Recommending a floor as well as a ceiling, the SYG suggested an increase in some of the smaller quotas and urged all countries to be prepared to invest a considerable sum in the UN, which was designed to secure world peace and security.²

[Here follows discussion of other Fifth Committee items.]

AUSTIN

501.BB/11-1446: Telegram

The Acting Secretary of State to Senator Austin

SECRET WASHINGTON, November 18, 1946—6 p. m.

287. USdel. For GAdel. Reurtel 804, November 14.³ 1. Department regards principle of a ceiling for contributions as of paramount im-

² The summary record of the meeting says simply that "In reply to observations that had been made by certain representatives during previous discussions of the budget, the Secretary-General presented a detailed statement explaining the various sections of the preliminary budget estimates for the years 1946 and 1947. . . ." (GA(I/2), *Fifth Committee*, p. 117). The Secretary-General's statement was printed as annex 4 of the proceedings of the Committee (*ibid.*, pp. 291 ff.). His remarks about the contributions question came near the end of his statement: "Finally, I want to say something about contributions. This is, of course, a matter which the Member nations must decide. But there are two questions of principle which involve the Organization as a whole, and which I feel it is the duty of the Secretary General to discuss.

"It is my opinion that there should be both an upward limit and a downward limit to the amount which any State should pay.

"I feel that every Member State can properly be expected to make substantial contribution to the expenses.

"The present figure for some countries should be increased. . . .

"In regard to the second question, namely, the proportion of our expenses to be paid by any Member State, I agree in principle with what has been said by the United States representative in this Committee.

"Current conditions may make it necessary for one State to bear a very high percentage of the budget. But I feel that it would be undesirable from every point of view to allow this condition to continue over a period of many years.

"The international character of the United Nations would be threatened if one State were made to feel that it was primarily responsible for maintaining the Organization in a financial way.

"Even at the cost of sacrifice we must guard against anything which will threaten the independence and freedom of action and the true international nature of our Organization. I am glad that the United States has discussed the question on this plane." (*Ibid.*, pp. 297, 298)

³ See memorandum by the Director of the Office of Special Political Affairs (Hiss), November 15, p. 476.

portance to the wellbeing of the United Nations. We hope that the Delegation will mobilize all its resources in endeavoring privately to convince other delegations of soundness of our position in this respect. In this connection we suggest special efforts be made to persuade the British Delegation which we believe will play a crucial role in this matter.

2. We still feel that any proportion above twenty-five percent should be recognized as only temporary and should include recognition of principle of a ceiling. We believe that any proportion higher than 33 $\frac{1}{3}$ percent should be for only one year with specific provision being made for reconsideration of the whole problem at the next regular session of the Assembly.

3. We consider it is of utmost importance that Delegation make every effort to keep our temporary share below 40 percent and we note developments since date of your telegram indicate this may be possible.

4. Should Committee 5 vote a U.S. contribution of more than 40 percent we believe the Delegation should definitely vote in the negative as the only way in which this government can register its objection to what it considers a very unwise step from the standpoint of the United Nations themselves.

ACHESON

501.BB Summaries/11-1946 : Telegram

Senator Austin to the Secretary of State

[via Courier] NEW YORK, November 19, 1946—10:20 p. m.

827. [Here follows brief discussion of several items relating to the current General Assembly.]

*Subcommittee on Contributions (1st Meeting)*⁴

Senator Vandenberg declared that the U.S. position on contributions was designed to save the UN, not to save money, as he warned the Subcommittee on Contributions on November 19 of the adverse effect on U.S. public opinion of the 49.89 per cent quota. He called for consideration of more than the major "capacity to pay" factor in order to reach an equitable solution which would take into account the principle of sovereign equality.

The U.S. was prepared to accept a 37 $\frac{1}{2}$ per cent quota for the purposes of the Subcommittee discussions, although it was not rigidly committed to this figure, Vandenberg said.

⁴The records of the subcommittee are not printed except for the subcommittee's report to the Fifth Committee (GA (I/2), *Fifth Committee*, pp. 318 ff., annex 6).

Vandenberg urged the Subcommittee to accept the statistics of the Contributions Committee Report and to proceed immediately to a decision on the major policy questions. The problem before the Subcommittee, he pointed out, was political rather than one of relative statistics. The U.S., Vandenberg asserted, had no intention of raising the question of the validity of the statistics involved, and considered the Committee's report as good a job as could be accomplished under difficult circumstances.

Expressing the hope that the U.S. would continue to have a good opinion of the UN, Vandenberg asserted that it was not only morally dangerous to the UN but damaging in terms of U.S. public opinion for any one nation to pay almost fifty per cent of the costs.

Urging the Subcommittee to transfer its discussions from percentages to dollars, Vandenberg pointed out that there was a difference of only two million dollars in actual cash between the proposed 49.89 per cent and the tentative U.S. figure of 37½ per cent. He called upon the small nations to absorb this difference in order to defend the principle of sovereign equality and to prevent prejudicing public reaction in the U.S. The 37½ per cent figure was acceptable to the U.S., he added, even though it was the present view that the normal contribution of any one nation should not exceed 33⅓ per cent.

The U.S., Vandenberg said, would not involve itself in the ensuing discussions, but would leave the decisions in the hands of the other members on the Subcommittee. He wished to make it clear that there was no threat, no pressure by the U.S., and therefore he would withdraw from Subcommittee deliberations. A U.S. representative would remain to provide information and answer questions. Vandenberg assured the Subcommittee that he was prepared to return at any time and discuss the problem with the Subcommittee if it so requested.

Vandenberg said that he was exploring with the U.S. Secretary of the Treasury the possibility of making special arrangements under which dollar exchange could be made available to those countries whose contributions to the UN were made difficult by lack of U.S. currency.

Martinez-Cabanas (Mexico) who had been elected Chairman, supported Vandenberg's statement and said the Subcommittee would avoid the study of statistics and would restrict itself to actions necessary to achieve agreement on questions of policy. The main decision facing the Subcommittee, he pointed out, related to the political question of a possible floor and ceiling on contributions. The Advisory Committee of Experts, he asserted, would have to settle the questions raised by the entry of new members and the claims of several countries

that the "capacity to pay" index unfairly represented their present capabilities.

Younger (U. K.) replied to Vandenberg in a conciliatory statement in which he noted U. K. agreement on the question of statistics and expressed appreciation for Vandenberg's clear statement on the difficulties presented by adverse U. S. public opinion. He was particularly interested, he asserted, in Vandenberg's remarks on the "special arrangements for dollar exchange." Such arrangements would solve most of the serious problems which confronted several contributors to the UN, Younger declared. He expressed some doubt, however, of the possibility of achieving any satisfactory solution.

Dzung⁵ (China) supported the U. S. views and asserted that the task facing the Subcommittee related to questions of policy and practical politics rather than to mere statistics. He urged consideration of other factors than "capacity to pay" and exploration of all other available criteria in order to reach an equitable solution.

[Here follow other items of the summary.]

AUSTIN

501.AB/11-1946 : Telegram

Senator Austin to the Secretary of State

SECRET U.S. URGENT NEW YORK, November 19, 1946—6 p. m.
[Received 6:03 p. m.]

825. For Clayton from Vandenberg. One of the very real problems of many nations in connection with annual assessments is their lack of foreign exchange when they must pay in dollars. It would make a great difference in the attitudes of many delegations if a way could be found to pay in local currencies. Would it be possible to work out anything of this nature in connection with the stabilization fund or otherwise?⁶ [Vandenberg.]

AUSTIN

⁵ K. W. Dzung, Chinese Adviser-Member on the Fifth Committee.

⁶ The following was sent to Senator Vandenberg in telegram (Secdel) 1175, November 20, 4 p. m.: "For Vandenberg from Clayton. International Monetary Fund when in operation will undoubtedly be of great assistance to countries short of dollars but fund will not be in active operation until sometime next year. Meantime, many of such countries are being assisted generally through Export-Import Bank loans and will shortly derive assistance from loans by International Bank. Permanent assistance can only come from relaxation of trade barriers opening up markets for exports from countries short of dollars and other foreign exchange." (740.00119 Council/11-2046) For reasons not readily apparent this telegram was sent to Senator Vandenberg as a member of the United States Delegation, Council of Foreign Ministers.

501.BB Summaries/11-2146 : Telegram

Senator Austin to the Secretary of State

SECRET US URGENT NEW YORK, November 21, 1946—10:30 p. m.
[via Courier]

836. GA Secret Summary.

[Here follows discussion of several matters taking up the attention of the General Assembly and the United States Delegation.]

Committee V, Subcommittee on Contributions (2nd Meeting)

At a continuation of the general debate on November 21, Turkey⁷ requested the Subcommittee to review the Turkish quota in view of the recent devaluation of Turkish currency and its consequent adverse effect on Turkish ability to secure foreign exchange.

St. Laurent⁸ (Canada) opened the discussion, stating that Canada had no quarrel with the criteria which the Committee on Contributions had used in defining "capacity to pay." With respect to Vandenberg's statement at the opening meeting, St. Laurent reasserted the Canadian view that relative per capita contribution was fundamental. If other criteria than "capacity to pay" were considered, Canada would have to put its case as strongly as possible to prevent less fortunate nations from having to pay a higher per capita rate than the U.S.

Geraschenko urged the Subcommittee to consider the substance of Vandenberg's arguments, and on the basis of its discussions to see whether or not something had to be done to meet U. S. demands.

The Soviet delegate recommended that the quotas of new members and the requests of member nations, except the U. S., for the lowering of quotas be referred to the Contributions Committee. Geraschenko (U.S.S.R.) declared that the Subcommittee could come to no solution of its problems if it confined itself to discussing the establishment of a ceiling. Vandenberg, he said, had suggested a 25 per cent ceiling for the U.S., but it might as well have been 33 $\frac{1}{3}$ per cent, or 40 per cent, and any discussion of an arbitrary ceiling would be academic. Geraschenko rejected the Canadian per capita principle, the consideration of contributions as a form of international taxation, and asserted that national revenue as well as the national budgets should be used in establishing capacity to pay.

The Polish delegate⁹ asserted that he appreciated that the U.S. position had been engendered by high principles and not through a desire to save money, but that Poland would have to oppose any attempt to establish ceilings at this time. He felt it was premature

⁷ Mr. Sukru Esmer was the Turkish Member on the Fifth Committee; the Alternate Member was Mr. A. Birden.

⁸ The Right Honorable Louis S. Saint-Laurent, Canadian Secretary of State for External Affairs and Head of the Canadian Delegation to the General Assembly (not one of the regular Canadian members of the Committee).

⁹ The Polish Member was Mr. Juliusz Katz-Suchy; the Alternate Member was Mr. Aleksander Bramson.

even to try to settle when ceilings might go into effect. When peacetime economics had been restored, he continued, quotas would have to be revised and due consideration given to "capacity to pay" and per capita contributions. The Polish delegate then urged lowering Poland's quota.

Pitblado (U. K.) asserted that to establish ceilings at this time would be an arbitrary action taken in a period of changing conditions. He agreed that the decision on the quotas of new members and appeals for lowering of quotas, except that of the U. S., should be referred to the Contributions Committee.

The U. S. request, he asserted, differed from other questions facing the Subcommittee in that it was essentially political. Although under ideal conditions no one would like to see so large a proportion of the UN costs assigned to one nation, the U. K. position remained substantially as it had been stated in Committee V.

Pitblado said he had no very constructive proposals to suggest, but he reminded the Subcommittee that in February the GA had stated that if a ceiling were imposed it should not be one that seriously obscured the relationship between contributions and capacity to pay.

With respect to the U. S. assertion that all nations in the UN had certain influence and responsibilities and that these should not necessarily be related to "capacity to pay," Pitblado reminded the Subcommittee that no nation could escape consideration of the public opinion factor. Referring to the matter of foreign exchange, Pitblado reminded the Subcommittee that the U. K. was well aware of the difficulties of procuring it in terms of added effort at production and reduction of goods for home consumption.

China¹⁰ opposed consideration of support of the UN as a form of international taxation rather than as national contributions. China recognized the justice of the U. S. request for a reduction in its quota because the request stemmed from an unselfish desire to give strong support to the UN. The Chinese delegate then suggested that the principle of sovereign equality might be applied to the smaller administrative budget and "capacity to pay" to the larger operational budgets.

The French delegate¹¹ asserted that he did not believe that the Subcommittee had the technical ability or the time to fix a new scale of contributions. Although no one could disagree with the justness and fairness of Vandenberg's statement of principles, the French delegate questioned whether the U. S. meant those principles to be practically applied in relation to the 1947 budget. He pointed out that

¹⁰ Dr. C. L. Hsia was the Chinese Member on the Fifth Committee; Mr. J. C. Pao was the Alternate Member.

¹¹ The French Member was M. Jacques Rueff; the Alternate Member was M. Andre Ganem.

in his belief, Vandenberg, even in his statements in Committee V, had not pressed for immediate adjustment, and that it was his understanding that what the U. S. wanted at this time was a recognition that the present U. S. contribution should not be a precedent.

Two suggestions were put forward by the French delegate (1) that the Subcommittee defer any discussion of the foreign exchange element until it received advice on the results of Vandenberg's discussions with the U.S. Secretary of the Treasury, and (2) that the Subcommittee seriously consider Rueff's (France) proposal in Committee V that the Secretariat Fiscal Committee be requested for a redefinition of "capacity to pay."

Speaking as Chairman and the representative of Mexico, Martinez-Cabanas¹² recalled that only the matter of administrative budgets was before the Subcommittee. He also pointed out that the SYG's remarks on establishing a floor on contributions, as well as a ceiling, would have to be discussed. He expressed some doubt that contributions could be too closely related to per capita income in view of the fact that quotas were essentially based on national income.

[Here follow other items of the summary.]

AUSTIN

501.AB/11-2246 : Telegram

Senator Austin to the Secretary of State

SECRET US URGENT NEW YORK, November 22, 1946—4:30 p. m.
[Received 5:49 p. m.]

840. For Hiss from Sandifer. Senator Vandenberg has addressed to me the following memorandum concerning the reply to his telegram to Clayton concerning possible assistance to countries in need of dollar exchange for payment of UN contributions (No. 825). Dept's telegram to Vandenberg was sent to CFM (Secdel 1175, Nov. 20, 4 p. m.).¹³

"You have seen the Acheson message in response to my inquiry to Mr. Clayton regarding the use of the International Monetary Fund in connection with the settlement of UN assessments by countries which are short of dollar exchange. The message says: 'International Monetary Fund when in operation will undoubtedly be of great assistance to countries short of dollars, but Fund will not be in active operation until some time next year.'

This matter is of such vital importance to most of the member nations—and has such intimate bearing upon the allocation of assessments—that I wish it could be possible for us to get more definitely and specifically encouraging message from Washington on the subject. I can not overemphasize the effect this will have on the whole subject

¹² Dr. Gustavo Martinez-Cabanas.

¹³ See footnote 6, p. 483.

of both administrative and operations allocations. The Acheson message intimates generically that the international monetary fund 'when in operation' will be of assistance when it gets into 'operation sometime next year'. Most of these assessments will be payable 'sometime next year'. Therefore, the time element would not be a barrier to the usefulness of assurances for the future if the assurances could take a somewhat more definite form. Even if we were able to expand the settlement of these UN accounts into sterling as well as dollars, it would be a great and welcome relief. I should think there ought to be some way that the international monetary fund could promise top priority to the problem of facilitating the settlement of UN internal accounts and to seek to create some specific machinery for this purpose because the successful financing of UN is at the base of all international cooperation.

The question I submit to you is this. Is it impossible for the State Department at Washington to give us a more concrete or at least a more encouraging reply to my original question? The report which I have to make on this subject on the UN Contributions Committee will have a far-reaching impact upon the whole UN fiscal problem which involves such vital considerations for the US."

Would appreciate your taking any feasible steps to have this question re-examined in the light of the additional considerations set forth by Senator Vandenberg. It is important, if at all possible, to enable him to give to the Contributions Committee the more concrete and encouraging statement which he stresses. [Sandifer.]

AUSTIN

740.00119 Council/11-2646: Telegram

*The Acting Secretary of State to Senator Vandenberg of the United States Delegation to the General Assembly*¹⁴

SECRET

WASHINGTON, November 26, 1946—1 p. m.

Secdel 1194. As you know, International Monetary Fund operates on basis of fixed quotas to each country for the purchase of dollars with their local currency. Under Articles of Agreement, Fund cannot start operating, however, until exchange rates have been fixed for countries having about two-thirds of such quotas. When this has been done, the countries for which exchange rates have been fixed can then purchase dollars up to the limit of their quota paying for same in their local currency. Such purchases are approved only for current transactions which however would include payments of UN assessments.

Since there is now a disparity of from one hundred to eight hundred percent between official and actual market rates of exchange in many countries, particularly in Europe, you will appreciate, I am sure, the great difficulty which the Fund faces in fixing a proper rate. Up to now no rates have been fixed. The Fund expects to begin operations

¹⁴ Drafted by the Under Secretary of State for Economic Affairs (Clayton).

sometime this winter. At such time, the amount of dollar exchange that the members of the Fund exclusive of the United States and the United Kingdom could purchase from the Fund in the first year of operation is over three-quarters of a billion dollars provided the necessary conditions of purchase are met.

If there is any further information desired please let me know.

ACHESON

IO Files : US/A/M (Chr.)/30

*Minutes of the Thirtieth Meeting of the United States Delegation,
New York, Hotel Pennsylvania, November 27, 1946, 9:00 a. m.*

SECRET

[Here follow list of names of persons (30) present and discussion of previous items on the agenda.]

Payment of United Nations Assessments in Local Currencies

Senator Vandenberg said that one of the fundamental questions in connection with United Nations assessments was whether they might be paid in local currencies. He read to the Delegation a statement which he intended to make before Committee V as follows:

Pursuant to my promise to your Committee, I have made a thorough examination of the possibilities that United Nations assessments may hereafter be paid in local currencies. I regret that my report cannot be more immediately encouraging. But there is substantial hope of some relief along these lines next year through the International Monetary Fund.

This Fund operates on the basis of fixed quotas to each country for the purchase of dollars with their local currency. The Fund cannot operate, however, until exchange rates have been fixed for countries having about two-thirds of such quotas. Up to now no such rates have been fixed, the difficulty being that there is a disparity of from one hundred per cent to eight hundred per cent between official and actual market rates of exchange in many countries.

But it is expected that the Fund will begin operations sometime this Winter. At such time, the amount of dollar exchange that Members of the Fund, exclusive of the United States and the United Kingdom, could purchase from the Fund in the first year of operation is over three-quarters of a billion dollars provided the necessary conditions of purchase are met.

This is the most important part of my report. Approved transactions through the Fund will include payments of United Nations assessments.

I have found no way, except through the Fund, that assistance can

be made available in connection with the problem submitted to my study.¹⁶

The meeting adjourned at 9:45 a. m.

IO Files : US/A/C.5/49

*Memorandum of Conversation, by Mr. William Hall of the United States Delegation Staff of Advisers*¹⁷

CONFIDENTIAL

[NEW YORK,] November 27, 1946.

Mr. Martinez¹⁸ of Mexico asked Mr. David Pitblado of the U.K., Mr. Orlov¹⁹ of the U.S.S.R., and myself to meet with him this afternoon.

At this session he proposed that the United States contribution be set at 40 percent; that the United Kingdom, Soviet Union, France, and China be asked to pay a contribution equivalent to the Committee of Contributions' recommendations plus 20 percent; and that countries other than the Big Five be asked to pay the Committee on Contributions' recommendation plus 5 percent with the exception of Canada, India, Czechoslovakia, and Poland which would be exempt from the 5 percent additional amount.

I said that we would prefer to consider the contributions question from the standpoint of the present provisional scale and, departing from that, show increases and decreases; that further our present instructions were that the United States contribution should not be more than 37½ percent, and I felt sure personally that there would be no possibility of obtaining approval of a contribution of 40 percent. Pitblado and Orlov objected strenuously to the use of the provisional scale as a basis for contributions and also objected very strongly to Martinez's proposal that a heavier assessment should apply to the United Kingdom and the Soviet Union than to the smaller countries. They cited the argument which we have been using, namely, that all countries had equal rights in the organization. The small countries had the same voting rights with the exception of the veto and that, in addition, countries other than the Big Five received many specific benefits from the United Nations organization.

Martinez then said he would prepare a scale which was based on a 10 percent reduction in the United States contribution which would

¹⁶ Senator Vandenberg's statement to the Sub-committee was printed in the Sub-committee's report to the Fifth Committee; see GA (I/2), *Fifth Committee*, p. 319.

¹⁷ Addressed by Mr. Hall to Senator Vandenberg.

¹⁸ Dr. Martinez-Cabanas was chairman of the Sub-committee.

¹⁹ Mr. N. V. Orlov, Soviet Adviser-Member on the Fifth Committee.

be based on a 39.89 percent contribution by the United States and which would provide for contributions by other countries in accordance with the index proposed by the Contributions Committee plus approximately 7½ percent with the exception of China which had agreed to pay an additional amount because of its under-assessment, and Argentina and Brazil who had also agreed to pay additional amounts because of their under-assessments. He also agreed to put into his calculations Sweden at 2 percent and Afghanistan and Iceland at .04 and to provide for a floor on contributions at .04.

Pitblado then raised the question as to how the 2.08 percent of the new members might be provided in the scale which would apply to the 1946 budget. He said that, in line with the United States argument that the allowance of war dislocation should be revised downward each year, it seemed reasonable to him to ask the United States to carry this additional amount for the financial year 1946 in which the war dislocation was the greatest. He said he thought the United Kingdom Government would be willing to include in the Sub-committee report a statement to the effect that the scale should be revised each year for the next few years to take into account economic recoveries of the war-damaged countries; that the Sub-committee had noted the view of the United States representative that 33-⅓ percent constituted a reasonable ceiling for any one country; further that, while the Committee was not prepared as yet to set a definitive figure for such a ceiling, it recognized that under normal conditions some such figure as that proposed by the United States would not be unreasonable as the highest normal rate of contribution of any one nation. The Committee might also note that it would be anticipated that each year for the next several years the contributions of those countries which are today paying a proportionately large scale of contributions, namely, the United States, Canada, Argentina, Brazil, and Sweden, and others would expect some reduction in their contributions to take account of economic recoveries.

I said that I did not know what the attitude of the United States Delegation would be on this proposal; that I appreciated the difficulties which the Committee would face in apportioning the Swedish contribution over the 1946 contributions; and that, while I could appreciate the mechanical advantages of the United States acceptance of the additional contribution, I would want to consult my Delegation as [to] the political difficulties which might be encountered within the United States.

I said further that, insofar as the proposed 39 percent contribution for the United States to the 1947 budget and the Working Capital Fund was concerned, I could make no commitment and would put them on notice that our present instructions would not permit us to

agree to any such figures, and that I would make an effort to obtain further particular instructions on this point.²⁰

IO Files : US/A/C.5/52

Memorandum of Conversation, by Mr. William Hall of the United States Delegation Staff of Advisers

CONFIDENTIAL

[NEW YORK,] November 30, 1946.

Subject: Contributions Scale

Participants: Mr. Martinez-Cabanas (Mexico)
Mr. D. Pitblado (United Kingdom)
Mr. André Ganem (France)
Mr. Nicolai V. Orlov (USSR)
Mr. William Hall, Executive Officer, Committee 5

Mr. Martinez asked us to meet at the Mexican Delegation office for the purpose of developing an alternative scale to that discussed at an earlier meeting.

Mr. Martinez inquired at the opening of the meeting whether I had had an opportunity to discuss informally with my Delegation the United States contribution of 39.89 per cent with the United States assumption of new countries' contributions during 1946. I replied that I had discussed it some with my Delegation and I found there was little enthusiasm for any scale which called for a United States contribution in excess of 37-½ per cent; that I found particularly strong opposition to a proposal which would bring the United States contribution for either 1946 or 1947 up to 40 per cent.

Mr. Pitblado then said he had discussed the question in his Delegation and found that most of their people felt that the United States should contribute 42 per cent at least for the year 1946. I said I thought that I would personally be prepared to discuss further a scale which fixed the United States contribution at 39 per cent for 1947 and for the Working Capital Fund, with the understanding that the increase required because of the absence of new members during 1946 might be spread mathematically across the entire scale.

I said that it might be very useful to consider again the possibility of comparing the suggested index of the Contributions Committee with the scale which was now in force for contributions to the General Assembly, and that the Subcommittee might like to consider the possibility of making the new scale apply only to the 1947 budget,

²⁰ In telegram 873, November 28, 8:40 p. m., from New York, Senator Austin informed the Department that "The French Delegation would make every effort to work with the Subcommittee on Contributions in arriving at a solution which would be fair to the U.S." This information was conveyed by M. Georges Peissel, French Adviser-Member on the Fifth Committee. M. Peissel said that "His Delegation was much impressed by Vandenberg's statesmanlike handling of the difficult problem." (501.BB Summaries/11-2846)

leaving the provisional scale in effect for 1946 and the Working Capital Fund.

As usual, this was violently opposed by everyone present at the meeting. It was agreed that Mr. Martinez would prepare for presentation a scale based on a United States contribution of 37.5 per cent, a United States contribution of 42 per cent, and a United States contribution of 39 per cent. We then proceeded to develop the attached scale which is based on the Committee scale reduced mathematically to a United States contribution of 39 per cent, which spreads certain other downward adjustments and the difference between 39 and 39.89 per cent for the United States.

It was agreed that the members of the Committee, other than the United States, would discuss the scale with the several representatives on Committee 5 to obtain their reactions.

During the discussion of the scale it became apparent that the Soviets were unwilling to accept their fair share of the increase. I pressed Mr. Orlov until the increase for the Soviet Union and the two Republics equaled .5, which was Mr. Geraschenko's earlier commitment to me on the total Soviet increase. At that point Mr. Orlov refused to discuss the matter further and we left the Soviet figure at 6.43 per cent.

I am sure that the United Kingdom and other Delegations will insist on a reappraisal of the Soviet contribution in the Subcommittee. This is particularly true because of the sizeable increases assumed by several of the countries and the very small difference (.33) between the French and the Soviet Union contributions.

Mr. Ganem of the French Delegation was very helpful in agreeing to assume additional burdens. It seems to me that the French (at 6.12) have assumed more than a fair share of their cost of the Organization.

The United Kingdom contribution might, it seems to me, be increased to 12 per cent, but I doubt if they would be willing to agree to any such increase unless the Soviet contribution is also raised.

[Annex]			
(1)	(2)	(3)	(4)
<i>Country</i>	<i>Committee on Contributions Scale</i>	<i>Provisional Scale</i>	<i>Draft Subcommittee Scale</i>
Argentina	1. 50%	2. 983%	1. 9%
Australia	1. 80	2. 875	2. 0
Belgium	1. 20	1. 329	1. 47
Bolivia	0. 07	0. 256	. 08
Brazil	1. 20	2. 983	1. 9
Byelorussian SSR	0. 20	0. 738	. 22

(1)	(2)	(3)	(4)
<i>Country</i>	<i>Committee on Contributions Scale</i>	<i>Provisional Scale</i>	<i>Draft Subcommittee Scale</i>
Canada	3. 10%	4. 362%	3. 25%
Chile	0. 40	0. 994	. 45
China	2. 75	6. 400	5. 50
Colombia	0. 33	0. 610	. 40
Costa Rica	0. 02	0. 049	. 04
Cuba	0. 25	0. 610	. 30
Czechoslovakia	1. 05	1. 447	1. 0
Denmark	0. 70	0. 640	. 80
Dominican Republic	0. 04	0. 049	. 05
Ecuador	0. 04	0. 049	. 05
Egypt	0. 70	1. 497	. 80
El Salvador	0. 03	0. 049	. 04
Ethiopia	0. 07	0. 256	. 08
France	5. 50	5. 602	6. 12
Greece	0. 15	0. 394	. 17
Guatemala	0. 04	0. 049	. 05
Haiti	0. 02	0. 049	. 04
Honduras	0. 02	0. 049	. 04
India	3. 75	4. 391	4. 00
Iran	0. 40	0. 610	. 44
Iraq	0. 15	0. 384	. 17
Lebanon	0. 05	0. 049	. 07
Liberia	0. 02	0. 049	. 04
Luxembourg	0. 04	0. 049	. 05
Mexico	0. 54	1. 615	. 63
Netherlands	1. 40	1. 428	1. 55
New Zealand	0. 45	0. 994	. 52
Nicaragua	0. 02	0. 049	. 04
Norway	0. 45	0. 640	. 52
Panama	0. 04	0. 049	. 05
Paraguay	0. 02	0. 049	. 04
Peru	0. 17	0. 610	. 20
Philippines	0. 25	0. 256	. 30
Poland	1. 10	1. 231	1. 0
Saudi Arabia	0. 07	0. 295	. 10
Syria	0. 10	0. 197	. 12
South Africa	1. 02	1. 989	1. 15
Turkey	0. 90	1. 497	. 92
Ukrainian SSR	0. 80	1. 231	. 85
USSR	6. 00	6. 892	6. 43
United Kingdom	10. 50	14. 768	11. 65
United States	49. 89	24. 614	39. 0
Uruguay	0. 15	0. 502	. 18
Venezuela	0. 24	0. 502	. 30
Yugoslavia	0. 30	0. 738	. 33
Afghanistan			. 04
Iceland			. 04
Sweden			2. 50
	100. 00	100. 00	100. 00

501.AB/11-3046

*Senator Vandenberg of the United States Delegation to the Secretary
of State*

PERSONAL

NEW YORK, November 30, 1946.

MY DEAR MR. SECRETARY: Our various United Nation budget problems will shortly come to a climax. I want you to know the situation at first hand because I think the *fiscal* situation can be a far greater threat to the United Nations (and particularly to the attitudes of the American people) than even the *veto*²¹ issue.

As you know, an Advisory Committee²² (including our Mr. Appleby) reported that the United States has 50% of the United Nations "capacity to pay" annual assessments. I have been fighting this percentage in my Committee for five weeks. I fear that any such assessment against us would shock the American people into a literal revolt. We now have some hope of driving this percentage down to 39% or 40% for administrative expenditures, (on a temporary basis for one year). Even this will be difficult to "sell" to Congress and the American people. But this is only half the story.

Unfortunately, each UN "specialized agency" is virtually autonomous in making its budgets and its allocations. Undoubtedly, they will be largely influenced by the *basic* percentage of assessment which we accept for the central budget. This in turn produces hazardous consequences. The trouble is that *all* members of the United Nations are *not* members of the specialized agencies. For instance, only one-half of them belong to UNESCO. Therefore, a 40% base will become substantially higher when applied to the UNESCO budget. This is relatively true in connection with the budgets of all "specialized agencies" (which are being created entirely too rapidly and too ambitiously).

²¹ For documentation on this subject, see pp. 251 ff.

²² Senator Vandenberg's intended reference here was to the Committee on Contributions, not to be confused with the General Assembly's other standing committee on administrative and fiscal matters, the Advisory Committee on Administrative and Budgetary Questions.

Consider the refugee prospectus. The State Department is talking about an American assessment for IRO between 43% and 50%. But! It is also proposed to launch IRO when seventy-five percent of its budget has been subscribed. Meanwhile, our dollar contribution would remain the same. This means it could actually represent an assessment against us of 66 $\frac{2}{3}$ percent. I think this would excite the same sort of Congressional resistance as nearly defeated our 72% assessment in UNRRA.

I have been struggling to get one unified budget not only for the Central Office but also for all "Specialized Agencies."²³ I seriously fear the Congressional reaction when eight or ten separate and different budgets are submitted to Congress one by one. It will be impossible to accomplish anything along this line at *this* General Assembly except to order a study for future consideration.²⁴

This leaves us confronting uncoordinated budgets for 1947 and dangerously high percentages of American contribution. I, therefore, think it is highly important that *all* of our American representatives in "Specialized Agencies" should be emphatically instructed by the State Department to hold all 1947 budgets to an absolute minimum and likewise to hold our net contribution in the neighborhood of 40%.²⁵

With warm personal regards and best wishes,

Cordially and faithfully,

A. H. VANDENBERG

²³ See points (3) and (4) of Senator Vandenberg's proposals to the Fifth Committee on November 8, footnote 82, p. 472.

²⁴ See Fifth Committee discussions on November 18 in GA (I/2), *Fifth Committee*, pp. 125-128. These discussions in turn led on November 21 to the adoption of a draft resolution by the Committee which requested the Secretary General to explore ways for developing "a system of close budgetary and financial relationships between the United Nations and the specialized agencies. . . ." (*ibid.*, pp. 140-143). A resolution to this effect was adopted by the General Assembly on December 14 (United Nations, *Official Records of the General Assembly, First Session, Second Part, Plenary Meetings*, p. 1376; hereafter cited as GA (I/2), *Plenary*).

²⁵ In a memorandum of December 1 from New York to the Acting Secretary (Acheson), Mr. Byrnes wrote: "I think we ought to adopt Vandenberg's suggestion and instruct our representatives along the lines proposed by him." (501.AB/11-3046). The Secretary informed Senator Vandenberg of his decision on the same date (memorandum from the Secretary of State to Senator Vandenberg, December 1, File No. 501.AB/11-3046).

501.BB Summaries/12-645 :Telegram

Senator Austin to the Secretary of State

SECRET US URGENT NEW YORK, December 6, 1946—10:25 p. m.
[via Courier]

938. GA Secret Summary.

[Here follow the first two items of the summary.]

Subcommittee on Contributions of Committee V (3rd Meeting)

Developments at the Subcommittee meeting on December 6 indicated to the USdel representative that the U.S. could probably obtain approval of a 39.89 per cent contribution for 1946 but would have difficulty ensuring that this figure would apply for only one year.

Chairman Martinez (Mexico) stated that there were three issues before the Subcommittee requiring an answer from USdel. He listed them as, a 39 per cent contribution for the U.S. for 1947; assumption of the contributions of the three new members which would bring the 1946 contribution to 41.59 per cent; and acceptance of the 1947 scale for 1948.

The Contributions Committee's recommendations for the new members were presented as, Sweden 2.20 per cent; Afghanistan—.03 per cent; Iceland—.02 per cent. It was agreed that separate scales were required for 1946 and 1947. It was also agreed that the GA's basic resolution requiring adjustment of the Working Capital Fund to fit the 1946 contribution scale would have to be altered to provide for the adjustments to be made to the 1947 scale.

Ganem (France) supported in principle a limitation on contributions and inquired whether the U.S. might be willing to accept for 1946 the 2.69 per cent contributed by new members in 1947. Orlov (USSR) supported the French proposal and stated that the adopted scale should apply for 1946, 1947, and 1948 since no substantial change in world economic conditions could be expected in the next few years. He urged the Subcommittee to consider whether a 39 per cent U.S. contribution represented too great a deviation from the principle of capacity to pay.

Pitblado (U.K.) supported the French request that the U.S. absorb the differential between the 1946 and 1947 scales. He recommended that the 1947 scale should also apply to the Working Capital Fund. He recognized the validity of the U.S. arguments for a ceiling, but thought the difficulty came in fixing the limitation on the normal amount, referring to the mystic 40 per cent.

Geraschenko (U.S.S.R.) urged the U.S. to absorb the 2.59 per cent contributions of new members as a gesture of good will. He argued for a three-year scale and agreed to a 39 per cent contribution for the U.S. for 1947.

Chairman Martinez's suggested scales for 1946 and 1947 were supported in general by France and the U.K. These scales called for a 39.89 per cent contribution from the U.S. for 1946 and a 39 per cent 1947 contribution for the budget and Working Capital Fund. The U.K. was set at 11.98 for 1946 and 11.65 per cent for 1947. The U.S.S.R. would pay 6.62 for 1946 and 6.43 per cent for 1947.

AUSTIN

IO Files : US/A/C.5/57

United States Delegation Position Paper

SECRET

[NEW YORK,] December 8, 1946.

UNITED STATES CONTRIBUTION TO THE ADMINISTRATIVE BUDGET OF THE
UNITED NATIONS

Recommendations:

1. The Delegation of the United States is prepared to recommend to Congress that we accept as our contribution to the 1946 and 47 Budget and the Working Capital Fund a figure not to exceed 39.89 percent of the total, with the following distinct reservation:

a. That under no circumstances do we consent that under normal conditions *any one nation* should pay more than a maximum of 33-1/3 percent in an organization of "sovereign equals."

b. That the difference between 33-1/3 percent and 39 percent is voluntarily assumed by us for 1947 and for the Working Capital Fund because we recognize that normal post-war economic relationships have not yet been restored and we are willing to accept this added, temporary assessment to assist the United Nations in meeting the emergency.

2. The Delegation of the United States is unwilling to have any contributions figure set for 1948 or thereafter. It believes that since the scale reflects abnormal economic conditions, the scale should be *annually* reviewed to reflect whatever economic changes occur from year to year. It would also anticipate that other factors than so-called "relative capacity to pay" will be given hereafter the consideration they deserve as a matter of sound public policy in an international organization of "sovereign equals."

3. The Delegation of the United States will request that this statement be made a part of the record of the General Assembly.²⁶

501.BB Summaries/12-946: Telegram

Senator Austin to the Secretary of State

SECRET US URGENT NEW YORK, December 9, 1946—10 p. m.
[via Courier]

948. GA Secret Summary.

Committee V, Subcommittee on Contributions (4th Meeting).

Senator Vandenberg on December 9 stated the "final" U.S. position on scales of contribution pointing out that an amount not exceeding 38.89 [39.89?] per cent of the UN budget and Working Capital Fund was the limit that could be recommended for Congressional approval.

There were two reservations which he wished to make clear, Vandenberg said, (1) under no circumstances could the U.S. consent to any one nation paying more than a maximum of 33 $\frac{1}{3}$ per cent under normal conditions, and (2) the U.S. was voluntarily assuming the larger percentage for the 1947 budget and Working Capital Fund as a temporary assessment to assist the UN in an emergency post-war period of economic allocations.

The U.S. was unwilling, he added, to have any scale of contributions established for 1948 or thereafter because any scale should reflect economic changes which occur from year to year and should annually be reviewed. Vandenberg asserted that the U.S. anticipated that factors other than "capacity to pay" would hereafter be given serious consideration as a matter of sound public policy in an international organization of "sovereign equals."

Discussion closed without agreement being reached on the U.S. position or on a counter proposal that the U.S. assume 40.27 per cent

²⁶ This 3-paragraph statement was introduced into the Sub-Committee record by Senator Vandenberg on December 9 (see telegram 948, December 9, from New York, *infra*). It was incorporated in its entirety into the Sub-Committee's report to the Fifth Committee (GA (I/2), *Fifth Committee*, pp. 318 ff., note p. 320) and into the Fifth Committee's Report to the General Assembly (see footnote 27, p. 499 for this citation). The United States statement was preceded in the Fifth Committee's Report by the following: "After discussion in the Sub-Committee the delegation of the United States agreed, notwithstanding their previous statements, to accept as an emergency contribution of 39.89 per cent, with the reservation that the following statement would be included in the records of the General Assembly:"

for 1946 and 39 per cent for 1947. Further alternative proposals, it appeared were being worked out by the Chairman.²⁷

[Here follows discussion of other items.]

AUSTIN

V. ATTITUDE OF THE UNITED STATES TOWARD QUESTIONS CONCERNING THE ESTABLISHMENT OF RELATIONSHIPS BETWEEN ORGANS OF THE UNITED NATIONS AND NONGOVERNMENTAL ORGANIZATIONS AND THE SPECIALIZED AGENCIES

IO Files ²⁸:USGA/Ia/Exec Off/2

Minutes of Meeting of Executive Officers of the United States Delegation, London, January 16, 1946, 9 a. m.

SECRET

CHECK LIST OF POINTS RAISED AND ACTION TAKEN

[Here follows brief commentary on first point under discussion.]

2. It was pointed out that the *Journal*²⁹ summary of the WFTU³⁰ discussion in the General Committee was unsatisfactory. The basic

²⁷ At the 5th meeting of the Sub-Committee on December 11 the Sub-Committee reached agreement on an unanimous basis on a scale of contributions for 1946 and 1947 in which the United States was allotted 39.89 percent for each year; this meeting is reported in a detailed secret summary sent to the Department in telegram 955, December 11, 11:15 p. m., from New York (501.BB Summaries/12-1146).

The Sub-Committee's report (GA(I/2), *Fifth Committee*, pp. 318 ff.) was discussed in the Fifth Committee on December 12 (*ibid.*, pp. 254 and 255), at which time Senator Vandenberg paid special tribute to Dr. Martinez-Cabanas for securing unanimous agreement in the Sub-Committee, and on December 13 (*ibid.*, pp. 272 ff.), when the Committee adopted the Sub-Committee's report by 33 votes, with no opposition, the remaining members abstaining.

For the Report of the Fifth Committee to the General Assembly concerning the scale of contributions of the United Nations budgets for 1946 and 1947 and the Working Capital Fund, see United Nations, *Official Records of the General Assembly, First Session, Second Part, Supplement No. 4*, pp. 58 and 59. For the resolution adopted by the General Assembly, December 14, embodying a scale of contributions for 1946 and 1947 which allocated to the United States a contribution of 39.89 per cent (Resolution 69 (I)), see *ibid.*, p. 60. For an "Explanatory Note" regarding the resolutions adopted in connection with the 1946 and 1947 budgets, see *ibid.*, p. 62.

²⁸ Short title for the master files of the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

²⁹ United Nations, *Journal of the General Assembly, First Session*. As the *Journal* was subsequently discontinued, all citations are rather to the permanent official records which were then adopted and which incorporated retroactively the earlier verbatim record of the *Journal* in the case of the General Assembly itself and a summary record of the *Journal* for the Committees of the General Assembly, in this case of the General Committee. The meeting of the General Committee in this instance was that of January 15, 10:30 a. m. The reader should refer to United Nations, *Official Records of the General Assembly, First Session, First Part, General Committee*, p. 2. (Hereafter cited as GA(I/1), *General Committee*.)

³⁰ The historical background of the World Federation of Trade Unions is described in an enclosure to the communication cited in footnote 33, p. 500.

issue had been whether the WFTU should be invited to speak before the General Assembly. Kuznetsov (U.S.S.R.)³¹ spoke on behalf of the WFTU as well as in the role of a Soviet Delegate taking the position that the desires of WFTU were clearly set forth in their letters to Mr. Jebb.³² The Secretariat had been of the opinion that no action should be taken until the WFTU clarified its demands.³³ A long discussion took place on inviting the WFTU to appear before the General Committee. The debate was primarily a struggle between the U.K. and the U.S.S.R. . . . Mr. Spaak³⁴ was indecisive. Mr. McNeil³⁵ of the United Kingdom carried the discussion with vigor and aggressiveness, and more than covered the points which the United States Delegation felt should have been made. The General Committee finally took the position, with the Russians agreeing, that a General Committee subcommittee should meet with a WFTU delegation and make a recommendation concerning the relationship of that body to the General Assembly but *not* the relationship of the WFTU to ECOSOC. The General Committee would then examine the report of the subcommittee and the Committee itself could invite the WFTU to appear before it but such action could not be taken by an individual Delegate.

[Here follow further brief comment on this question and discussion of other items pending before the United States Delegation at this time.]

501.BB/1-1846

The Principal Adviser on the United States Delegation (Hiss) to the Secretary of State

[LONDON,] January 18, 1946.

THE PROBLEM

The question of the relations of the World Federation of Trade Unions to UNO was discussed at a meeting of the Subcommittee of

³¹ Vassilii V. Kuznetsov, Soviet delegate on the General Committee.

³² Mr. H. M. Gladwyn Jebb who was serving in a temporary capacity as Executive Secretary of the United Nations pending the election of the Secretary-General; the "letters" referred to here consisted of a communication dated December 13, 1945, with enclosure, from the Secretary-General of the WFTU, Mr. Louis Sallant, to the President of the Preparatory Commission which sat in London in late 1945, preceding the General Assembly; see GA (I/1), *General Committee*, pp. 33 ff., annex 2. As the letter arrived too late for consideration by the Preparatory Commission, and the objectives of the Federation stated therein were not deemed by Mr. Jebb to be sufficiently clear for consideration by the General Assembly, a certain confusion existed at this time as to the nature of the WFTU request.

³³ For a second letter written sent by the WFTU see footnote 37, p. 503.

³⁴ Paul-Henri Spaak, President of the General Assembly.

³⁵ Hector McNeil, British Parliamentary Under-Secretary of State for Foreign Affairs and Alternate Delegate on the British Delegation to the General Assembly.

the General Committee on January 16 from 9 p.m. to 12:30 a.m.⁵⁶ The WFTU representatives were Messrs. Citrine, Saillant, Jouhau and Kuznetsov.

Three principal problems were discussed:

1. Collaboration with the Assembly
2. Collaboration with the ECOSOC
3. The right to vote in the ECOSOC

1. *Collaboration with the Assembly*

The representatives of the WFTU were asked two questions:

- (i) Would they desire a permanent seat in the Assembly?
- (ii) Would they claim the right to speak whenever they wanted in the Assembly?

The answer to the first question was a definite "yes". The representatives said that they had not discussed the second question but that they recognized that there would have to be some restriction upon their action in this connection.

2. *Collaboration with the ECOSOC*

There was no disagreement that relations with the ECOSOC were provided for under Article 71 of the Charter. The WFTU however wanted the General Committee to recommend to the General Assembly that it recommend to the ECOSOC that arrangements be made to provide for regular and permanent consultation with the WFTU. The Labor representatives apparently had in mind having a seat in every meeting of the ECOSOC. Most of the time of the meeting was devoted to the issue of whether the General Assembly should make recommendations to the ECOSOC on this matter. No decision was reached.

3. *The Right To Vote in the ECOSOC*

The Labor representatives indicated that they would take up at some future time the question of a right to vote in the ECOSOC. They recognized that this would require an amendment to the Charter.

⁵⁶ In a covering memorandum dated January 18 (apparently drafted on January 17) Mr. Hiss told the Secretary of State that it was expected that on January 18 the General Committee would hear the report of the "Subcommittee of 4 which was appointed to ascertain the request of the WFTU. There is attached a memorandum stating what occurred when the Subcommittee met with the WFTU representatives last night and setting forth recommendations as to the position which we feel the United States should take on this question." The Secretary was urged to attend this meeting in person "... in view of the importance of the WFTU issues. . . ." (501.BB/1-1846)

No meeting of the General Committee was held on January 18, however, and the Sub-committee's views were not received by the Committee until January 21. Presumably the Sub-committee was awaiting the clarification of the WFTU's objectives desired by the Secretariat, which was conveyed by the WFTU in its letter of January 17; see footnote 37, p. 503.

The question was also raised whether the Subcommittee was going to recommend that the WFTU representatives be given a hearing by the General Committee. They were told that this was a question for the General Committee to decide and not for the Subcommittee to decide.

RECOMMENDED U. S. POSITION

It is recommended that the U. S. should take the general position that the WFTU is not a unique case to be considered only on its own merits but that any privileges extended to it would also have to be accorded to other large international non-governmental organizations.

In the specific issues raised it is recommended that:

1. *Collaboration with the Assembly*

The United States should take a definite position that the WFTU is not entitled to a seat in the Assembly nor to the privilege of speaking in the Assembly.

This point was raised by some of the British representatives with Mr. Bevin this morning and he stated emphatically that no such right or privilege should be given the WFTU.

2. *Collaboration with ECOSOC*

The United States should take the position that this is a matter to be taken up by ECOSOC in connection with Article 71 of the Charter and that no action by either the General Assembly or the General Committee would be appropriate until a recommendation on the matter has been made by ECOSOC.

3. *The Right To Vote in the ECOSOC*

If our recommended position under point 2 is sustained this question will not arise. If it does arise, the United States should definitely oppose any action which would lead to the granting of the right to vote.

4. *Further Hearing of the WFTU by the General Committee*

The United States should take the position that the Subcommittee has now heard the wishes of the WFTU and that there is no need for the General Committee to hear any further statement from them. If any question arises requiring clarification, the Subcommittee might meet again with the representatives of the WFTU in order to save the time of the full Committee.

IO Files: USGA/Ia/Gen Com/3

United States Delegation Position Paper

SECRET

[LONDON,] January 21, 1946.

WORLD FEDERATION OF TRADE UNIONS ISSUE

In the General Committee, when the subcommittee which has conferred with representatives of the WFTU reports, there will apparently be three issues:³⁷

1. Whether the WFTU will have the right to sit regularly in the Assembly, and to speak at its request under special arrangements;

2. Whether the WFTU will have the special right to participate in the meetings of ECOSOC, its commissions and committees, and eventually the right to vote; and

3. The action to be taken by the General Committee on these points.

The General Committee should dispose of these questions in the following manner and for the following reasons:

1. *Collaboration with and the right to vote in ECOSOC.*

Provision is made in Article 71 of the Charter for consultation of non-governmental agencies with ECOSOC. Neither the General Assembly nor the General Committee should take any action on the question of relations of non-governmental organizations with ECOSOC. This is a matter for ECOSOC itself.

Recommendation: The President should be advised by the General Committee to reply in writing to the WFTU in this sense and he should inform the General Assembly of this advice.

³⁷ The second WFTU letter, dated January 17, and signed by Sir Walter Citrine, President of the Federation, as well as the Secretary-General, Mr. Saillant, had been received by the Sub-Committee during its deliberations, and stated in pertinent part: "We feel it should be possible for representatives of the World Federation of Trade Unions to be invited to sit in the Assembly in an advisory and consultative capacity, and also to be brought into regular consultation, under the provisions of Article 71 of the Charter, with the Economic and Social Council. We would also hope that, at a later date, the World Federation of Trade Unions would be accorded full participation in the work of the Economic and Social Council, with the right to vote." (For complete text, see GA (I/1), *General Committee*, pp. 38-40, annex 2a)

By January 21 the General Committee also had received requests from three more non-governmental organizations for association with the organs of the United Nations along the general lines of the request from the WFTU: the International Cooperative Alliance, the International Federation of Women, and the American Federation of Labor (see *ibid.*, pp. 40 ff., annexes 2b, 2c, and 2d). From the outset of the meeting of the General Committee on January 21, when he "submitted that the World Federation of Trade Unions was an organization of a totally different character from the other three. . . .", the chairman of the Ukrainian Delegation to the General Assembly (Manuilsky), was associated with the initiative in all attempts undertaken to establish a special status for the WFTU on this basis, first in the General Committee, then in the First Committee, and finally on the floor of the General Assembly.

2. *Collaboration with the Assembly.*

The United States should take a definite position against the proposals of the WFTU on this issue and should vote against it in the General Committee for the following reasons:

a. UNO is an association of governments. The Charter of the United Nations does not make any provision for relations between the Assembly and private organizations or individuals. Furthermore, there is no such provision in the rules of procedure.

b. The Charter provides under Article 71 for a special type of relations between the ECOSOC and private non-governmental organizations. By implication the Charter does not contemplate any similar relations directly with the General Assembly.

c. If any particular private international organization is given a special relationship with the General Assembly, the General Assembly would undoubtedly find it necessary to deal similarly with a large number of applications from other similar organizations.

Recommendation: The General Committee should advise the President to reply in writing to the WFTU in this sense and he should inform the General Assembly of this advice.

3. *General Approach.*

a. The U.S. representative should make it completely clear in his statements that they are not based on any antagonism toward the WFTU but are based on general constitutional considerations and that the position of the United States would be the same regardless of what private non-governmental organization made a similar request.

4. *Procedural question of a recommendation to the General Assembly.*

a. There is an additional argument why the General Committee should not *recommend* to the Assembly that the WFTU request should be granted, i.e., the procedural ground that the General Committee has no authority to make recommendations on substantive issues. The most that the General Committee is empowered to do is to refer such matters to the Assembly with a factual report and without recommendations.

5. *Possible request for right to speak before General Assembly.*

a. Some member of the General Committee may make an alternative suggestion that the Committee recommend to the Assembly that the WFTU be invited to speak before the Assembly at this meeting. We should oppose such a proposal on the following grounds:

1. The General Committee does not have the right to recommend action on the request of a private individual or organization.

2. It is not authorized by the Rules of the Assembly.

3. It would set a bad precedent.

It is recommended that the U.S. maintain this opposition so as to preserve its right to oppose the proposal in the Assembly.

6. *Further Hearing of the WFTU by the General Committee.*

The United States should take the position that the subcommittee has now heard the wishes of the WFTU and that there is no need for the General Committee to hear any further statement from them. If any question arises requiring clarification, the subcommittee might meet again with the representatives of the WFTU in order to save the time of the full Committee.³⁸

³⁸ For the statements by Senator Connally, United States delegate on the General Committee, to the Committee on January 21 and January 24, in support of the United States position outlined in this memorandum, see GA(I/1), *General Committee*, pp. 9 and 12. The essence of his argument was that "the admission of any organization to permanent participation of the kind suggested infringed the provisions of the Charter, which were based on the principle of national representation by Governments". (*ibid.*, p. 12).

The question of the representation of non-governmental bodies on the organs of the United Nations continued under the jurisdiction of the General Committee until February 2, at which time the General Assembly received it in the form of a report from the General Committee (see GA(I/1), *General Committee*, pp. 2-15, *passim*; pp. 33 ff., annex 2 and appendages; and United Nations, *Official Records of the General Assembly, First Session, First Part, Plenary Meetings*, pp. 578 ff., annex 5 [the latter hereafter cited as GA(I/1), *Plenary*]). The General Assembly on February 2 voted immediately to put the WFTU request on its agenda, and passed the problem on to its First Committee (*ibid.*, pp. 326 ff.). On February 14 the General Assembly received a report from the First Committee on the subject with a proposed resolution (United Nations, *Official Records of the General Assembly, First Session, First Part, First Committee*, pp. 667 ff. [hereafter cited as GA(I/1), *First Committee*]); and adopted the proposed resolution on February 14 (United Nations, *Official Records of the General Assembly, First Session, First Part, Resolutions Adopted by the General Assembly during the First Part of the First Session*, p. 10; in the subsequent serialization of the resolutions of the General Assembly this was named Resolution 4 (I)). The complicated maneuvering that occurred both in the General Committee and the First Committee during this period may be traced in the official records of those Committees; General Committee references have been noted above; for the First Committee see GA(I/1), *First Committee*, pp. 15-35, *passim*; for consideration of the subject by the General Assembly on February 14, see GA(I/1), *Plenary*, pp. 501 ff. This problem was canvassed exhaustively by the United States Delegation in meetings from January 25 to February 8; minutes are found in the IO Files, series USGA/Ia/Del. Min. (Chr.).

Throughout this period the United States, represented by Senator Connally in both the Committees and in the General Assembly, adopted a position based on the principles enunciated in numbered paragraph (2.) ("Collaboration with the Assembly") of this memorandum, and as a result the final resolution contained no provision for consultative relationships between non-governmental organizations and the General Assembly. Also by the end of the General Committee phase there was a complete acceptance of the United States view that there could be no question of granting an organization representation with the right to vote in any of the organs of the United Nations as this would constitute an amendment of the Charter. This principle was explicitly stated in the Report of the General Committee to the General Assembly and in the Report of the First Committee to the General Assembly.

Regarding the points set forth in numbered paragraph (1.) ("Collaboration with the right to vote in ECOSOC") of this memorandum, the United States subsequently modified its position, accepting a proposal that the WFTU request should be transmitted by the General Assembly to ECOSOC with a recommendation that suitable arrangements be established as soon as possible; at the same time the United States insisted that the same status be accorded to certain other non-governmental organizations. The resolution adopted by the General Assembly, incorporating these provisions relating to ECOSOC, was based on a draft originally put forward in the First Committee by the United States.

Editorial Note

On June 21, 1946 at the end of its Second Session the Economic and Social Council, in pursuance of the General Assembly's resolution of February 14, agreed upon principles and procedures for the admission of non-governmental organizations to a relationship with ECOSOC, established three categories of eligible organizations, defined their privileges, and set up a standing committee to constitute a channel for establishing effective consultation between the organizations and the Council. The World Federation of Trade Unions, the International Co-operative Alliance and the American Federation of Labor were placed in the first category, designated as "category (a)": this was defined as including "organizations which have a basic interest in most of the activities of the Council and are closely linked with the economic or social life of the areas which they represent". The June 21 decisions of ECOSOC were based on the report of a special committee that had been appointed by ECOSOC on February 18 to implement the General Assembly's resolution of February 14. In turn the report leaned heavily on a memorandum of May 17, 1946 submitted by the United States Representative on the Economic and Social Council (Winant) and a working paper forwarded to the Council by the United Nations Secretariat. Before the Council took final action on the report the Soviet Union offered amendments that would have given the WFTU the right to participate without vote in the meetings of the Council and those of its commissions and committees. In the discussion that followed, concluding with the defeat of the Soviet proposals, the United States Representative (Winant) stated the position of the United States Government that no non-governmental organization should be given rights not accorded to a Member State of the United Nations not on the Council. For the June 21 proceedings of the Council see United Nations, *Official Records of the Economic and Social Council, First Year, Second Session*, pages 108 ff. (hereafter cited as ESC (II) [ECOSOC records are denoted by session rather than by year]). For the report of the special committee on which the Council's decisions of June 21 were based, see *ibid.*, page 318 ff., annex 8a; for Part IV of this report, printed in this compilation, see annex I to United States Delegation Working Paper of November 21, 1946, p. 516. Mr. Winant's statement of June 21 is found in ESC (II), page 309. For the United States memorandum of May 17 and the United Nations Secretariat working paper alluded to above, see IO files, black binder entitled "Annotated Provisional Agenda", dated May 25, 1946, a briefing book prepared for the United States Representative (Winant) on the impending second session of ECOSOC, item II-5.

IO Files : US/A/M (Chr)/12

*Minutes of the Twelfth Meeting of the United States Delegation,³⁹
New York, Hotel Pennsylvania, October 29, 1946, 9 a. m.*

SECRET

[Here follows list of names of persons (25) present.]

REPORT ON GENERAL COMMITTEE MEETING

Invitation to Specialized Agencies

Senator Austin reported that at the meeting of the General Committee on October 27 [28], the Secretary-General had asked that there be extended an invitation such as he had given on the opening day to the heads of the specialized agencies including the ILO, FAO, PICOA [*PICAO*], International Monetary Fund, Bank, WHO, UNRRA and The League.⁴⁰ The Committee approved extending the

³⁹ For documentation regarding the composition and structure of the United States Delegation to the second part of the first session to the General Assembly which began at New York on October 23, see pp. 37-42.

⁴⁰ In February 1946 at London the Economic and Social Council at its first session had passed a resolution providing for a Committee on Negotiations with Specialized Agencies and directing the committee to draw up draft agreement for the establishment of relationships between the United Nations and the specialized agencies. These agencies at that time were the Food and Agriculture Organization (FAO), the International Labor Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Provisional International Civil Aviation Organization (PICAO), the International Monetary Fund and the International Bank for Reconstruction and Development. By June the Committee had negotiated agreements with the ILO, UNESCO and the FAO which were approved by the Economic and Social Council at the end of its second session on June 21, 1946. The third session of the Council, which began on October 3, 1946, saw the approval of the draft of a subsequently negotiated agreement with PICAO. In turn these approved drafts were referred by the Council to the impending session of the General Assembly for the Assembly's approval. A brief survey of these developments and of the provisions of the draft agreements may be found in United Nations, *Official Records of the General Assembly, First Session, Second Part, Supplement No. 2, Report by the Economic and Social Council to the General Assembly, 23 January to 3 October 1946*, pp. 42-48.

From the outset the United States was very actively interested in the negotiation of these agreements and at an appropriate time the Department of State had forwarded to Mr. John G. Winant, United States Representative to the Economic and Social Council, drafts of the proposed agreements (IO Files, documents SD/SA/4, May 20, 1946 and SD/NSA/1, May 22, 1946, not printed). In a position paper of October 10, 1946, entitled "Consideration and Approval of Agreements Concluded with the Specialized Agencies" (IO Files, document SD/A/C.2/10, not printed), the Department had informed the United States Delegation to the impending session of the General Assembly that "The agreements already negotiated are, in general, satisfactory. They contain certain provisions which have been questioned from certain points of view . . . but they fulfill the requirements of the Charter and leave scope for future implementation and improvement. Meanwhile, pressing substantive problems confront the United Nations and the agencies and it is of great importance that these organizations begin at once the day-to-day collaboration which is contemplated for these bodies. Hence, it is deemed advisable to get the agreements into operation speedily . . ." (Relevant documentation for United States participation in this

invitations to these men as guests for the whole session. They were also given the right to address the General Assembly and the committees. Senator Connally remarked that those persons would then have more privileges than members of the General Assembly. Senator Austin replied that the agencies had no *rights*. He pointed out that the draft agreements between the United Nations and the four specialized agencies were not yet accepted and that the Secretary-General's procedure was simply anticipating the approval of these agreements. If the Delegation disapproved of such an arrangement, the proper step, of course, would be to vote against it. Both Senators Connally and Vandenberg expressed the opinion that the agreements should not accord the representatives of specialized agencies the right to address the General Assembly.

Senator Austin continued that at the General Committee meeting he had favored the Secretariat proposal, admitting the representatives of the above-named organizations as guests. Mr. Sandifer, who had accompanied him, had approved this course. Senator Austin said that when he voted he thought he knew what the invitation meant. However, Mr. Parodi (France) moved that if one particular individual were absent when a matter concerning his agency arose, he should have the right to appoint a deputy to speak in the General Assembly. Then, Senator Austin said, he stated that he had understood that the individuals had been invited as guests only. Chairman Spaak replied that this was not the case, but that the invitation meant they could speak and attend all meetings for purposes of consultation.

Mrs. Roosevelt said that her understanding of the word "consultation" was that the heads of agencies should be consulted if the Assembly or a delegation wished to consult them, but it was up to the Assembly to take the initiative. Mr. Dulles recalled the London debates on the meaning of the word "consultation" and the Soviet view that determination of the need for consultation could be made by either party.

Senator Austin described the manoeuvre of the General Committee as a forward pass. The agencies were now out ahead of the agreements which were not yet approved. He pointed out if the Delegation did

phase of Economic and Social Council negotiations may be found in the IO Files, "Handbook for the United States Representative", Second Session of the Economic and Social Council, dated May 25, 1946 and "Handbook for the United States Representative", Third Session of the Economic and Social Council, dated September 4, 1946).

For the text of the memorandum submitted by the Secretary-General to the General Committee on October 28, see United Nations, *Official Records of the General Assembly, First Session, Second Part, General Committee*, p. 105, annex 19; hereafter cited as GA(I/2), *General Committee*. For the discussion in the General Committee meeting on that date, see *ibid.*, pp. 76 and 77.

not approve this arrangement, it could be changed in the contracts still to be signed.

Mr. Sandifer wished that Senator Austin's report should be clearly understood. When the United States agreed to the plan it had no information that the term "guest" was to be construed to mean that the representatives should have the right to speak. However, when the interpretation of the term "guests" was made, it had not been desirable to raise an objection.

Mr. Sandifer continued that the most important point of the agreements was an agreement for reciprocal representation. The specialized agencies were to be represented in United Nations meetings and vice versa. Even in the face of yesterday's move, he considered that the representatives could make statements only by invitation of the General Assembly. He said he was concerned that there should be a sound mutual basis of cooperation in view of the importance of some of the specialized agencies. Collaboration between those agencies and the United Nations was most important. However, the former had a tendency to hold back, which was explicable in part because of differences within the governments of the respective members. He cited as an example the fact that the Bank was slow about making an agreement with the United Nations. This was in part attributable to the fact that matters in connection with the Bank were handled by the Treasury rather than the State Department. A similar split in other governments explained a good deal of the reluctance of specialized agencies to conclude agreements with the United Nations.

Mr. Sandifer continued that a more important aspect of the question arose in respect to the possible parallel demands by non-governmental organizations. Manuilsky and Vishinsky⁴¹ had both served notice that they intended to press for a status for the WFTU similar to that granted the specialized agencies. Mr. Sandifer further remarked that it would have been much more preferable from the United States' view for the guest status to have been extended only to those four agencies which had concluded draft agreements with the Economic and Social Council, in order that there should be some advantage accruing to those who made agreements.

[Here follow brief remarks by Senator Austin, Senator Connally, and Mrs. Douglas.]

Mrs. Roosevelt believed that the emphasis should always be placed on the fact that it was an invitation extended which enabled the agencies to appear before the General Assembly. The Assembly, of

⁴¹ D. Z. Manuilsky, Head of the Delegation of the Ukrainian Soviet Socialist Republic and Chairman of the General Assembly's First Committee; A. A. Vishinsky, Representative of the Soviet Union to the General Assembly.

course, had the right to ask an explanation on any point. She pointed out that these agreements had been made in the Economic and Social Council and were now being submitted to the General Assembly for its approval. She could not imagine that the Economic and Social Council could have said that the agencies should appear and have a *right* to speak, because that could only be decided by the General Assembly, which wished to extend an invitation rather than grant a right.

Senator Austin agreed with Mrs. Roosevelt and pointed out that that concept had been stretched when the motion had been approved that there could be substitute speakers.

Senator Austin then read into the record the following paragraph from the draft agreement with the ILO: "Representatives of the International Labour Organization shall be invited to attend in a consultative capacity meetings of the General Assembly and shall be afforded full opportunity for presenting to the Assembly the views of the International Labour Organization on questions within the scope of its activities."

He noted that the agreement with the FAO and PICAQ was of a somewhat different nature and read the following paragraph from the FAO agreement: "Representatives of the Food and Agricultural Organization of the United Nations shall be invited to attend meetings of the General Assembly for purposes of consultation on matters within the scope of its activities."

Mr. Bloom inquired what and when consultation would take place in the General Assembly. He stated that he thought it should be in committee and not in plenary sessions. Senator Austin said that it was his understanding that any delegate could call on the ILO representative and ask him questions. Mr. Stevenson said that he thought it had been construed that the representatives of the agencies could ask to be heard. Senator Austin replied that the record was not clear, that it was his understanding that the representatives should come as guests.

Mr. Dulles pointed out that when the Delegation talked about "consultation," it did not mean the same thing as other delegations. He cited Article 71 of the Charter and recalled the long struggle which had ensued over it. The U.S.S.R. interpreted this article to mean that the international organizations had the right rather than the privilege to be heard and even to vote, which was a very different meaning from the meaning ascribed to that article by the United States.

Senator Vandenberg said that it should be remembered that the fundamental and original concept of the United Nations was that it

was a world organization. It was commencing to mushroom entirely too fast, in Senator Vandenberg's opinion, and he thought the mushrooming was not healthy. He urged that the basic concept should be maintained, that governments and no one else sit and speak in the Assembly, except at the invitation and on the sufferance of the Assembly. If this road, which had been followed from the beginning, were left, the Assembly would wander into the wilderness.

[Here follows further discussion of this and other subjects.]

IO Files : US/A/C.2/11

United States Delegation Working Paper

CONFIDENTIAL

[NEW YORK,] November 8, 1946.

MEMORANDUM

REPRESENTATION OF SPECIALIZED AGENCIES AT MEETINGS OF THE GENERAL ASSEMBLY AND OF ITS MAIN COMMITTEES

In view of the fact that this subject has been raised in the General Committee (October 28, 1946), and may come up in the Assembly or in one or more of the committees, the following background information may be found useful. Each of the draft agreements on the agenda for General Assembly approval contains an article on reciprocal representation. The status of representatives of the specialized agencies in respect of plenary meetings of the General Assembly is dealt with in one paragraph, and their status at meetings of the Main Committees of the General Assembly is dealt with in another paragraph.

Plenary Meetings of the General Assembly

Three of the agreements (FAO, UNESCO, and PICAQ) contain essentially similar provisions to the effect that representatives of the agencies shall be invited to attend meetings of the General Assembly "for purposes of consultation" on matters within the scope of their activities (see attachment giving the texts of paragraph 3, Article II or III, in each of the four draft agreements). The corresponding provision in the draft agreement with the ILO provides that representatives of that organization shall be invited to attend meetings of the General Assembly "in a consultative capacity" and, unlike the other three agreements, goes on to state that they "shall be afforded full opportunity for presenting to the General Assembly the views of the ILO on questions within the scope of its activities".

These provisions in the agreements with FAO, UNESCO, and PICAQ do not appear to confer upon these agencies a right to take the initiative in presenting general statements about the work of their organizations at plenary meetings of the General Assembly. The corresponding provision in the agreement with the ILO, however, might be interpreted as granting such a right. On the other hand, a case can be made that the wording of paragraph 3, Article II, of the ILO draft agreement should be taken to mean that the ILO shall be afforded full opportunity for presenting its views to the General Assembly only when questions within the scope of ILO's activities are under discussion in the General Assembly.

Meetings of Main General Assembly Committees

The paragraphs in the four agreements dealing with the question of representation of the specialized agencies at meetings of the Main Committees are essentially similar. (See attachment giving the texts of paragraph 4, Article II or III, in each of the four draft agreements.) They provide that representatives of the agencies shall be invited to attend meetings when matters within the scope of their activities are under discussion and "to participate, without vote, in such discussions". The wording of the paragraph in the agreement with the ILO is slightly more favorable to that Organization than the corresponding wording in the other three agreements; that is, it provides the ILO with a somewhat better basis for claiming that it "has an interest" in matters under discussion.

Comments

It will be seen from the foregoing and from the texts reproduced in the attachment to this memorandum, that neither the word "guests" nor the word "observers" adequately describes the status of representatives of the specialized agencies, under their draft agreements with the UN, in respect of plenary meetings of the General Assembly or meetings of the Main Committees of the Assembly.

Pending the coming into force of the agreements between the specialized agencies and the UN, the General Assembly and its Main Committees need not accord to representatives of the four specialized agencies the treatment provided for in the draft agreements but may make *ad hoc* arrangements to hear them on matters within the competence of the agencies.

Although it might be argued that some differentiation should be made between the privileges accorded to representatives of specialized agencies with which agreements have been concluded and those representing agencies with which negotiations are still in progress or contemplated, it is believed that any such differentiation in treatment at

meetings of the General Assembly or of its Main Committees probably would serve no useful purpose.⁴²

WILLIAM A. FOWLER

[Attachment]

Relevant Texts of Four Agreements

ILO—Article II—Reciprocal Representation

"3. Representatives of the International Labour Organization shall be invited to attend in a consultative capacity meetings of the General Assembly and shall be afforded full opportunity for presenting to the General Assembly the views of the International Labour Organization on questions within the scope of its activities.

"4. Representatives of the International Labour Organization shall be invited to attend meetings of the Main Committees of the General Assembly in which the International Labour Organization has an interest and to participate, without vote, in the deliberations thereof."

UNESCO—Article III—Reciprocal Representation

"3. Representatives of the United Nations Educational, Scientific and Cultural Organization shall be invited to attend meetings of the General Assembly of the United Nations for the purposes of consultation on educational, scientific and cultural matters.

"4. Representatives of the United Nations Educational, Scientific and Cultural Organization shall be invited to attend meetings of the Main Committees of the General Assembly when educational, scientific or cultural matters are under discussion, and to participate, without vote, in such discussions."

FAO—Article II—Reciprocal Representation

"3. Representatives of the Food and Agriculture Organization of the United Nations shall be invited to attend meetings of the General Assembly for purposes of consultation on matters within the scope of its activities.

⁴² There seems to have been no further discussion of this subject by the United States Delegation. The report of the General Assembly's Joint Committee 2 and 3 recommending approval of the draft agreements is found in United Nations, *Official Records of the General Assembly, First Session, Second Part, Plenary Meetings*, pp. 1576 ff., annex 85; hereafter cited as GA (I/2), *Plenary*. The General Assembly on December 14 in Resolution 50 (I) approved the draft agreements with the proviso "that, in the case of the agreement with the International Civil Aviation Organization [ICAO, successor to the PICAO], that Organization complies with any decision of the General Assembly regarding Franco Spain." GA (I/2), *Plenary*, pp. 1381 and 1382 and United Nations, *Official Records of the General Assembly, First Session, Second Part, Resolutions Adopted by the General Assembly during the Second Part of Its First Session*, p. 78; hereafter cited as GA (I/2), *Resolutions*. For documentation regarding the Spanish question at the United Nations, see vol. v, pp. 1023 ff.

"4. Representatives of the Food and Agriculture Organization of the United Nations shall be invited to attend meetings of the Main Committees of the General Assembly when matters within the scope of its activities are under discussion and to participate, without vote, in such discussions."

PICAO—Article III—Reciprocal Representation

"3. Representatives of the International Civil Aviation Organization shall be invited to attend meetings of the General Assembly of the United Nations for the purposes of consultation on civil aviation matters.

"4. Representatives of the International Civil Aviation Organization shall be invited to attend meetings of the Main Committees of the General Assembly when civil aviation matters are under discussion and to participate, without vote, in such discussions."

IO Files : US/A/C.2 and 3/2

United States Delegation Working Paper

SECRET

[NEW YORK,] November 21, 1946.

REQUEST OF THE WORLD FEDERATION OF TRADE UNIONS FOR CHANGE
IN ARRANGEMENTS FOR CONSULTATION WITH THE ECONOMIC AND
SOCIAL COUNCIL

PROBLEM

Mr. Leon Jouhaux, Vice President of the WFTU in a letter of November 12, 1946 to Mr. Spaak⁴⁴ asks that the General Assembly recommend revision of the arrangements for consultation with non-governmental organizations (agreed upon in the Economic and Social Council on June 21, 1946) so as to give the WFTU

1. The right to submit to the Council questions for insertion in the provisional agenda in accordance with the procedure now applicable to specialized agencies. (This procedure is that the Council, subject to such preliminary consultation as may be necessary, includes on its agenda and the agenda of its commissions items proposed by the General Conference or Executive Board of the specialized agencies.)

2. The right to present written and verbal statements to the Council on all matters of concern to the Federation.

Mr. Jouhaux, acting as delegate for France in a Joint Meeting of Committee 2 and 3 on November 20, asked that the above recommenda-

⁴⁴ United Nations, *Official Records of the General Assembly, First Session, Second Part, Joint Committee of the Second and Third Committee*, pp. 85 and 86, annex 1. (Hereafter cited as GA(I/2), *Joint Second and Third Committee*.)

tion be adopted, and was strongly supported by the Soviet Delegate.⁴⁵ The U.S. Delegate, Mr. Stevenson, favored a New Zealand proposal that the Assembly simply draw the attention of the Economic and Social Council to the remarks made in the meeting: "and to the letter of 12 November signed by the vice president of the WFTU."⁴⁶ This suggestion did not satisfy the Soviet Union. Further discussion was postponed.

The problem is whether we wish to support a recommendation to the Economic and Social Council that the WFTU be granted the additional rights proposed by Mr. Jouhaux.

RECOMMENDATION

We should strongly oppose any recommendation by the General Assembly to the Economic and Social Council which suggests changes in the arrangements agreed upon for consultation with the WFTU. We should base this opposition on the following grounds:

a. The present arrangements, embodied in the Council's Resolution of June 21, 1946 confirmed by its Resolution of October 1, 1946,⁴⁷ give the WFTU ample opportunities for consultation with the Economic and Social Council. (See Annex I.) In particular with reference to the new demands of the WFTU, the WFTU now has three possibilities of recommending items for inclusion in the provisional agenda of ECOSOC:

(1) By having one or more members of the United Nations submit the item.

(2) By transmitting a recommendation to the President of the Council or to the Secretary-General (which they may place on the agenda at their discretion.)

(3) By addressing a request to the Committee on Non-governmental Organizations of the Council.

Under existing arrangements the WFTU also has the right to *transmit* to the Council any memoranda, recommendations or draft resolutions bearing on matters before the Council within the special competence of WFTU and such recommendations will be distributed to the members of the Council in full.

b. The present arrangements have been in force for such a brief

⁴⁵ The French request was made on November 18 at the beginning of the Joint Committee's consideration of the draft report of the Economic and Social Council to the General Assembly; for the discussion on November 18 and subsequent discussions on November 22, 23, 26, and 27, see GA (I/2), *Joint Second and Third Committee*, pp. 1 ff.

⁴⁶ See *ibid.*, p. 96, annex 3a.

⁴⁷ This refers to Council action extending category (*a*) status to the International Chamber of Commerce, thus adding a fourth non-governmental organization to the three already established in that category by the Council on June 21, see E/SC (III), pp. 112 ff. This move was sponsored by the United States.

period that there is now no basis in experience for questioning their adequacy.

c. The Economic and Social Council is empowered by Article 71 to make the arrangements for consultation with non-governmental organizations, and it is inappropriate for the General Assembly to give the Economic and Social Council instructions on the nature of these arrangements. The Economic and Social Council should be left free to operate under the arrangements which have been agreed upon and which the President of the WFTU, in a meeting on October 2, 1946 with the Council's NGO Committee,⁴⁸ indicated were satisfactory. (See Annex II.)

[Annex I]

ARRANGEMENTS FOR CONSULTATION OF NON-GOVERNMENTAL ORGANIZATIONS WITH THE ECONOMIC AND SOCIAL COUNCIL ⁴⁹

(Report of the Committee on Arrangements for Consultation with Non-Governmental Organizations of June 21, 1946)

1. It is recognized that the nature of the consultations will vary with the character of the organization. Accordingly, it is recommended that in drawing up its recognized list of organizations the Council should so far as possible define the field of interest of each and should distinguish between:

(*a*) Organizations which have a basic interest in most of the activities of the Council, and are closely linked with the economic or social life of the areas which they represent;

(*b*) Organizations which have a special competence but are concerned specifically with only a few of the fields of activity covered by the Council;

(*c*) Organizations which are primarily concerned with the development of public opinion and with the dissemination of information.

2. Organizations in category (*a*) may designate authorized representatives to sit as observers at all of the public meetings of the Council. Representatives of these organizations which will include

⁴⁸ On June 21 ECOSOC established a standing committee known as the Committee on Arrangements for Consultations with Non-Governmental Organizations and it was given the official short title of "Council NGO Committee"; see ESC (II), p. 320. The composition of this committee was made up of the President of the Economic and Social Council and four members; these were to be assisted by the United Nations Assistant Secretaries-General for Economic and Social Affairs. The Committee was to perform functions related to listing non-governmental organizations eligible for relationship with the Council and generally to perform in a liaison capacity.

⁴⁹ This constitutes Part IV of the report on which the Economic and Social Council based its decisions of June 21; see ESC (II), p. 321.

organizations of labour, of management and business, of farmers and consumers, will be entitled to circulate to the various members of the Council written statements and suggestions within their competence. Such communications will be addressed to the Secretariat, which will transmit them to the members of the Council.

3. To insure effective consultation on matters in which organizations have special competence or knowledge, it is recommended that those included in category (a) may be invited by the Council to consult with a standing committee appointed for that purpose, if the Council so desires or the organization requests such consultation. The Chairman of the Standing Committee should be the President of the Council. The representatives of the organizations should be able to participate fully in any consultations of this kind so that the Committee may report to the Council on the basis of a full exchange of views. Upon recommendation of the Standing Committee, the Council as a whole may receive representatives of organizations in category (a) for the purpose of hearing their views.

4. Organizations in categories (b) and (c) may designate authorized representatives to sit as observers at public meetings of the Council. They may submit written statements and suggestions on matters within their competence, and the Secretariat will prepare and distribute a list of all such communications briefly indicating the substance of each. On the request of any member of the Council, a communication will be reproduced in full and distributed. Any lengthy communications will be distributed only if sufficient copies are furnished by the organization concerned.

5. To insure effective consultation on matters in which organizations have special competence or knowledge, it is recommended that those included in categories (b) and (c) may be invited by the Council to consult with a committee appointed for that purpose, if the Council so desires or the organization specifically requests such consultation. Their representatives should be able to participate fully in any consultations of this kind so that the Committee may report to the Council on the basis of a full exchange of views.

[Annex II]

PROCEDURES ESTABLISHED BY THE NON-GOVERNMENTAL ORGANIZATIONS COMMITTEE TO IMPLEMENT THE RESOLUTION OF THE ECONOMIC AND SOCIAL COUNCIL OF JUNE 21, 1946

The Council NGO Committee pointed out:

1. that the WFTU should receive in advance of every Session of the Council copies of its Provisional Agenda and of documents bearing upon the various points of the Agenda.

2. that under the existing Rules of Procedure of the Council, the WFTU had three possibilities of recommending items for inclusion in the Provisional Agenda as follows:

- (a) by approaching a Member of the United Nations
- (b) by transmitting a recommendation to the President of the Council or to the Secretary-General
- (c) by addressing a request to the Council NGO Committee

3. that in line with Part IV, Paragraph 2⁵⁰ of the above-cited Resolution the WFTU as one of the organizations in category (a) would have the right to transmit to the Council any memoranda, recommendations, or draft resolutions bearing on matters before the Council within the special competence of the WFTU and that such communications would be distributed to the Members of the Council in full.

4. that the WFTU could, according to Part IV, Paragraph 3, request the Council NGO Committee to meet with representatives of the WFTU for the purpose of discussing views put forward by the WFTU.

5. that the Council NGO Committee would give most serious consideration to requests by the WFTU to be heard by the Council as a whole, if it is so desired on specific matters of importance within its special competence or knowledge.

6. that the WFTU under the provisions of Part IV, Paragraph 2, would automatically have the right to submit written communications to the Council protesting any decision by the Council NGO Committee, including a decision not to recommend to the Council that it should hear the WFTU on a particular matter.

7. that the Council NGO Committee would make a practice of keeping the Council fully informed about its consultations with the WFTU.

8. that according to Part V, Paragraph 1, the WFTU would normally have an opportunity to consult directly with the various Commissions of the Council.

IO Files: US/A/C.2 and 3/3

United States Delegation Working Paper

SECRET

[NEW YORK,] November 24, 1946.

At Saturday's⁵¹ meeting of Joint Committee 2 and 3, the first part of a USSR resolution concerning the relationship of the WFTU to

⁵⁰ See Annex I, p. 516.

⁵¹ November 23.

the Economic and Social Council (see (A/C.2 and 3/10, of Nov. 21)⁵² was adopted by a vote of 22 to 15.

The second part of the USSR resolution, in which the GA would have recommended that the ECOSOC give to the WFTU the right to make oral as well as written statements "on all matters of interest to the Federation", was rejected by a vote of about 24 to 14. Included among those voting with the USSR in favor of this part of the resolution were Argentina, Chile and Colombia. Venezuela, among others, abstained.⁵³

In the resolution adopted by the Joint Committee the GA recommends that ECOSOC give to the WFTU the unrestricted right, now enjoyed by specialized agencies and Member states not members of ECOSOC, to place items on the Council's agenda.⁵⁴

The UK, Canada, New Zealand and the US vigorously opposed this resolution on some or all of the following grounds: (1) that it would go beyond the provisions of the Charter (Art. 71); (2) that the arrangements worked out by the Council should be entirely satisfactory to the WFTU and the other three non-governmental organizations presently included in Category A (American Federation of Labor, International Chamber of Commerce, and International Co-operative Alliance); (3) that these arrangements should be given a reasonable trial before the GA raises any question as to their adequacy; and (4) that it was questionable whether it was appropriate under the terms of the Charter (Art. 71) for the GA to attempt to deal with the details of the arrangements to be worked out by the Council for its consultative arrangements with non-governmental organizations. (For additional background information on this subject see Secret document US/A/C.2 and 3/2 of Nov. 21).⁵⁵

Although a roll-call vote was not taken, the many speeches made

⁵² The operative section of the proposed Soviet resolution read:

"*The General Assembly recommends* that the Economic and Social Council grant to the World Federation of Trade Unions:

1. The right to submit for consideration by the Economic and Social Council, questions intended for inclusion in the provisional agenda in accordance with procedure applied at the present time to specialized agencies;

2. The right to submit to the Council written and oral communications on all matters of interest to the Federation." See GA(I/2), *Joint Second and Third Committee*, pp. 96 and 97, annex 3b, which is United Nations document A/C.2 and 3/10, November 21.

⁵³ The United States vote was recorded against both parts of the proposed Soviet resolution. For the proceedings of the Joint Committee on November 23, see GA(I/2), *Joint Second and Third Committee*, pp. 15 ff.

⁵⁴ The resolution as enacted (that is, the first section of the original Soviet proposal) was incorporated by the Joint Committee into a draft report which was being submitted by the Joint Committee to the General Assembly, relating to the Report of the Economic and Social Council to the General Assembly submitted earlier by the Council to the General Assembly; see *ibid.*, pp. 97 ff., annex 3e, with particular reference to the second section on p. 99.

⁵⁵ The United States Delegation working paper, printed *supra*.

prior to the vote, as they will be summarized in the *Journal*, will afford useful guides to attitudes and votes. In general, it was apparent that quite a few Delegations were reluctant to vote against both parts of the USSR resolution. Belgium (Lebeau) had taken the lead in suggesting the desirability of a "compromise" in which the first part would be accepted and the second part rejected.

USDel should make every effort, with the aid of like-minded Delegations, to defeat the USSR resolution, adopted by Joint Committee 2 and 3, when it comes before a Plenary meeting of the GA at some future date. It is vitally important that we rally the necessary support to do this. If we fail in the GA, we might not be able to stave off adoption of the USSR resolution by ECOSOC. Adoption of such a resolution by ECOSOC would seriously weaken the effectiveness of the Council; its agenda might be bogged down with all sorts of items from the WFTU and from other Category A organizations if, in accordance with the general principle of equality of treatment we favor, the same right were extended to other non-governmental organizations in the same category.

Immediately after the Joint Committee had adopted the first part of the USSR resolution, Mr. Stevenson called to the Committee's attention the fact that there were other non-governmental organizations in Category A and asked whether it would be in order to propose an addition to the resolution just adopted, to the effect that *if* ECOSOC should grant the unrestricted right to WFTU to place items on the Council's agenda, the same right should be given to all other Category A organizations.

The Chairman ruled that this would not be in order, but that the US Delegation would be free to submit a separate resolution for consideration at a later meeting.

After the meeting, a separate resolution (see attached) was drafted and submitted to the Secretariat to be circulated. It will come up for discussion at the next meeting of Joint Committee 2 and 3, probably on Tuesday.⁵⁶

⁵⁶ See GA(I/2), *Joint Second and Third Committee*, p. 97, annex 3 c. The draft resolution read: "*The General Assembly,*

Having considered the report of the Economic and Social Council (document A/125) concerning arrangements for consultation with non-governmental organizations:

1. *Takes note* of the action of the Council to place certain non-governmental organizations in category A; and

2. *Expresses agreement* with the general principle that all non-governmental organizations in category A should receive equal treatment in respect of consultative arrangements with the Council."

This draft was approved by the U.S. Delegation at a meeting on November 25, and at the same time it was agreed that the United States should make every effort to defeat the Soviet resolution (included in the Joint Committee's report) when it came before the General Assembly (IO Files, document US/A/M/20).

This resolution would simply place the GA's stamp of approval on the ECOSOC principle of treating equally all non-governmental organizations within Category A. This resolution, and the attendant circumstances, will be discussed by Mr. Stevenson at the Delegation meeting Monday morning.

The present intention is to press for favorable action on this resolution in Joint Committee 2 and 3 on Tuesday. In presenting it, Mr. Stevenson would make it very clear that we remain unalterably opposed to the USSR resolution adopted at Saturday's meeting and that we intend to work toward its defeat in the Plenary meeting of the GA, for reasons already stated. He would argue in favor of adoption of our resolution endorsing ECOSOC's "equality of treatment" principle, mainly on the ground that we cannot let pass unchallenged the attack made on that principle by the USSR and a few other Delegations. (Although not adaptable for use in an open meeting, there is the further consideration that adoption of our "equality of treatment" resolution would provide a hedge against the possibility that we may not be able to defeat the USSR resolution in the Plenary meeting of the GA).

All political officers can begin immediately to attempt to build up support for defeating the USSR resolution in the Plenary meeting of the GA. After the Delegation meeting Monday morning they will have a clear idea of how best to deal with the proposed US "equality of treatment" resolution.⁵⁷

IO Files : US/A/C.2 and 3/8

Memorandum by Adlai E. Stevenson, Alternate Representative on the United States Delegation, to All Political Officers on the Delegation Staff

SECRET

[NEW YORK,] December 7, 1946.

At the San Francisco Conference, the World Federation of Trade Unions made an aggressive effort to be admitted to the Assembly and Commissions. But the Steering Committee concluded that no private organization should have any special position in the Conference.

At the General Assembly in London last winter, the Soviet Delegation introduced a resolution supporting a letter from Louis Saillant, Secretary-General of the Federation, requesting special recognition

⁵⁷ For the U.S. statement made by Mr. Adlai Stevenson in offering the U.S. resolution at the meeting of the Joint Committee on November 26, see GA (1/2), *Joint Second and Third Committee*, p. 23; debate on the resolution is found *ibid.*, pp. 23-30. The resolution was adopted by the Joint Committee on the same date by 19 votes to 13, and 11 abstentions and 11 members absent, and incorporated into the draft report of the Joint Committee on the ECOSOC Report.

of the Federation in the Assembly and also rights of participation in the work of the Economic and Social Council.

The matter was debated there interminably in the General Committee, Committee I and the General Assembly. You are familiar with the results: resolutions recommending that the Economic and Social Council establish consultative arrangements with WFTU and with the AFofL and the International Cooperative Alliance.

In short, the best we could do at London was to insure equal treatment for the AFofL and the International Cooperative Alliance. Our policy there was first to resist the WFTU proposal and, failing that, to get equal treatment for two other large international non-governmental organizations.

Last June, after careful consideration, ECOSOC worked out a system of categories and placed these three organizations in Category A for consultative relationship with the Council because of their general interest in all of the work of the Council. Later, in October, the International Chamber of Commerce was added to Category A.

Despite the opportunity to do so, the WFTU has thus far made no proposals or suggestions relating to the work of the Council, and the WFTU negotiators expressed satisfaction with the consultative relationship established by the Council at its last session.

However, Leon Jouhaux, one of the French Delegates and a Vice-President of WFTU, wrote a letter to President Spaak on November 12 complaining that these arrangements were insufficient and requesting

1. The right to submit to the Council questions for insertion in the provisional agenda, in accordance with the procedure now applicable to specialized agencies;
2. The right to present written and verbal statements to the Council on all matters of concern to the Federation.

The USSR presented these two requests to Committee I⁵⁸ in the form of a resolution and after prolonged debate the Committee approved the first of these requests 22 to 15 and rejected the second 24 to 14. The U.S., the U.K., Canada and a few others vigorously opposed the adoption of this resolution.

After further debate, we succeeded in getting a resolution adopted which reaffirms the general principle that all non-governmental organizations in Category A should receive equal treatment in respect of consultative arrangements with the Council. This "equality of treatment" resolution was introduced (1) to meet the challenge to the principle of equal treatment and (2) as a hedge against the possibility that our efforts to defeat the USSR resolution in the plenary meeting of the GA may be unsuccessful.

⁵⁸ Mr. Stevenson's intended reference here is to the Joint Committee of the Second and Third Committees.

Our Delegation should vigorously oppose, in plenary session, the Soviet resolution granting the WFTU the same rights as a specialized agency with regard to inscribing items on the provisional agenda of the Council on the following grounds:

1. The arrangements worked out by the Council should be entirely satisfactory and afford WFTU and the other three non-governmental organizations included in Category A ample access to the agenda.
2. These arrangements have not even been tested by usage and it is altogether premature, therefore, to assume their inadequacy.
3. These arrangements should be given a reasonable trial before the GA considers any recommendations for change.
4. The GA should not interfere in the *details* of the Council's work with regard to consultative arrangements with non-governmental organizations.
5. Such a right, which would have to be extended to other organizations in Category A, would seriously jeopardize the Council's control over its own agenda; in this connection, it should be borne in mind that the placing of items on the *provisional* agenda is tantamount to placing them on the approved agenda.

It is apparent that the Soviets and possibly others are determined, if possible, to exalt the prestige of the WFTU at the expense of the ILO, to serve political purposes. That this incessant pressure for special recognition for WFTU is not motivated by a desire to improve the efficiency of the conduct of its business with the Council is best evidenced by the fact that it has made no use of the consultative arrangements already established.

As we attach first importance to defeat of this resolution in the General Assembly and because many Delegates do not take it seriously, or are influenced by their domestic labor movements, it would be very helpful to contact as many as possible before this matter arises in the Assembly to make clear the degree of our interest and the reasons for our opposition to the USSR resolution.⁵⁹

⁵⁹ General Assembly debate on the draft United States and Soviet resolutions incorporated in the Joint Committee's report took place on December 15, the Soviet resolution being adopted by 25 votes to 22 votes with 6 abstentions and the United States resolution by 34 votes to 11 with 8 abstentions; for General Assembly proceedings on this see United Nations, *Official Records of the General Assembly, First Session, Second Part, Plenary Meetings*, pp. 1393 ff. (hereafter cited as GA(I/2), *Plenary*). Texts are found in United Nations, *Official Records of the General Assembly, First Session, Second Part, Resolutions Adopted by the General Assembly during the Second Part of Its First Session*, pp. 77 and 78; the two were designated two parts of the same resolution, Resolution 49 (I), entitled "Activities of the Economic and Social Council".

The Soviet Union at this time re-introduced on the floor of the General Assembly the section of its original resolution that had been rejected by the Joint Committee (paragraph 2); see GA(I/2), *Joint Second and Third Committee*, pp. 96 and 97, annex 3b and GA(I/2), *Plenary*, p. 1591, annex 92a). This Soviet amendment was rejected by the General Assembly.

For a statement made to the General Assembly by the Alternate Representative on the United States Delegation (Douglas) against both the draft Soviet resolution and the Soviet amendment, see GA(I/2), *Plenary*, pp. 1399 ff.

**UNITED STATES PARTICIPATION IN THE ACTIVITIES OF
THE INTERGOVERNMENTAL AGENCIES RELATED TO
THE UNITED NATIONS (THE SPECIALIZED AGENCIES)**

Editorial Note

See appropriate entries in the index of the Department of State *Bulletin*, 1946, for United States participation in the activities of the Specialized Agencies in the carrying out by those Agencies of decisions and recommendations of the General Assembly of the United Nations in the economic and social fields and of the Economic and Social Council of the United Nations. In the cases of major decisions made by the organs of the United Nations in the economic and social fields, which resulted specifically in recommendations to governments, or to the Agencies themselves, or which resulted in the creation of a new Agency, and which concerned an important United States interest, the involvement of United States policy in the United Nations decision-making process is documented in the *Foreign Relations* series but under a regional or other substantive subject. For United States policy on the proposed establishment of an international trade organization, see the Editorial Note, p. 1260.

**RESOLUTIONS PROPOSED BY THE UNITED STATES TO
THE GENERAL ASSEMBLY OF THE UNITED NATIONS
TO ENCOURAGE THE PROGRESSIVE DEVELOPMENT
OF INTERNATIONAL LAW AND ITS CODIFICATION**

501.BB/7-846

*Background Memorandum Prepared in the Division of International
Organization Affairs*¹

CONFIDENTIAL IN PART

AGENDA ITEM ON CODIFICATION OF INTERNATIONAL LAW: BACKGROUND

Under Article 13 of the Charter, the General Assembly has a positive obligation to initiate studies and make recommendations to encourage the progressive development of international law and its codification. This provision was included in the Charter largely because of insistence at the United Nations Conference at San Francisco that more emphasis should be placed on law as the basis of the Organization than had been evident in the Dumbarton Oaks Proposals. The inclusion of the proposed item on the agenda would therefore make clear that the United Nations desires to promote international justice through the encouragement of the rule of law.

The length of time which the League of Nations' efforts at codification consumed shows that the process of codifying international law is slow and difficult. An early and carefully thought-out approach to the problem by the United Nations, therefore, seems desirable.

Confidential. From the point of view of the United States, the inclusion of the item would have certain political advantages since the other American republics are keenly interested in the codification of international law. The United States has gone along in the past with the other American republics in supporting the movement for codification by inter-American agencies, as manifested by pertinent resolu-

¹ Transmitted to the Acting United States Representative (Johnson) under instruction no. 23, July 30, in which Ambassador Johnson was requested to transmit to the Acting Secretary General of the United Nations (Sobolev) a communication along the following lines: "Since Article 13 of the Charter provides that 'the General Assembly shall initiate and make recommendations for the purpose of . . . encouraging the progressive development of international law and its codification,' the Government of the United States suggests that the Secretary-General include in the provisional Agenda for the Second Part of the First Session of the General Assembly an item looking toward the carrying out of this provision of the Charter." (501.BB/7-846) This background memorandum was forwarded for "the information and informal use" of the Acting United States Representative.

tions of the Seventh and Eighth International Conferences of American States,² the Third Meeting of Foreign Ministers of 1942,³ and the Inter-American Conference on Problems of War and Peace.⁴ There is, however, considerable feeling in the Department that regional codification of international law is undesirable since public international law is a legal system for the entire community of states and since such regional codification might conflict with codification on a universal basis under the auspices of the United Nations. Inter-American codification might also operate against the interests of the United States since it might raise the question of commitment to some Latin American legal concepts, such as the Calvo clause, which are unacceptable to this government.⁵ It so happens that the inter-American machinery for codification is at present practically at a standstill, pending possible revision of the procedures at the Ninth International Conference of American States, which is scheduled to meet at Bogotá some time next year. It is, therefore, highly desirable from the point of view of this government that the United Nations plan should be evolved, at least in its broad outlines, before inter-American procedures are revised or new machinery developed independently of the United Nations. *End Confidential.*

We should like to see emphasized that the Charter provides for the progressive development of international law as well as its codification. We, therefore, do not propose that the United Nations should merely continue the efforts of the League of Nations to bring about the progressive codification of international law. We believe that the General Assembly should not simply encourage the systematization of

² Held at Montevideo in 1933 and at Lima in 1938, respectively; see *Foreign Relations*, 1933, vol. iv, pp. 1 ff., and *ibid.*, 1938, vol. v, pp. 1 ff.

³ Held at Rio de Janeiro; see *ibid.* 1942, vol. v, pp. 6 ff.

⁴ Held at Mexico City; see *ibid.*, 1945, vol. ix, pp. 1 ff.

⁵ The Calvo clause presumes to condemn "intervention (diplomatic as well as armed) as a legitimate method of enforcing any or all private claims of a pecuniary nature, at least such as are based upon contract or are the result of a civil war, insurrection, or mob violence. 'To admit in such cases the responsibility of governments, i.e., the principle of indemnity, would be to create an exorbitant and fatal privilege essentially favorable to powerful States and injurious to weaker nations, and to establish an unjustifiable inequality between nationals and foreigners.' 3 Calvo, 1280." (Amos S. Hershey, *The Essentials of International Public Law and Organization*, New York, 1935, p. 255 n.).

"The so-called Calvo Clause takes its name from Carlos Calvo (1824-1906) of the Argentine Republic . . . The Calvo clause has had an unusual history before claims commissions. In eight cases the validity of the clause, thus barring an international claim, has been upheld; in eleven cases its efficacy to bar the jurisdiction of a claims commission has been denied. . . ." (Manley O. Hudson, editor, *Cases and Other Materials on International Law*, St. Paul, 1936, p. 1110 n.).

See Donald R. Shea, *The Calvo Clause A Problem of Inter-American and International Law and Diplomacy* (Minneapolis, University of Minnesota Press, 1955); see also J. L. Briery, *The Law of Nations*, sixth edition, edited by Sir Humphrey Waldock (New York and Oxford: Oxford University Press, 1963), pp. 276 ff.

existing law but should, by every possible means, foster its progressive development.

The Charter itself creates new legal relationships and poses new problems. In the ordinary course of events, the United Nations will contribute greatly to the development of international law as the various organs interpret the Charter and carry on their functions under it. The Economic and Social Council, in particular, may make important contributions since much development of international law will undoubtedly take place in economic, social, cultural, health and related fields and in the promotion of human rights. Article 62 of the Charter authorizes the Economic and Social Council to make studies, reports, and recommendations on the subjects falling within its competence, to prepare draft conventions for submission to the General Assembly, and to call international conferences.

The League of Nations encouraged the codification of international law through the work of special preparatory committees working from 1924 to 1930 and by convening a codification conference in 1930. The League's efforts were crowned with little success, mainly, it seems, because national views as to what the law on the subjects chosen actually was and what it should be were more divergent than had been supposed.

The League also fostered the development of international law through the holding of such conferences as the Financial Conference at Brussels in 1920, which recommended the Economic and Financial Organization of the League, and the Barcelona Conference of 1921 on communications and transit which took important steps in this field.

The variety of League activities in the development of international law, the varying success which attended them, the wealth of knowledge which has grown out of the consideration of many subjects for codification suggest that the first step which might be taken toward the discharge of the General Assembly's responsibility under Article 13 might be the consideration by the General Assembly's Legal Committee of the appointment of a special committee concerned primarily with the procedures to be adopted. Since the main task of the special committee would be to make recommendations for a general plan which the United Nations might adopt, it should probably be composed of government representatives, mainly officers trained in international law and having wide experience in that field.

Such a committee might consider and report to the next General Assembly on :

(1) the most practical methods by which the **General Assembly may** undertake to encourage the progressive development of international law and its codification ;

- (2) the proper division of labor between the General Assembly and the Economic and Social Council in working toward this objective;
- (3) the best method of enlisting the most effective assistance of national or international groups;
- (4) the establishment of machinery of the General Assembly to continue work in the field;
- (5) the consideration of proposals for special United Nations bodies, such as an international drafting body, which might assist in the attainment of the objective;
- (6) the best procedure for deciding what specific subjects should be tackled first taking into account the work done or inspired by the League.

501.ED International Law/8-3046

Memorandum of Conversation, by Mrs. Alice M. McDiarmid of the Division of International Organization Affairs

[WASHINGTON,] August 30, 1946.

Mr. Rogers of the Canadian Embassy was referred to SPA by Mr. Parsons, BC, to make inquiries concerning the agenda item on the progressive development and codification of international law, proposed by the United States.

Mr. Rogers wished to make informal inquiries as to what the United States had in mind for the progressive development and codification of international law. I explained that we considered it important to work out carefully the procedures through which the General Assembly might carry out its obligation to "initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification." I stressed our interest in development as well as codification and mentioned the desirability of considering the role which the Economic and Social Council acting under Article 62 might play in the development of international law, the functions of the Secretariat Division for the Development of International Law, and the relations with public and private, national and international groups interested in codification.

Mr. Rogers explained that the Canadian Government was much interested in the codification of international law and wished to go ahead somewhat faster than we proposed. He showed me a copy of a memorandum which had not received ministerial approval but which served as an informal expression of their views.⁶ They wished to have set up at this meeting of the General Assembly a Commission on International Law closely connected to the General Assembly. This

⁶Not printed.

commission might, like the International Court of Justice, be composed of fifteen persons, experts on international law, elected for overlapping terms of nine years. I mentioned that we felt the persons working on codification should be experts but should also have had experience in government because one of the major problems was what governments would be willing to accept in the way of codification. The commission, in the Canadian view, should attempt a re-statement of what international law actually was. As portions of the re-statement were prepared, they might be submitted to the General Assembly as declarations. If the commission found international law inadequate or outdated on a particular subject, it might prepare a draft convention for adoption by General Assembly and submission to states.

I told Mr. Rogers that I saw nothing essentially incompatible in the two proposals but that theirs represented a step further than we had been preparing to go at this time. He said the Canadians felt that a specific proposal would give direction to the discussion and reduce the time spent on general debate.

He left with me for further study a copy of the Canadian memorandum, emphasizing that it did not amount to a formal proposal since it had not received ministerial approval. He asked me to return it to him with any general comments which I cared to make.

501.BD International Law/9-1146

*Memorandum of Conversation, by Mrs. Alice M. McDiarmid of the
Division of International Organization Affairs*

[WASHINGTON,] September 11, 1946.

Mr. Bathurst of the British Embassy stated that the Foreign Office has asked him to make informal inquiries with regard to the agenda item proposed by the United States on the progressive development and codification of international law.

I explained that we took the view that the General Assembly had a positive obligation to promote the development and codification of international law and that stress should be laid on development as well as codification. We believe careful consideration should be given to the procedures by which it might discharge its responsibility. We were, therefore, planning to propose a small sub-committee to consider procedures and make a report to the next General Assembly. The sub-committee might consider the kind of codification agency the United Nations might establish, its relations with public and private

groups, the role of the Economic and Social Council particularly with reference to Article 62, the consideration of special proposals, such as a legislative drafting bureau, and the topics which might be selected for codification.

Mr. Bathurst said he thought our proposals were along the lines Mr. Beckett, Legal Adviser of the Foreign Office, had been thinking. He said he would relay the information to London and believed the United Kingdom would wish to support our proposals.

He expressed particular interest in the consideration of the kind of agency which might be established. He said he had talked with Mr. Feller of the United Nations Secretariat, who had indicated that plans for the work of the Secretariat's Division for the Development of International Law had not yet been clearly formulated. He expressed the view that without some specific direction the Secretariat might simply draft papers which would gather dust. I agreed with him that the Secretariat's Division could do highly useful preparatory work but that it needed some authoritative direction in order to be most useful. I mentioned that in our view members of the sub-committee should be experts in international law but should also be acquainted with the policies of governments because one of the major problems was what governments were willing to do or to accept. Mr. Bathurst agreed.

He inquired whether we had any specific topics in mind for codification, and I said we did not at this time. I also said that, if possible, it might be desirable to take a general view of the field rather than to tackle a problem simply because it looked easy.

He asked whether there was any precedent for the appointment of a sub-committee of this kind. When I replied that the Committee on U.N.R.R.A. or the Negotiating Committee on League of Nations Assets might be precedents, he added the Negotiating Committee on the Headquarters. We agreed that the appointment of a sub-committee seemed well within the Charter.

In response to his question, I said that we would have a proposal in the form of a resolution. I emphasized that we would not go to the General Assembly committed irrevocably to a specific proposal but that we thought a careful and thoughtful approach should be made to the problem.

In leaving, Mr. Bathurst again expressed sympathy with the proposal and said he might get in touch with me again when he heard from London.

501.BB International Law/10-346

*Memorandum of Conversation, by the Associate Chief of the Division
of International Organization Affairs (Maktos)*

[WASHINGTON,] October 3, 1946.

Participants: Dr. Yuen-li Liang, Director of the Division of Development and Codification of International Law, United Nations, Legal Department
Mr. Charles Fahy⁷
Mr. John Maktos

Dr. Liang called at the Department at his request to discuss a document entitled, "Proposed Resolution on the Development and Codification of International Law", and dated August 15, 1946.⁸

The document contains a draft resolution which the Secretariat proposes should be submitted to the General Assembly for adoption. The resolution requests the Secretary General:

"1. To prepare a survey of the general multipartite international conventions now in force, and of such conventions drafted by official international conferences during the past fifty years which have ceased to be in force or have not been brought into force;

"2. To establish contacts with official and unofficial bodies engaged in efforts to promote the scientific formulation and development of public and private international law, and to prepare a survey of their current projects and activities; and

"3. To prepare, with such advice and assistance as may be needed, a report on the methods and procedures which may usefully be followed by the General Assembly in discharge of its functions under paragraph 1a of Article 13 of the Charter to 'initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification.'"

Mr. Fahy stated that under Article 13 of the Charter, the General Assembly was under obligation to take steps to initiate studies and make recommendations with respect to the development and codification of international law. He added that the Department would give careful consideration to the document, copies of which were handed to Mr. Fahy and Mr. Maktos. Thereupon, Dr. Liang offered to remain in Washington for further discussions. It was pointed out, however, that the subject had been discussed by the Department with Senator Austin and that in view of his absence from Washington, no useful purpose would be served by Dr. Liang's stay.

⁷ Legal Adviser.

⁸ Not found in Department files.

Mr. Fahy informed Dr. Liang that the problem and the appropriate procedure could be considered by a General Assembly committee. Mr. Maktos suggested that such a committee could, of course, study reports and suggestions of official as well as unofficial bodies and that the proposed report of the Secretariat could be submitted to the committee. Dr. Liang suggested that Mr. Maktos discuss this problem with Ambassador Wellington Koo but it was pointed out that such discussion should be postponed until after additional consultation with Senator Austin.

The hope was expressed by Dr. Liang that the Delegations of the United States and China would submit a joint resolution in this manner, particularly in view of China's initiative in this field at the San Francisco Conference. Mr. Fahy assured him that we would be glad to cooperate in this respect and that in the meantime the document will be given careful consideration.

At the end of the meeting, Mr. Maktos gave Miss Whiteman⁹ a copy of the document for her comment, since she had been responsible for the preparation of the position paper on codification.

501.BD International Law/10-446

Memorandum by Miss Marjorie M. Whiteman of the Office of the Legal Adviser to the Associate Chief of the Division of International Organization Affairs (Maktos)

[WASHINGTON,] October 4, 1946.

I have examined the document entitled "Proposed Resolution on the Development and Codification of International Law", Confidential—August 15, 1946, which Dr. Liang of the Legal Division of the Secretariat of the United Nations left with you this morning.¹⁰

The document contains a draft Resolution on the subject of the Development and Codification of International Law, which officers of the Secretariat propose should be submitted for adoption by the General Assembly. The document stresses (a) the progressive development of international law, (b) international legislation, and (c) cooperation with official and unofficial bodies.

Briefly, by the Resolution the Secretary General would be requested (1) to prepare a survey of general multipartite international conventions during the past fifty years; (2) to prepare a survey of current projects of official and unofficial bodies engaged in codification; and (3) to prepare, "with such advice and assistance as may be needed",

⁹ Marjorie M. Whiteman of the Office of the Legal Adviser.

¹⁰ Miss Whiteman is referring to the conversation that is recorded in the memorandum dated October 3, *supra*.

a report on the methods and procedures which may be usefully followed by the General Assembly in discharging its functions under Article 13 of the Charter (relating to the Assembly's part in codification).

In other words, the Secretariat suggests that it be constituted the Committee on Procedure which the United States feels should be established to determine the scope of the problem and appropriate procedures which should be adopted looking to the accomplishment of the work to be done. It is contemplated that the Committee on Procedure suggested by the United States would consider all plans for codification submitted, whether official or unofficial, and make its recommendations in the light of such consideration.

It is my view (1) that the Secretariat should not constitute the Committee on Procedure and (2) that the document left at the Department by Dr. Liang, containing as it does suggestions on procedures with respect to codification, is such a document as might appropriately be considered by the Committee on Procedure.

501.BB International Law/10-446

Memorandum of Conversation, by the Director of the Office of Special Political Affairs (Hiss)

[WASHINGTON,] October 4, 1946.

Dr. Liang told me that he had suggested yesterday to Mr. Fahy the introduction of a resolution in the General Assembly which would direct the Secretariat to prepare a survey of the problems involved in attempting the codification of international law, this survey to be made available to the General Assembly at the Assembly's 1947 session. Dr. Liang said that Mr. Fahy had replied that we had been giving consideration to the codification question, that he had been in consultation with Senator Austin about the matter, and that he was inclined to feel that there would be considerable sentiment for a committee of the General Assembly composed of representatives of member governments to consider the matter.

Dr. Liang said that on further consideration he would now like to suggest a combination of his proposal and of the formation of a General Assembly committee. He would suggest that at the forthcoming session of the General Assembly a committee along the lines Mr. Fahy had described be appointed with the understanding that it would not meet for six months. The resolution would direct the Secretary General immediately to appoint an advisory committee of experts in international law who together with appropriate members of the Sec-

retariat would prepare a survey report of the kind Dr. Liang had in mind. This report would be submitted within six months to the Assembly committee which would be directed to make its own report to the Assembly at the 1947 session. Dr. Liang thought his latest proposal would combine the merits of both plans and would speed up the whole question of Assembly action in this field.

Dr. Liang said that he will see Ambassador Wellington Koo¹¹ and that he hopes that the United States and Chinese Delegations will jointly sponsor a resolution on the subject of codification. I told Dr. Liang that the British Embassy had talked to us briefly about this subject and that it seemed to me that they and perhaps other delegations might be interested in the subject and I wondered whether there might not be merit in having as wide support for whatever resolution might be introduced as possible. Dr. Liang said that at Mr. Gromyko's¹² request he had already talked about this subject to a member of the Soviet Delegation. I remarked that the Latin American states are particularly interested in questions of international law. Dr. Liang indicated that he might consult Mr. Padilla Nervo¹³ of the Mexican Delegation.

I told Dr. Liang that we would be glad to consider his suggestions and that I would see that Mr. Fahy and others interested in this matter were informed of his views.

501.BB International Law/10-846

*Memorandum by the Associate Chief of the Division of International Organization Affairs (Maktos)*¹⁴

[WASHINGTON.] October 8, 1946.

There is attached hereto Miss Whiteman's memorandum¹⁵ commenting on the document entitled "Proposed Resolution on the Development and Codification of International Law" which Dr. Liang, of the United Nations Legal Department left with Mr. Fahy and Mr. Maktos last week.

I was waiting for the said memorandum before sending you my memorandum of conversation which Dr. Liang had with Mr. Fahy and me regarding this subject. I agree with Miss Whiteman's conclusion that the Secretariat should not constitute "The Committee on

¹¹ V. K. Wellington Koo, Ambassador of China to the United States and Head of the Chinese Delegation to the General Assembly.

¹² A. A. Gromyko, Representative of the Soviet Delegation to the General Assembly.

¹³ Luis Padilla Nervo, Chief Representative of Mexico on the Security Council.

¹⁴ Addressed to Miss Whiteman, Messrs. Hiss and Fahy, and the Chief of the Division of International Organization Affairs (Sandifer).

¹⁵ *Ante*, p. 532.

Procedure." I also agree that the suggestions of procedure contained in the aforesaid document as well as those of Dr. Liang mentioned in Mr. Hiss' memorandum of October 4, 1946 might appropriately be considered by the proposed assembly committee. I am a little skeptical concerning a resolution authorizing a committee of experts prior to consideration of the scope of the problem by the governments concerned. As you remember at the meeting on General Assembly Preparation with Senator Austin, it was thought that in the beginning codification should be undertaken by experts connected with the governments, particularly since any plans suggested by them would have to be approved by the governments. The Secretariat, of course, would be free at any time to ask the advice of any person or group of persons and submit to the General Assembly Committee such report as it may prepare.

501.BB International Law/10-1146

Memorandum by Elwood N. Thompson, Special Assistant to the Director of the Office of Special Political Affairs (Hiss), to the Director

[WASHINGTON,] October 11, 1946.

Attached are memoranda and documents by Mr. Liang, Mr. Maktos, and Miss Whiteman,¹⁶ on the subject of the General Assembly agenda item on codification of international law. Mr. Liang's proposed resolution suggests that the Assembly request the Secretary General to prepare a survey of multipartite international conventions, establish contacts with official and non-official bodies engaged in the development of international law and prepare a report on methods and procedures for the General Assembly.

I should think the best features of Mr. Liang's resolution could be retained, and the doubts of Miss Whiteman and Mr. Maktos resolved, by suggesting that the resolution for the General Assembly create a committee on the codification of international law, and in the same resolution request the Secretary General to do the things indicated in Mr. Liang's draft, with a further provision that the Secretariat submit its results to the Assembly's committee. The committee would not thereby be bound by the Secretariat's work but should find it useful, nor would the committee be precluded from suggesting to the Secretariat other lines of inquiry and also from following other lines of inquiry through other facilities that the committee may want to use.¹⁷

¹⁶ Departmental documents printed *supra*; Mr. Liang's paper not found in Department files.

¹⁷ Marginal notations: "I agree. AH".

501.BB International Law/10-1446

Memorandum of Telephone Conversation by the Associate Chief of the Division of International Organization Affairs (Maktos)

[NEW YORK,] October 14, 1946.

At the request of Mr. Noyes,¹⁸ Mr. Maktos called Mr. Bathurst to discuss the agenda item relating to codification of international law.

Mr. Bathurst stated that he had gathered the impression from a conversation with Dr. Liang, Director of the Codification Division of the Legal Office of the United Nations Secretariat, that the position of the United States concerning codification of international law had been changed.

Mr. Maktos informed him that he had been present at a meeting in Mr. Fahy's office at which Mr. Liang had submitted a Secretariat document, dated August 15, 1946, containing certain suggestions with respect to codification of international law. Mr. Bathurst had also been handed a copy of the document and was familiar with the suggestions. Mr. Maktos pointed out that Mr. Fahy had explained the position of the United States and had pointed out that it had been discussed with Senator Austin. Dr. Liang was also informed that the Senator was away from Washington and that the subject would be further discussed at the New York meetings of the Delegation.

Mr. Maktos made it clear that there had been no change of policy indicated by Mr. Fahy at that meeting and that none had taken place since then.

Mr. Bathurst stated that he was glad to hear that our thinking was still along the line of a committee consisting of government experts rather than experts in connection with the government.

10 Files ¹⁹: US/A/C.6/16

United States Delegation Working Paper

CONFIDENTIAL

[NEW YORK,] November 5, 1946.

PROGRESSIVE DEVELOPMENT AND CODIFICATION OF INTERNATIONAL LAW

The attached document entitled "Resolution Relating to the Progressive Development and Codification of International Law Proposed by the United States and Chinese Delegations" contains the same proposals as those set forth in the United States position paper on

¹⁸ Charles P. Noyes, Adviser on Security Council Matters, United States Delegation at the United Nations.

¹⁹ This short title refers to the Master Files found in the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

this subject (Position Papers, Committee 6, tab 5)²⁰ with the following modifications:

1. The position paper recommended the establishment of a subcommittee by Committee VI while the attached resolution proposes the creation of a committee by the General Assembly.

2. The position paper recommended consideration by the subcommittee of the "division of labor between the General Assembly and the Economic and Social Council" while the attached resolution proposes consideration of the "method of consultation with the Economic and Social Council and other organs of the United Nations."

These modifications were made after a conference with Dr. S. S. Liu, of the Chinese Delegation which had expressed its desire to make these proposals jointly with the United States Delegation.²¹

[Annex]

RESOLUTION RELATING TO THE PROGRESSIVE DEVELOPMENT AND CODIFICATION OF INTERNATIONAL LAW PROPOSED BY THE UNITED STATES AND CHINESE DELEGATIONS

The General Assembly,

recognizing the obligation laid upon it by Article 13, paragraph 1, sub-paragraph (a) of the Charter to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification; and

taking note of the difficulties encountered in earlier efforts to develop and codify international law;

approves the establishment by the General Assembly of a committee of seven Members,

1. to consider the procedures to be recommended for the discharge of the General Assembly's responsibilities under Article 13, paragraph 1, sub-paragraph (a); and in particular:

(a) the most practical methods by which the General Assembly may undertake to encourage the progressive development of international law and its codification;

²⁰ The book of position papers for the Sixth Committee is found in the IO Files. This particular paper is not printed; it followed the line of thought described in the informal memorandum forwarded by the Department to the Acting United States Representative at the United Nations (Johnson) under instruction no. 23, July 30; see footnote 1, p. 525.

²¹ In a meeting with members of the United States Delegation to the General Assembly on October 17, Mr. John Maktos had outlined the Department's thinking on the proposed resolution on codification of international law. "Mr. Maktos said as far as he knew the British agreed with the United States' suggestions. He said, however, that the [United Nations] Secretariat might want a committee of experts to study the matter. Mr. Maktos said he agreed that the committee should be made up of experts, but that the experts should be international lawyers with official positions in their governments so that their governmental viewpoints could be presented." (Minutes of the Second Meeting of the U.S. Delegation, New York, October 17, 1946, 2:30 p. m.: IO Files, document US/A/M (Chr.)/2)

(b) the proper method of consultation with the Economic and Social Council and other organs of the United Nations in working toward this objective;

(c) the best method of enlisting the most effective assistance of national or international groups;

(d) the establishment of machinery of the General Assembly to continue work in the field;

(e) the consideration of proposals for special United Nations bodies, such as an international drafting body, which might assist in the attainment of the objective;

(f) the best procedure for deciding what specific subjects should be first considered.

2. to report to the next General Assembly on these procedures.

IO Files: US/A/C.6/13

Memorandum of Conversation

RESTRICTED

[NEW YORK,] November 5, 1946.

Participants: Dr. Roberto Jimenez, Chairman of Committee VI
 Mr. Kerno, Assistant Secretary-General
 Mr. Yuen-li Liang, Secretary of the Committee
 Dr. Shih-Shun Liu, China
 Mr. Charles Fahy
 Mr. John Maktos
 Miss Elizabeth Brown

After the first meeting of Committee VI, November 2, 1946, Mr. Fahy convened an informal meeting in the delegates' lounge to discuss the United States' proposal on codification of international law.²² He outlined the United States' position briefly and stated that the United States would be pleased to have China sponsor the proposal jointly with the United States. He added that he had discussed the proposal informally with Sir Hartley Shawcross of the United Kingdom who had indicated his general agreement but that the United States was not asking United Kingdom to co-sponsor its proposal.

Mr. Kerno said that although the Secretariat²³ would have preferred to have the subject of codification of international law referred

²² This item, referred by the General Assembly to the Sixth Committee on October 31, was not formally considered by the Committee until November 20 at which time it was directed to the attention of Sub-Committee 1 of the Committee (United Nations, *Official Records of the General Assembly, First Session, Second Part, Sixth Committee*, pp. 100 and 101; hereafter cited as GA(I/2), *Sixth Committee*).

²³ It may be noted that the Secretariat had submitted to the Sixth Committee a memorandum on the history of public international efforts to codify international law; see *ibid.*, pp. 227 ff., annex 13.

to it for study and report to the next session of the General Assembly, he was not opposed to the idea of a committee, however, he emphasized that such a committee should be governmental rather than composed of private experts. He felt that the United States' proposal was a sound one. Mr. Liang stated that he had not had enough time to study the written proposal thoroughly, he questioned the number of members (seven) on the special committee. Mr. Fahy told him that this part of our proposal could easily be modified. Dr. Liu did not make any direct comments on the United States' proposal but said he felt sure that China would be happy to serve as a joint sponsor of the proposal with the United States.²⁴

IO Files : US/A/C.6/25

United States Delegation Working Paper

CONFIDENTIAL

[NEW YORK,] November 14, 1946.

PROPOSAL REGARDING DRAFT RESOLUTION ON CODIFICATION OF
INTERNATIONAL LAW

THE PROBLEM

The recent exchange of letters between the President and Judge Francis Biddle regarding the reaffirmation of the principles of the Nuremberg charter in the context of a general codification of offenses against the peace and security of mankind,²⁵ leads to a proposal that the United States Delegation submit to the General Assembly, under the subject of the Codification of International Law, a draft resolution reaffirming those principles of international law and encouraging their codification.

²⁴ United Nations documentation relating to the legislative history of the joint United States-Chinese resolution is as follows: Text of the proposed resolution, *ibid.*, p. 236, annex 13a; report of Sub-Committee 1 to the Sixth Committee, *ibid.*, p. 239, annex 13d; discussion of the sub-committee's report by the Sixth Committee on December 6, *ibid.*, pp. 165 ff.; the Report of the Sixth Committee to the General Assembly, United Nations, *Official Records of the General Assembly, First Session, Second Part, Plenary Meetings*, p. 1516, annex 58 (hereafter cited as GA (I/2), *Plenary*); proceedings in the General Assembly concerning the passage of the resolution on December 11, *ibid.*, pp. 1128 ff.; text of the resolution (Resolution 94 (I)), United Nations, *Official Records of the General Assembly, First Session, Second Part, Resolutions Adopted by the General Assembly during the Second Part of the First Session*, p. 187 (hereafter cited at GA (I/2), *Resolutions*).

²⁵ Judge Biddle, formerly Attorney General of the United States, was the United States Member of the International Military Tribunal for the prosecution of the major Nazi war criminals. For text of his report of November 9 to President Truman on the Nuremberg trial and judgment and recommendations for further action, see Department of State *Bulletin*, November 24, 1946, pp. 954 ff.; for President Truman's reply on November 12, see *ibid.*, p. 954.

RECOMMENDATION

It is recommended that the United States propose the following resolution for adoption by the General Assembly:

The General Assembly,

recognizing the obligation laid upon it by Article 13, paragraph 1, sub-paragraph (a) of the Charter to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification; and

taking note of the London agreement of August 8, 1945 for the establishment of an international military tribunal for the prosecution and punishment of the major war criminals;²⁶

1. approves the principles of international law established by the judgment of the Nuremberg Tribunal²⁷ under the London agreement.

2. directs the Assembly Committee on the Codification of International Law created by the Assembly's resolution of _____ to treat as a matter of primary importance the formulation of the principles of the London agreement and of the judgment of the Nuremberg Tribunal in the context of a general codification of offenses against the peace and security of mankind or in an International Criminal Code.

DISCUSSION

Judge Biddle, in a letter to the President dated November 9, 1946 reporting on the Nuremberg trials, recommended that "immediate consideration be given to drafting such a code (code of international criminal law), to be adopted, after the most careful study and consideration by the governments of the United Nations." The President in his letter of reply to Judge Biddle said, "The setting up of such a code as that which you recommend is indeed an enormous undertaking, but it deserves to be studied and weighed by the best legal minds the world over. It is a fitting task to be undertaken by the governments of the United Nations. I hope that the United Nations, in line with your proposal, will reaffirm the principles of the Nuremberg charter in the context of a general codification of offenses against the peace and security of mankind."

It seems appropriate for the United States to take the lead in recommending to the United Nations that the General Assembly not only instruct a committee to study the procedures to be followed in codify-

²⁶ For documentation concerning the discussions in London in 1945 for the setting up of the Nuremberg Tribunal, see *Foreign Relations, 1945*, vol. III, pp. 1151 ff.

²⁷ The bulk of the documentation of the International Military Tribunal, and the proceedings at Nuremberg, are printed in *The Trial of the Major War Criminals Before the International Military Tribunal, Nuremberg*, 14 November 1945-1 October 1946, 42 vols. (Nuremberg 1947-49); for bracketed note on the interest of the United States in the prosecution of the German war criminals, see *Foreign Relations, 1946*, vol. v, p. 823.

ing international law (as is being done in a resolution being proposed jointly by the United States and the Chinese Delegations) but that the General Assembly itself approve the principles of international law established by the International Military Tribunal under the judgments which it rendered.

IO Files:US/A/M (Chr.)/21

Minutes of the Twenty-First Meeting of the United States Delegation, New York, Hotel Pennsylvania, November 15, 1946, 9 a. m.

SECRET

[Here follows list of names of persons (22) present.]

DRAFT RESOLUTION ON CODIFICATION OF INTERNATIONAL LAW

[Here follows statement by Mr. Charles Fahy, Legal Adviser, to the Delegation about the United States-Chinese resolution on the codification of international law.]

Mr. Fahy pointed out that since the initial work on the codification of international law resolution had been completed by the Department, the Nuremberg trials had been completed. These represented a vital development for international law, and the problem had been made more immediate when Mr. Francis Biddle in his letter of resignation as a Judge of the Nuremberg Court had recommended a plan for an international criminal code to include the decisions of the Nuremberg Court. The President in his reply to Judge Biddle said that he hoped that the United Nations would reaffirm the principles of the Nuremberg Charter in the context of a general codification of offenses against the peace and security of mankind. In the light of this exchange of correspondence, it was proposed that there be introduced into the Assembly a resolution as set forth in US/A/C.6/25. Mr. Fahy then read the resolution as follows:

[Here follows text as recommended in the United States Delegation Working Paper of November 14 (US/A/C.6/25), *supra*.]

Mr. Fahy said that he desired to change the word in paragraph 1 from "approves" to "reaffirms" since nineteen states had adhered to the statement by the United States, the United Kingdom, France, and the U.S.S.R. and thus the matter was already law.

Mr. Fahy continued that the Presidential letter had spoken of "a general codification of offenses against the peace and security of mankind", whereas Judge Biddle had spoken of "a code of international criminal law". Therefore, both terms had been used in the resolution in order that the Assembly Committee could consider either alternative.

Mr. Bloom inquired how far back in time it was necessary to go to start a codification of international law. Mr. Fahy replied that some of the law went back for several centuries.

Mr. Dulles said that in general he approved of the resolution and that he thought that Mr. Fahy's use of the word "reaffirm" was desirable.

Senator Austin suggested that instead of speaking of the "London agreement" that the resolution might better use the phraseology which he had used in his address to the General Assembly, namely; "the law of the charter of the Nuremberg Tribunal", thus there would be a continuity in terminology throughout the United States declarations on this point.²⁸ This suggestion was unanimously approved by the Delegation.

Mr. Dulles pointed out that the United States was advocating an international criminal code. He pointed out further that in the United States a legislative act which is more recent than an international act supersedes the international act. In that case, if there were a war and the legislature were to pass war legislation, it would prevail over the international criminal code. He inquired if Mr. Fahy knew of any way to make the international code effective in this event. Mr. Fahy replied that he did not know how this could be done except by constitutional revision. Mr. Sandifer remarked that it could be provided in a statute. Mr. Dulles pointed out that there was no way of making such a statute prevail against a subsequent statute. He pointed out that a citizen would not be able to make a defense in a court that he was obeying the international criminal code if there were a subsequent national law. While Mr. Dulles pointed out that the question was not directly relevant to consideration of the Assembly resolution, nevertheless, he thought that the United States might be criticized by certain other States that did not like the form of our law.

Mr. Stevenson agreed with Mr. Dulles but pointed out that even though the International Criminal Code might not be superior to the national law, it was still useful to codify international law. Mr. Dulles agreed. Mr. Sandifer pointed out that the same problem arose with any obligation which it was possible to override. He pointed out that the peculiar problem in this case was that the criminal code was proposed to be applied to the individual rather than to the State.

Mr. Dulles agreed that the individual was in a dilemma whether he owed allegiance to the international criminal code or to the national law. He recalled that he had advocated an international law that op-

²⁸ This refers to a passage in the speech made by Senator Austin during the general discussion at the opening of the General Assembly; see GA (I/2), *Plenary*, pp. 893 ff., specifically p. 905.

erated on individuals as well as on States. However, there was still a need to find out how to make the international law superior to national law especially since the Constitution provided that the laws of Congress were the supreme law of the land. Mr. Fahy said that he did not see how it could be done without a constitutional amendment.

Mr. Fahy said that the problem was also involved in the atomic energy proposals. Mr. Dulles agreed and said that he had spoken with Mr. Baruch about including this problem in his statement and Mr. Baruch had done so.²⁹ Mr. Stevenson remarked that he believed the United Kingdom had the same problem.

Senator Austin polled the Delegation on accepting the recommendation as revised and it was unanimously approved:

[Here follows text of the revised resolution, the same as the draft text in document US/A/C.6/25, except as noted in the discussion of the Delegation.]³⁰

²⁹ Bernard M. Baruch, United States Representative on the United Nations Atomic Energy Commission; for documentation regarding the atomic energy question, see pp. 712 ff.

³⁰ The legislative history of the proposed United States resolution is documented in the official records of the United Nations as follows: Text of the proposed resolution, GA(I/2), *Sixth Committee*, p. 237, annex 13b; referral of the item by the Committee to Sub-Committee 1 on November 20, *ibid.*, pp. 100 and 101 (Proceedings of the Committee); report of Sub-Committee 1 to the Sixth Committee, *ibid.*, p. 240, annex 13e; discussion by the Sixth Committee on December 6 and 9, *ibid.*, pp. 169 ff.; the Report of the Sixth Committee to the General Assembly, GA(I/2), *Plenary*, p. 1528, annex 66; adoption by the General Assembly of the Committee's Report and passage of the recommended resolution, *ibid.*, p. 1144; text of the resolution as adopted (Resolution 95 (I)), GA(I/2), *Resolutions*, p. 188.

UNITED STATES POLICY REGARDING QUESTIONS RELATING TO THE ESTABLISHMENT OF AN INTERNATIONAL TRUSTEESHIP SYSTEM UNDER THE UNITED NATIONS CHARTER; PRESIDENT TRUMAN'S DECLARATION OF NOVEMBER 6 PROPOSING A STRATEGIC AREA TRUSTEESHIP WITH THE UNITED STATES AS ADMINISTERING AUTHORITY FOR THE PACIFIC ISLANDS FORMERLY UNDER MANDATE TO JAPAN

[Pertinent documentation in Department's files 890.0146 and 740.00119 Council and in the files of the State-War-Navy Coordinating Committee (SWNCC) relating to interdepartmental consideration of some of the issues treated in this section has been omitted under the provisions of Department of State Regulation 1352, *ante*, p. IV.]

IO Files ¹: USGA/Gen/7

*Briefing Book Paper*²

SECRET

DECEMBER 20, 1945.

8 (a) MEMORANDUM ON UNITED STATES PARTICIPATION IN ADMINISTRATION OF TRUST TERRITORIES

THE PROBLEM

Should the United States participate in the trusteeship administering authority of any trust territories other than in the Pacific, Korea and the Italian colonies?

DISCUSSION

American interest in dependent areas has traditionally been based on a broad humanitarian concern for the welfare of the inhabitants of

¹The master files of the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

²This was one of eight papers prepared in the Division of Dependent Areas Affairs, Office of Special Political Affairs, Department of State, on trusteeship matters for the use of the U.S. Delegation to the first session of the General Assembly of the United Nations scheduled to meet in London on January 10; for other papers in this series, see *infra*. These papers are found in Briefing Book II of three briefing books carried to London by the U.S. Delegation; these briefing books are found in the IO Files. For general documentation relating to the Department of State preparation for the General Assembly session and the work of the U.S. Delegation in London relating to general policies of the United States, see pp. 51 ff.

these areas and a desire not to see these areas exploited for the benefit of a single power through restrictive trade practices. Public opinion in the United States, on the other hand, has consistently opposed taking on specific responsibilities in dependent areas where the interests of the United States are general and not specific.

In the case of the Japanese islands, considerations of security are so overwhelming that the United States will find it necessary to become the sole administering authority, at least for the majority of the islands.

In the case of Korea, an agreement for a four power trusteeship was reached with the Soviet Union before the trusteeship system of the United Nations had been established and, therefore, the possibility of the Organization itself being the administering authority could not be considered at that time.³

In the case of the Italian colonies, the United States has already proposed in the Council of Foreign Ministers that they be placed under the trusteeship system, with the Organization itself as the administering authority.⁴ The United States would participate through its membership in the General Assembly and the Trusteeship Council, and through a representative on the Advisory Committee which, it is proposed, shall advise the Chief Administrator of each of these territories.

In the case of the mandated territories,⁵ the prior historical claims of the mandatory powers will lead, it is assumed, to their being designated as administering authorities in the same territories over which they formerly had control.

If any other territories, however, should be considered for trusteeship or if some other disposition is desired for the territories mentioned above, the traditional interests of the United States would best be expressed by having the Organization itself as the administering authority. Administration by a single power or by two or more powers would not be so satisfactory because of the conflict between different national objectives inherent in such situations.

It should be noted that the United States will continue to have a special position with respect to all trust territories which were detached

³ For documentation concerning this subject, see *Foreign Relations*, 1945, vol. vi, pp. 1018 ff., and *ibid.*, 1946, vol. viii, pp. 605 ff.

⁴ For documentation on this subject, see *ibid.*, 1945, vol. ii, pp. 99-559, *passim*, and *ibid.*, 1946, vol. iv, pp. 1 ff.

⁵ Article 22 of the Covenant of the League of Nations, approved by the Paris Peace Conference on April 28, 1919 and incorporated into the Treaty of Versailles which was signed June 28, 1919, provided for the mandates system under the general supervision of the League. For an annotated text of Article 22 with appropriate references to all international acts relating to the mandates system from its inception until 1941, see *Foreign Relations*, The Paris Peace Conference, 1919, vol. xiii, pp. 94 ff.

from enemy states in this war or were formerly under mandate status. As one of the Principal Allied and Associated Powers in the first World War⁶ and as a signatory of the peace treaties which will follow the second World War, the United States will be one of the states directly concerned in the negotiation of the trusteeship agreements for these territories and as such will have the right to agree to the alteration or amendment of the agreements, in accordance with Article 79 of the Charter.

PROPOSED UNITED STATES POSITION

If the probability should arise of the United States participating in the administration of any territories other than those in the Pacific, Korea and the Italian colonies, the United States should take the position that it would be preferable to have the Organization as administering authority rather than one or more powers.

It should be emphasized in the General Assembly if necessary that a trusteeship agreement including the designation of the administering authority will have to be made by the states directly concerned before any agreement can be submitted to the General Assembly for approval.

IO Files : USGA/Gen/7

Briefing Book Paper

SECRET

DECEMBER 26, 1945.

8(e) QUESTIONS BEARING ON PACIFIC ISLANDS

THE PROBLEM

In view both of the interest of this Government in certain territories conquered from the Japanese, and of the difficulties which have delayed any actual implementation of the trusteeship system, certain questions arise. Should the U.S. make a specific clarification of its intentions to place Japanese mandated territories under trusteeship, and initiate negotiations among the states directly concerned? Which states should be so defined? Should this Government extend trusteeship to the other Japanese Islands desired for security purposes: The Bonin-Volcano Islands including Marcus Island, the Izu Islands, and the Ryukyu

⁶ The United States concluded treaties or conventions with the appropriate Mandatory Power over a period of years defining the rights of U.S. nationals in Iraq, Syria and Lebanon, Palestine, East Africa (Tanganyika), the Cameroons, Togoland, Ruanda-Urundi, and the former German islands north of the Equator; see *Foreign Relations*, The Paris Peace Conference, 1919, vol. XIII, pp. 101 ff. U.S. rights defined in these instruments were equivalent to those possessed by members of the League of Nations.

Islands? Should the U.S. insist that it be the sole administering authority over any of the captured Japanese mandates or islands concerned?

DISCUSSION

The State Department is preparing policy papers on the above problems. In some cases, clearance with other departments of the government will be required before these papers can be considered as representing official United States policy.

PROPOSED UNITED STATES POSITION

In the event that the above questions are raised in the General Assembly, the United States should take the position that it is not prepared to discuss such questions, and they should be referred immediately to the Department.

IO Files : USGA/Gen/7

Briefing Book Paper

SECRET

DECEMBER 26, 1945.

8(g) THE FORM OF TRUSTEESHIP AGREEMENTS

THE PROBLEM

Should every trusteeship agreement to which the United States is a party be in the form of a treaty?

DISCUSSION

In American constitutional law language, the term "treaty" is applied to any international agreement which becomes binding upon the United States through ratification by the President by and with the advice and consent of the Senate "provided two-thirds of the Senators present concur". The constitutional position of treaties as part of the law of the land, added to the traditional formalities of treaty-making, indicate that they are intended to be among the most solemn acts of the government. It would be initially assumed, therefore, that any international agreement to which the United States is a party and which attempts to determine the disposition of territories and to delimit the political rights of nations would be made in the form of a treaty. Trusteeship agreements, which are basically political arrangements between states, fall into this category.

From the point of view of either the acquisition or the relinquishment of rights or duties, a treaty is far the best sort of instrument, both legally and politically. It might be particularly important to make trusteeship agreements by treaty in cases where the agreement

will involve some modification of rights previously confirmed to the United States by treaty, for example rights in many of the mandated territories, or where the United States is to assume obligations, such as those of the administering authority in a trust territory.

Because of the requirement that a treaty shall be approved by a two-thirds vote in the Senate, there is always the possibility that a treaty will fail there, even though it has the backing of the administration and of a majority of both Houses of Congress.

The executive agreement, authorized by act or joint resolution of Congress, is a type of instrument which might also be used for making trusteeship agreements. Though not so universal in its applicability as the treaty, the executive agreement with Congressional authorization has been widely used to make international commitments and to give them domestic implementation.

It would seem possible also for a trusteeship agreement to take the form of an executive agreement when it is negotiated in pursuance of decisions made in a treaty to which the United States is a party.

The question of which form of instrument should be used can most properly be determined on the basis of prior consultation with the representatives of appropriate branches of the government.

RECOMMENDATION

Trusteeship agreements should ordinarily be in the form of treaties or of executive agreements authorized by Congress, as may be determined on the basis of prior consultation with the representatives of appropriate branches of the government.

If a trusteeship agreement should be made for Korea before the treaty of peace with Japan is signed, such an agreement might be made by executive action authorized by Congressional resolution. It would seem possible for other trusteeship agreements to be made by executive agreement in pursuance of a previously ratified treaty, or when authorized by Congress.

IO Files : USGA/Gen/7

Briefing Book Paper

SECRET

DECEMBER 27, 1945.

8(b) MEMORANDUM ON DISPOSITION OF MANDATED TERRITORIES

THE PROBLEM

Should the United States take the position of urging the mandatory powers who are Members of the United Nations to transfer their man-

dated territories to the trusteeship system, considering the inaction which thus far has marked the attitude of those powers?

DISCUSSION

The present mandated territories were detached from enemy states after the last world war and were placed under the mandates system of the League of Nations because the responsibility for their administration was felt to be a matter of international concern. The League of Nations is about to be dissolved, but the international responsibility for these areas will continue and would properly be expressed through the trusteeship system of the United Nations. In Article 77 of the Charter of the United Nations, it is specifically provided that territories now held under mandate may be placed under the trusteeship system, and Article 80, paragraph 2 of the Charter was designed to encourage the mandatory powers and other states directly concerned to take such action without delay. It has been assumed by the United States Government that mandatory and other interested powers would expedite action toward this end.

The Preparatory Commission has recommended unanimously that the General Assembly invite the mandatory powers to act in concert with states directly concerned to take steps toward placing the mandated territories under the trusteeship system of the United Nations.⁷

It should be noted in this connection that it is the view of the United States that the question of which states shall participate in the negotiation of trusteeship agreements as states directly concerned can be settled only by preliminary negotiation at the time when steps get under way to place the territories under trusteeship.

⁷ For documentation on the Preparatory Commission of the United Nations which met in London November 24–December 22, 1945, see *Foreign Relations*, 1945, vol. 1, pp. 1479 ff. For the recommendations of the Preparatory Commission to the General Assembly concerning trusteeship, see Preparatory Commission of the United Nations, *Reports of the Preparatory Commission of the United Nations* (December 23, 1945), pp. 49 ff.; deliberations in the trusteeship committee of the Preparatory Commission may be found in Preparatory Commission of the United Nations, *Committee 4: Trusteeship*.

The Preparatory Commission proposed to the General Assembly a draft resolution as follows: "The General Assembly of the United Nations calls on the states administering territories under League of Nations mandate to undertake practical steps, in concert with the other states directly concerned, for the implementation of Article 79 of the Charter (which provides for the conclusion of agreements on the terms of trusteeship for each territory to be placed under the trusteeship system), in order to submit these agreements for approval preferably not later than during the Second Part of the First Session of the General Assembly.

"Those trusteeship matters which will be taken up by the General Assembly at the First Part of its First Session for the purpose of expediting the establishment of the trusteeship system, will be considered by the Trusteeship Committee of the General Assembly, using the methods which the General Assembly considers most appropriate for the further consideration of these matters."

PROPOSED UNITED STATES POSITION

The United States should support any proposal by which the General Assembly would take steps to encourage the transfer of territories mandated to Members of the United Nations to the trusteeship system, except that the General Assembly should not undertake any judgment as to the states directly concerned prior to the submission of trusteeship agreements to that organ for approval.

Editorial Note

The United States Delegation to the First Part of the First Session of the General Assembly arrived in London during the first week of January 1946; for information regarding the composition and organization of the Delegation, see *ante*, pp. 5-7. Mr. John Foster Dulles was given responsibility for representing the Delegation on Fourth Committee matters (trusteeship and non-self-governing territories), and on January 8 he presided at a meeting of trusteeship advisers and experts from the Advisory Staff of the Delegation. The subject under discussion was the resolution on trusteeship that had been drafted by the Preparatory Commission of the United Nations; and Mr. Dulles made a particular point of urging that this resolution be broadened by a United States Delegation proposal that would include an appeal to the colonial powers in general rather than limiting the resolution to the matter of the conversion of the old League of Nations mandates into trusteeships under the United Nations.

The relevant portion of the minutes of the meeting (Second Meeting of the United States Group on Trusteeship, January 8, 1946) read:

"Mr. Dulles said that he wondered whether the General Assembly in its resolution should not call on other states, not just the mandatory powers, since there were other types of territories eligible for trusteeship in addition to the mandated territories. He was particularly concerned, Mr. Dulles went on, with the necessity of appealing to dependent peoples throughout the world and of reassuring them at this meeting of the General Assembly that the United Nations was taking steps to promote their welfare. The Trusteeship Council was the only organ of the United Nations which could not be created at this time. He had reluctantly come to this conclusion on the basis of the technical difficulty of creating the Trusteeship Council and he, therefore, thought it all the more important to make plain to public opinion throughout the world that the question of trusteeship and the broad question of dependent territories was not being completely neglected at the first meeting of the General Assembly." Later in the discussion Mr. Dulles "commented that he wanted to put the whole emphasis on people, not on land", adding that "The real problem in this whole field of dependent areas was that people of one color were ruling those of another." (IO Files, document USTC/Prel/W.P. Min. 1)

Files of the Secretary's Staff Committee : Lot 110 : Box 13143

*Extract From Department of State "Radio Bulletin" of
January 15, 1946*¹⁴

PRESIDENT'S PRESS CONFERENCE

Correspondent said there had been reports that delegation at London seems to be divided on the question of Japanese mandated islands, and asked what the Administration's policy was regarding these islands. President declared that those we do not need will be placed under UNO trusteeship, and those we need we will keep. Asked how long we intended to keep these islands, Mr. Truman said as long as we needed them. Asked if they would be under individual trusteeship of this country, President replied in affirmative in regard to those islands we need. Asked if the others would be under the Security Council, Mr. Truman replied in affirmative, adding just like all of the rest of them. Correspondent asked if some islands would be under our trusteeship and some under individual trusteeship of other nations. President said some would be under individual trusteeships as well as collective trusteeship, but that policy would have to be worked out by United Nations Organization as it went along. Asked if we would have to ask UNO's authority for our individual trusteeships, President replied affirmatively. Correspondent said that there were several Pacific islands below the Equator that were not Japanese mandated and asked if we were interested in those. President replied only in conjunction with our Allies. Asked if we had demanded any of these islands which we need, President declared we have not.

890.0146/1-1546 : Telegram

The Secretary of State to the Acting Secretary of State

SECRET

LONDON, January 15, 1946—11 a. m.

[Received January 16—10:47 a. m.]

519. Discussion of trusteeship of mandated islands may make it expedient for me to make a statement. Please ask the President whether, if it becomes necessary, I may state:¹⁵

"The ultimate disposition of the islands mandated to Japan by the League is a matter for future decision but it will be the recommendation of the President that these islands be trusted under the UNO

¹⁴ Taken from Annex I of Secretary's Staff Committee memorandum SC-192, April 11, printed in part, p. 567.

¹⁵ In telegram 525, Undel 79, January 17, 7 p. m., the Acting Secretary of State cabled that "President has today approved your making suggested statement concerning mandated islands should you find it necessary to do so". (890.0146/1-1546)

either under ordinary trusteeship arrangements or as strategic areas.”¹⁶

[Byrnes]
WINANT

890.0146/1-1646 : Telegram

The Secretary of State to the Acting Secretary of State

SECRET

LONDON, January 16, 1946—6 p. m.
[Received January 16—4:16 p. m.]

537. Would you inquire whether Army, Navy and State Department have initiated studies with view to arriving at conclusion as to islands formerly mandated to Japan in Pacific which we will propose for trusteeship either ordinary or as strategic areas. I understand Far Eastern Office has already commenced study of general terms of proposals.

If not already arranged for I suggest that you put someone in charge of dealing with this question as far as State Department is concerned and have him pursue the matter with War and Navy Departments and Joint Chiefs of Staff either on a separate basis or through the State, War, Navy Coordinating Committee as you think best.

Am making this suggestion not with any view to using results of such study here at this meeting of the Assembly but rather more to see that we are prepared to put the matter to the UN at the appropriate

¹⁶ The distinction noted here between “ordinary trusteeship agreements” and “strategic [trusteeship] areas” has its origin in Article 82 of the United Nations Charter, which reads in part: “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. . . .” Goodrich and Hambro note that “This Article, taken together with Article 83, provides a special regime for those areas in which a Member or Members of the United Nations, or the United Nations, may have special interests of a strategic character. Presumably the interest in question may result either from the defense requirements of a particular state or states or from the needs of the Organization for maintaining peace and security.” (Leland M. Goodrich and E. Hambro, *Charter of the United Nations Commentary and Documents*, Boston, 1949, p. 452) See also Marjorie M. Whiteman, *Digest of International Law*, vol. 1, pp. 765 ff.

In a Department of State memorandum submitted to the State-War-Navy Coordinating Committee (SWNCC) in June 1946 the following appears: “From a practical point of view, in the placing of a territory under trusteeship, the most important difference between the strategic area agreement and the non-strategic area agreement is that a strategic agreement must be approved by ‘an affirmative vote of seven members [of the Security Council] including the concurring votes of the permanent members’ and that a non-strategic area agreement must be approved by a two-thirds majority of the General Assembly (in which the approval of all permanent members of the Security Council need not be included).” (Appendix “B” to SWNCC document 59/1, June 24, 1946)

time. It is possible that the question might arise at the next meeting of the Assembly and I feel we should be prepared to meet it.¹⁷

[Byrnes]
WINANT

SPA Files : Lot 61-D 146, Box 4581

Memorandum of Conversation, by the Associate Chief of the Division of Dependent Area Affairs (Bunche)

[LONDON,] January 17, 1946.

Participants: Mr. Creech-Jones, Parliamentary Under Secretary of State for the Colonies.

Mr. Poynton, Assistant Secretary, Colonial Office.

Mr. Ralph J. Bunche

Following Mr. Bevin's speech before the General Assembly¹⁸ this morning Mr. Creech-Jones and Mr. Poynton undertook to explain to me the meaning of the statement in Mr. Bevin's speech that "preliminary negotiations have already started" in connection with placing the British African Mandates under the trusteeship system. They stated that the United Kingdom Government had formulated draft trusteeship agreements for these territories and that these agreements were in process of transmittal to the several states which they thought might be interested.

¹⁷ The Acting Secretary cabled to the Secretary of State in telegram 628, Undel 94, January 19, 8 p. m.: "Studies referred to . . . are being initiated on Monday by a committee of the three Departments." (890.0146/1-1646)

On January 21 the Department of State cabled Secretary Byrnes in telegram 661, amplifying on the circumstances surrounding the initiation of the studies referred to in telegram 628 (501.BE/1-2146). The January 21 telegram also conveyed the following in a final paragraph drafted in longhand by Mr. Acheson and initialed by President Truman:

"The President believes that if it is possible without embarrassment to avoid a public statement and commitment at this time that would be desirable. He wishes to work out through appropriate sole trusteeship the control of necessary bases which the military services require. It may take a little time to get the appropriate forms agreed upon and pending this a public debate upon the question in this country will hamper rather than advance this solution. If this in any way embarrasses you please inform the President who wishes to support you in every way." (501.BE/1-2146)

In the immediately preceding telegram (No. 660, January 21, 7 p. m., File No. 890.0146/1-1546) the Acting Secretary had cabled the Secretary asking that any action on telegram 519, January 15 be deferred "pending receipt of immediately following telegram. . . ." As it happened, telegram 661 arrived in London in garbled form and the corrected copy was not received until some days later and after the Secretary's departure from London (501.BE/1-2646).

¹⁸ For the statement by the British Secretary of State for Foreign Affairs (Bevin) to the General Assembly on January 17 as regards the intention of the British Government to enter into negotiations for placing the British mandated territories of Tanganyika, the Cameroons, and Togoland under the United Nations trusteeship system, see United Nations, *Official Records of the General Assembly, First Session, First Part, Plenary Meetings*, p. 166; hereafter cited as GA(I/1), *Plenary*.

Copies of the agreements have been sent to Washington for transmittal to the Department and to the American Embassy here.¹⁹

Mr. Creech-Jones and Mr. Poynton further stated that they had not known how to define with any accuracy the "states directly concerned" in these territories but that they had sent the agreements for review to the states which appeared most likely to be interested, namely, the other four great powers and also to Belgium and the Union of South Africa because of their proximity to and direct interest in the African mandated territories. Mr. Creech-Jones admitted that this was in effect an indication of his Government's conception of the states which might be concerned in the agreements for these territories.

Mr. Creech-Jones also stated that the agreements would be discussed with the Dominions, but that with respect to all of them except South Africa this would be considered as purely a matter of domestic relations. There would be no suggestion, therefore, that the Dominions other than South Africa would be parties directly concerned in the African mandates.

IO Files : USTC/Prel/WP Min. 4

Minutes of Informal Meeting of the United States Group on Trusteeship, London, January 17, 1946, 5 p. m.

SECRET

Presiding—Mr. Dulles

Mr. Bloom

Mr. Cohen

Mr. Pasvolsky

Mr. Hackworth

Mr. Collier

Mr. Hiss

Mr. Gerig

Mr. Bunche

Mr. Green

Mr. Crawford

[Mr. Dulles reported that he wanted to "run over briefly" some of the main points of his discussion with Mr. Gromyko ²⁰ the night before

¹⁹ Copies were received by the United States Delegation on January 19 under cover of a Foreign Office note of January 18 (IO Files: document USTC/Prel/33). Copies were transmitted by the British Embassy at Washington to the Department of State on February 5 under cover of an *aide-mémoire* dated February 4, not printed; see p. 561.

²⁰ Andrei A. Gromyko, Delegate of the Soviet Union to the General Assembly and sometime acting head of the Soviet Delegation in the absence of the Head of the Delegation (Vyshinsky).

and Mr. Creech-Jones that afternoon. "Everybody had agreed, including Mr. Gromyko and Mr. Creech-Jones, that the General Assembly should have nothing to do with the rules of procedure of the Trusteeship Council since, under the Charter, the Council was authorized to adopt its own rules." Mr. Pasvolsky then proposed "throwing out" the rules of procedure, and group discussion developed on this point.]

Mr. Dulles said that he would like to turn to the question of the "states directly concerned". He understood that the Trusteeship Council could not be set up until there was a balance between the trustee powers and the non-trustee powers. At least three trustee powers were required before the Council could be created. You could not get any trusteeship agreements, however, until you had decided which were the "states directly concerned".

He had discussed this question at considerable length with Mr. Gromyko, Mr. Dulles continued, and had explained the problem of getting an adequate number of trusteeship agreements to establish the Council. Mr. Gromyko had then asked Mr. Dulles about his views as to which were the "states directly concerned". Mr. Dulles replied that the State Department view was that the United States, United Kingdom, and France were the states directly concerned in the mandated territories, since they were the residual Allied and Associated Powers under the Treaty of Versailles. The State Department did not consider that nations became automatically "states directly concerned" because of geographic propinquity to the trust territory. Mr. Gromyko had replied that he noticed that the Soviet Union was not mentioned in this group. It was the view of his Government that the Soviet Union was a state directly concerned in any trust territory. When Mr. Dulles had asked what was the basis of this view, Mr. Gromyko had replied that the Soviet Union considered itself as concerned in any major economic, political, or geographic question anywhere in the world. Mr. Dulles had then asked whether Mr. Gromyko would include China on the same basis. Mr. Gromyko had replied that he had no opinion on this matter but that he would imagine that China would put forth a similar claim.

Mr. Dulles then had said that he had no competence to discuss this matter officially but that he was merely anxious to explore the problem. He had then asked whether Mr. Gromyko thought that the problem should be discussed during the General Assembly. Mr. Gromyko had replied in the negative, saying that the problem should be handled through diplomatic channels. Mr. Gromyko had then said that if he could consider Mr. Dulles as making an official call he would ask his Government for authority to discuss the question formally

with the American Government. Mr. Dulles had replied that he was not speaking officially but was merely discussing the question as a member of the American Delegation.

Mr. Dulles continued that he had discussed the same question with Mr. Creech-Jones. In reply to a question the latter had commented that the Colonial Office had submitted copies of its draft agreements for their African mandates to the five permanent members of the Security Council and to the neighboring states, that is, Belgium and South Africa.

Mr. Cohen asked what was the nature of this submission. Mr. Dulles replied that he had understood that the British were not submitting the agreements in any formal way or with any indication that these were the indispensable powers concerned in the agreements. He understood that they were merely transmitting the agreements informally in order to invite suggestions about them. Mr. Creech-Jones had indicated that the British had no clear view about the "states directly concerned" but had implied that he would accept Mr. Dulles' view that geographic propinquity was not a necessary criterion, since it would automatically involve the Arab states in Palestine.

In the course of his talk with Mr. Creech-Jones, Mr. Dulles went on, he had got a general idea that it would be better not to try to get any abstract definition of the "states directly concerned". It would be better to start discussions with those states obviously concerned in the hope that an agreement could be concluded for submission to the General Assembly. If the General Assembly found that some indispensable powers had been omitted it could reject the agreement. This action of the British would soon force a decision on this question, since the General Assembly could not very long avoid taking a position. He would need guidance on this question, Mr. Dulles went on, in case it came up in the near future. He had thrown out to Mr. Gromyko Mr. Cohen's idea that the mandatory power might be considered the only state directly concerned. This suggestion seemed totally unacceptable to Mr. Gromyko, who had spoken about it in an extremely positive way.

Mr. Gerig said that he might continue this story by summarizing a memorandum of his conversation with Mr. Orts of the Belgian Delegation. It was clear that the British and the Belgians had been in consultation about this discussion. Mr. Orts had a draft agreement which he said was to be sent to the five great powers. Mr. Orts had said that while it might be better to send the agreement to the three great powers from which they had got their mandate, they intended to submit it also to the Soviet Union and China. The Belgians were somewhat

hesitant to bring the Soviet Union and China into Central Africa but intended to go ahead nevertheless. Mr. Gerig had suggested to Mr. Orts that since the United Kingdom was on their list as a great power they would not need to receive a copy as a neighboring state. This would avoid setting any unfortunate precedent. Mr. Orts had said that he had not thought of this aspect of the question but that he would give it consideration.²¹

Mr. Bunche commented that he understood that the British were proposing to send their agreements to all of the Dominions as a purely domestic matter. They were sending them to the Union of South Africa, however, because of its special position in Africa.

Mr. Bloom asked why the Belgians and the British were sending their agreements to the Soviet Union. Mr. Gerig replied that they apparently regarded the Big Five as "states directly concerned", although others might be added.

[At this point Mr. Cohen stated that "in his opinion the procedure followed by Britain and Belgium was the most appropriate way of starting the negotiations." There followed a long discussion which revolved rather tenuously around the general problem of whether there should be immediate conversations to determine who were states directly concerned or whether to follow along with the British procedure of starting off on an informal and pragmatic basis; more concretely the discussion centered on the two questions of rights of the United States in the mandatory system and definition of the term "states directly concerned". Insofar as there was registered any sense of the committee during and at the end of these deliberations it appeared to be that the group agreed with the Cohen view, repeatedly stated, that ". . . it was up to the state with administrative responsibilities to take the initiative, after which the General Assembly could review the situation."

Mr. Cohen argued at one time that "This battle was lost at San Francisco. At that time there was a conflict of interests. We had a special interest in the Pacific which we wanted to protect and, therefore, we had to agree with the British interpretation about other mandated territories. We could not, therefore, force our views upon the mandatory powers in favor of a United Nations trusteeship. Mr. Pasvolsky pointed out that this decision had been taken at Yalta be-

²¹ On January 18 the Belgian Representative to the General Assembly (Langenhove) declared to the General Assembly the intention of the Belgian Government to start negotiations immediately with a view to placing the Belgian mandated territory of Ruanda-Urundi under the United Nations trusteeship system; see GA (I/1), *Plenary*, p. 238.

cause it was the only possible solution of the problem. It has been the American position and it was the only one acceptable to the British."

At the end of the discussion, the group seemed to go along with a statement by Mr. Hiss that ". . . it would not prejudice the position of the United States to say that the definition of the 'states directly concerned' would have to be handled through diplomatic channels."^{21a}]

SWNCC Files : Series 249

*Memorandum by the Assistant Secretary of the Navy for Air
(Sullivan)*²²

CONFIDENTIAL

U.S. POSITION AS TO FUTURE STATUS OF THE PACIFIC ISLANDS

Articles from London which appeared in the morning papers on January 15, 1946, and subsequently indicate uncertainty among the United States representatives at the United Nations meetings as to what the United States position should be as to the future status of the Pacific islands. The President, at his press conference on January 15, made certain extemporaneous remarks as to the United States position. His statements were in general terms.

In view of these circumstances, I feel there is an urgent need for the State, War and Navy Departments to consider the question with a view to reaching agreement as to United States policy with respect to the future status of the Pacific islands. I feel this essential in order to provide uniform guidance to the civilian and military representatives of this Government at this and future United Nations meetings.

It is, therefore, my suggestion that the State-War-Navy Coordinating Committee hold a special meeting on this problem as soon as possible. At this meeting the Committee should be advised as to the present state of development of a governmental position and as to what instructions or guidance, if any, was given on this question to our representatives at the present United Nations meeting. We should then decide upon steps to be taken to develop and clarify the governmental position at the earliest practicable date.

^{21a} For the position taken by the United States subsequently in the Fourth Committee and then on the floor of the General Assembly on these issues, see U.S. Delegation Working Paper of January 22, p. 559.

²² This document was circulated by the State-War-Navy Coordinating Committee Secretariat to the Committee on January 17 as SWNCC document 249.

IO Files : USTC/Prel/31

United States Delegation Working Paper

CONFIDENTIAL

[LONDON,] January 22, 1946.

PROPOSED AMENDMENTS TO SECTION 1 OF CHAPTER IV : DRAFT
RESOLUTION FOR THE GENERAL ASSEMBLY ²³

(Submitted by U.S. Delegation)

1. Add the following as a *new first paragraph* in the Preamble to the Draft Resolution :

“Chapters XI, XII, and XIII of the Charter recognize the problem of the non-self-governing peoples as of vital concern to the peace and general welfare of the world community.”

2. Substitute the following revised wording for paragraphs 1 and 2 of the proposed Resolution, following the introductory sentence :

“The United Nations, meeting in their First General Assembly, are keenly aware of the problems and aspirations of the peoples who are not directly represented here because they have not yet attained self-government. The General Assembly recalls with satisfaction the profound concern of the Charter for them, and, in particular, Chapter XI whereby Members which administer non-self-governing territories accept, as a sacred trust, various obligations, including the obligation to develop self-government and to assist the inhabitants in the progressive development of their free political institutions; and Chapters XII and XIII with reference to the establishment of an international trusteeship system for the purpose, among others, of promoting the progressive development towards self-government or independence of the peoples of trust territories.

²³ This refers to the draft resolution proposed by the Preparatory Commission ; see footnote 7, p. 549. The U.S. amendment was submitted to the Fourth Committee by Mr. Dulles on January 24. In an introductory statement Mr. Dulles explained that this proposed change in the draft resolution of the Preparatory Commission was being made solely because “. . . the recent declarations of the intentions of the mandatory Powers promptly to negotiate trusteeship agreements had put the matter in a different light.

“These declarations were a very significant development, a development which justified the hopes of the public in the General Assembly. The United Nations should publicly express satisfaction at the progress already made.

“Another consideration underlying the United States amendment was the unrest which prevailed among dependent peoples generally. Beyond the probable zone of trusteeship, there were hundreds of millions of people who constituted a problem with which this Assembly should concern itself, as did the Charter. It was an urgent necessity that, on the one hand, dependent peoples should realize that the Charter, particularly Chapter XI, provided orderly processes for the attainment of their legitimate aspirations, while, on the other hand, the administering nations should quickly give concrete evidence of their intention to vitalize those processes.” (United Nations, *Official Records of the General Assembly, First Session, First Part, Fourth Committee*, p. 15 ; hereafter cited as GA (I/1), *Fourth Committee*)

"The General Assembly regrets that it cannot, at this First Part of its First Session, establish the Trusteeship Council. This is not because of any lack of desire to do so, but because, before a Trusteeship Council can be established, trusteeship agreements must be concluded.

"Therefore the General Assembly particularly welcomes the expressed intention of certain Members to proceed forthwith to negotiate agreements for placing under the trusteeship system territories which are administered under League of Nations mandate. The General Assembly urges that this program be expedited by all states directly concerned so as to permit the establishment of the Trusteeship Council if possible not later than the Second Part of this First Session.

"The General Assembly expresses the hope that the progressive realization of the objectives of Chapters XI, XII, and XIII will make possible the attainment of the legitimate aspirations of non-self-governing peoples."³¹

³¹ Subsequently amendments were submitted also by Canada, China, Iraq, Australia, India, Belgium, and the Netherlands (GA(I/1), *Fourth Committee*, pp. 43 ff.); and the matter was referred by the Committee to a sub-committee which was charged with preparing an agreed draft. For the deliberations of the Fourth Committee on the United States and other proposed amendments, see *ibid.*, pp. 15 ff.

In the course of the Fourth Committee's discussions the question arose of fixing the criteria for determining who were the states directly concerned and whether the Committee's competence extended to this area. Mr. Dulles defined the position of the United States on this matter in a statement to the Committee on January 25. "There was no doubt," he said, "that, at some point, the General Assembly would have an opportunity to go into this matter. The normal procedure would be for the initiative to be taken by the mandatory Powers in drawing up agreements and in securing adhesion to such agreements by those States which, through diplomatic negotiations, might be considered as States directly concerned. When the agreements were finally submitted to the General Assembly for approval, the Assembly could then decide for itself whether the parties to the agreements were in fact the States directly concerned.

"For this reason and because of the difficulty of solving the problem in general terms, it would be inappropriate for the Assembly now to engage in a long and academic discussion as to which were the 'States directly concerned.'" (GA(I/1), *Fourth Committee*, pp. 19-20)

For the report of the Fourth Committee to the General Assembly and its draft resolution see GA(I/1), *Plenary*, p. 588, annex 13. General Assembly debate and approval of the resolution took place on February 9 (*ibid.*, pp. 366 ff.). For text of the resolution, see United Nations, *Official Records of the General Assembly, First Session, First Part, Resolutions Adopted by the General Assembly during the First Part of the First Session*, p. 13.

In the General Assembly debate Mr. Dulles underscored the importance that the United States attached to a revision of the Preparatory Commission's proposed resolution, along the lines adopted: "There was one matter which the Preparatory Commission proposed which could significantly test the spirit of the United Nations. That was a suggested resolution which touched the fringes of the problem of dependent peoples. Your Fourth Committee took hold of that resolution and transformed it into a bold and significant advance. By the resolution now before you, the United Nations speaks out in relation to the whole colonial problem, involving hundreds of millions of dependent peoples, and not merely the fifteen millions who might come under trusteeship.

"We make it clear once and for all that the declaration regarding Non-Self-Governing Territories contained in Chapter XI of the Charter is not merely the

[For a statement by Acting Secretary of State Acheson at a press and radio conference on January 22, regarding "procedure and principles involved in individual trusteeship", see Department of State *Bulletin*, February 3, 1946, pages 150 and 151.]

862S.01/2-446

The British Ambassador (Halifax) to the Secretary of State

No. 71

Ref: 419/19/46

WASHINGTON, February 4, 1946.

YOUR EXCELLENCY: I have the honour to invite your attention to Chapters XII and XIII of the United Nations Charter which provide for the establishment of a system of International Trusteeship. As Your Excellency is aware, Article 77 of the Charter provides that the International Trusteeship system may be applied to territories at present held under Mandate, and that it is a matter for subsequent agreement which territories shall be placed under the Trusteeship system, and upon what terms.

2. As Mr. Bevin informed the General Assembly of the United Nations on 17th January, it is the intention of His Majesty's Government in the United Kingdom to enter into negotiations for placing Tanganyika, the Cameroons and Togoland under British mandate under the Trusteeship system.

3. I have the honour to transmit for Your Excellency's information drafts of the terms of Trusteeship³² which His Majesty's Government in the United Kingdom propose for Tanganyika, the Cameroons and Togoland under British mandate. At the same time I am to place on record the understanding of His Majesty's Government that these drafts are communicated to Your Excellency without prejudice to the interpretation, to be eventually adopted, of the phrase "States directly concerned" in Article 79 of the Charter.³³

I have, etc.

For the Ambassador
JOHN BALFOUR

concern of the colonial Powers, but also the concern of the United Nations." (GA (I/1), *Plenary*, pp. 367-368)

For an analytical summary in pertinent part of the problems, deliberations and actions of the General Assembly in the first part of the first session on the trusteeship question, see United Nations, *Repertory of Practice of United Nations Organs* (1955 edition), vol. iv, pp. 175-300.

³² Not printed. See British Cmd. 6840, June 1946, for the draft terms of agreement for Tanganyika and British Cmd. 6863, July 1946, for the Cameroons and Togoland drafts.

³³ In telegram 1314, Delun 207, February 3, 11 a. m., the United States Delegation in London initiated an exchange with the Department, extending over a period of about 10 days, regarding a proposed reply to the British note transmitting the draft trusteeship agreements. Nothing came of this exchange. (880.014/2-346)

FW 862S.01/2-446

*The Deputy Director of the Office of European Affairs (Hickerson)
to the Secretary of State*

SECRET

[WASHINGTON,] February 23, 1946.

The attached draft note³⁴ to the British Government makes a claim that the United States is one of the "States directly concerned" to participate in the approval of the proposed trusteeship arrangement for Tanganyika. The arguments used in the note are good ones and I feel that the United States can, if it wishes to do so, establish its right to participate in this agreement as a State directly concerned.³⁵

Whether, taking everything into account, this is advantageous from the standpoint of our over-all national interests, requires careful consideration. If we take this position in regard to Tanganyika, we could scarcely deny a similar position on behalf of the United Kingdom and France in respect of the Japanese Mandated Islands. This might strengthen the case of the Soviet Union as a State directly concerned in regard to Pacific islands.

It might be to the advantage of the United States as regards Pacific islands to take the position that the States directly concerned are the United States, Australia and New Zealand, the Pacific States which bore the brunt of the war against Japan. I have no final views in regard to this matter. I do feel strongly, however, that the attached note should be brought to the Secretary's attention and should be considered by him from the standpoint of the over-all national interests

³⁴ Not printed. Dated February 21 and drafted by the Deputy Director of the Office of African Affairs (Villard), it was almost identical with a draft prepared originally by the U.S. Delegation at the London session of the General Assembly (see footnote 33, p. 561).

³⁵ The draft note said in pertinent part: ". . . it is the firm view of this Government that for several reasons the United States is one of the 'States directly concerned' in not only the African mandated territories referred to, but in all of the mandated territories. Among these reasons is the fact that the United States is one of the remaining principal Allied and Associated Powers in favor of which these territories were specifically renounced at the termination of the First World War. Also in this connection attention is directed to the treaties between the United States and the mandatory powers regarding the rights of the United States and its nationals in such territories.

"4. The Government of the United States therefore assumes that there will be no question as to its being a party to any trusteeship agreements affecting the African territories mandated to Great Britain which may be submitted to the United Nations for approval in accordance with articles 83 or 85 of the Charter and that it will participate in the decision as to which are the States directly concerned in the territories referred to. . . .

"6. This Government would further suggest that it might be found desirable, if the observations of directly interested governments should be numerous, to hold a short conference of these States for the purpose of completing negotiations upon the trusteeship agreements to be submitted by them to the United Nations Organization for approval. . . ." (862S.01/2-446)

of the United States, including a careful examination of the effect of this proposed position on trusteeship matters in the Pacific.

JOHN HICKERSON

862S.00/2-2546

Memorandum by the Secretary of State to the Chief of the Division of African Affairs (Villard)

[WASHINGTON,] February 25, 1946.

MR. VILLARD: Referring to the attached letter³⁶ to the British Ambassador, unless there is some very strong reason for the assertion of the right set forth in this letter, I believe it unwise to assert such a right.

I think that it would establish a precedent for assertion of similar rights by the Soviet Government and the British Government as to Pacific Islands where we do not intend to agree that they are states directly concerned.

J[AMES] F. B[YRNES]

862S.00/3-446

*Memorandum by the Chief of the Division of Dependent Area Affairs (Gerig)*³⁷

[WASHINGTON,] March 4, 1946.

Subject: Draft Reply to British Ambassador Regarding Mandated Territories

In view of the Secretary's note to Mr. Villard of February 25, in which he questions the desirability of the United States asserting its right to be a state directly concerned because of the precedent it might set for the assertion of similar rights by the Soviet and British Governments as to the Pacific islands, I have drafted the attached alternative³⁸ form of reply.

³⁶ See Mr. Hickerson's memorandum of February 23, *supra*.

³⁷ Addressed to the Director of the Office of Special Political Affairs (Hiss) and Leo Pasvolksy, Special Assistant to the Secretary of State.

³⁸ Marginal notation: "alternative to Villard's new draft attached". "Villard's new draft" has reference to a second draft reply to the British Ambassador's note of February 4, prepared in the Division of African Affairs on February 28; this replaced the first draft of February 21 described in Mr. Hickerson's memorandum of February 23, p. 562. In the second draft there was no mention of a general U.S. position "in all of the mandated territories". The emphasis was rather on the U.S. position in the British mandated territories in Africa resulting from the London conventions of February 10, 1925 between the United States and Great Britain. "The existence of these conventions," read the second draft, "under the terms of which the United States has always considered that it had the right to be consulted in regard to the disposition of the territories in question, is regarded by the Government of the United States as affording ample ground for the contention that this Government is directly concerned in the terms of the proposed trusteeship agreements." (862S.00/2-446)

Mr. Gerig's draft, prepared as an "alternative" to Mr. Villard's second draft and described in this memorandum, is not printed (862S.00/3-446).

This reply has the effect of maintaining our position under the Treaty of Versailles and the various conventions to be regarded as a state directly concerned, but does not ask the British Government at this time to acknowledge this claim. Instead, it proceeds immediately to a consideration of the terms of the agreements transmitted by the British Government and offers certain suggestions or amendments for their consideration. These amendments should be in an attachment to the reply, and the reply with these attachments might go out within four or five days if a brief acknowledgement of the British communication goes out today or tomorrow.

I am inclined to think that we will lose nothing by following the procedure suggested by the Secretary, provided we deal with the problem on purely practical grounds as a matter of urgency and without giving up our claims of twenty-five years standing. The British Government never has fully recognized our legal position and therefore it would probably be a protracted business to get them to accept our legal and treaty arguments in time to conclude the agreements by the next Assembly. Further, by pressing our legal position, we immediately raise a difficult question with the Soviet and Chinese Governments whose rights would be less strong by comparison, thus possibly opening a long controversy with them also.

I think it is possible without giving up any of our claims to influence the content of the draft trusteeship charters. In any case, the British Government as one of the states directly concerned would presumably have a veto power at any stage of the negotiations.

Finally, as to the changes or additions which we might propose on the British drafts, I would strongly recommend that we be very selective and reduce our observations to matters which are strictly essential. I doubt if we can get the British to accept a complete rewrite of their drafts which are largely based on the former mandate charters, though somewhat weaker in a few places. The appropriate divisions of the Department should at once formulate the suggestions which we have to make on the British drafts and DA is already prepared to make proposals.

862S.00/3-846

Memorandum of Conversation, by the Deputy Director of the Office of European Affairs (Hickerson)

[WASHINGTON,] March 8, 1946.

In the absence from Washington of Mr. Balfour, Mr. George Middleton, First Secretary of the British Embassy came in to see me today.

I handed to Mr. Middleton the Department's note dated March 7³⁹ acknowledging the British Embassy's note of February 4 last, transmitting copies of the draft trusteeship agreements for Tanganyika, the Cameroons, and Togoland.

I told Mr. Middleton that it appeared to us desirable that I supplement our note of acknowledgment with the following information. We are now considering in the Department the whole question of states directly concerned in connection with trusteeship agreements. It is clear to us that the United States could assert an unassailable legal claim to be a state directly concerned in respect of these three mandates. This position could be established on either of two grounds: Our position as one of the Allied and associated Powers in World War I, and our Mandates Treaty with the United Kingdom. I went on to say that in my opinion either of these grounds was sufficient to establish our position as a state directly concerned and a combination of the two makes an unassailable position.

I continued, however, that we are now considering the question of states directly concerned from the overall standpoint. In other words, whereas we can certainly claim to be a state directly concerned, we are now considering whether from the standpoint of our overall national interest we wish to assert such a claim. I added that it seemed wise to us to tell the British Government the foregoing for their information and to suggest that no definitive action be taken by the British Government without further consultation with us.

Mr. Middleton expressed his appreciation and said that he would communicate this information to his government. He asked if I cared to hazard a prediction as to what decision we would reach and I replied that I would not. He inquired whether I could tell him what my personal view was and I replied that my personal view was that an *ad hoc* decision should be reached as regards each mandate, depending on circumstances. I said, however, that there is a sharp division of opinion in the Department on the subject and that many of my colleagues disagree with me.

JOHN HICKERSON

880.014/4-446

The Secretary of the Navy (Forrestal) to the Secretary of State

CONFIDENTIAL

WASHINGTON, 4 April 1946.

MY DEAR MR. SECRETARY: I acknowledge receipt of copies of four draft trusteeship agreements for the African territories of Togoland,

³⁹ The note acknowledged receipt of the British note and the accompanying draft trusteeship agreements for Tanganyika, the Cameroons, and Togoland and stated that "Both the note and the draft agreements are being studied in the Department of State and it is hoped that a reply can be made in the near future." (862S.01/2-446)

British Cameroons, Tanganyika and Ruanda-Urundi⁴⁰ which were forwarded with Mr. Acheson's letter of March 29, 1946.⁴¹

I have no comment to make as to the substance of these agreements. However, a question will arise at the time they are presented for consideration in the General Assembly of the United Nations whether the United States should assert that it is a state directly concerned with respect to these territories. I believe that the United States has no real interest in these territories other than a general concern for the welfare of their inhabitants.

I further believe that any assertions by the United States of direct concern in these territories might well serve as a precedent for other nations voicing their direct concern with respect to trusteeship for Pacific islands in which we have a definite strategic interest. Inasmuch as it is the view of the Navy Department that the number of states directly concerned in Pacific islands trusteeships should be kept to a minimum, I am strongly of the opinion that it would be most unwise for the United States to assert that it is directly concerned in connection with these four African territories.⁴²

Sincerely yours,

JAMES FORRESTAL

⁴⁰The Belgian Foreign Ministry had on January 30 transmitted to the U.S. Embassy in Brussels draft terms of agreement for the Belgian mandated territory of Ruanda-Urundi; it was requested in a covering note that this text be conveyed to the U.S. Government for its information. The draft of the proposed agreement was transmitted to the Department in Brussels despatch 1151, February 6, received February 13, neither printed. (501.BE/2-646)

⁴¹Not printed. Copies of the draft trusteeship agreements were forwarded also to the Secretary of War and the Secretary of the Interior. The Acting Secretary informed the three Secretaries that "I should be pleased to receive at this time any comments which you may care to make concerning them." (862P.01/3-2946)

⁴²In a letter of April 10 the Secretary of War (Patterson) responded that "There appears to be no matter in these proposed agreements requiring comment from the military point of view." He then went on to say: "However, I feel that the U.S. position concerning the submission to the U.S. Government of these draft agreements should be worked out with concern to the possible establishment of a precedent which we may later regard as unfortunate. If the U.S. Government were to acquiesce in regarding this country as a 'state directly concerned' under the United Nations Charter, in preliminary trusteeship moves with respect to such areas as Togoland, British Cameroons, Tanganyika and Ruanda-Urundi, a precedent might well be established which would make difficult our own application of a more restrictive definition for 'directly concerned' should it later prove desirable to do so in connection with trusteeship agreements applying to Pacific islands, or other areas in which our interests are particularly great." (862P.01/4-1046)

Secretary's Staff Committee ⁴³ Files : Lot 122, Box 13147

Staff Committee Document SC-192 ⁴⁴

SECRET

[WASHINGTON,] April 11, 1946.

POLICY AND PROCEDURES CONCERNING THE NEGOTIATION OF
TRUSTEESHIP AGREEMENTS

COVERING NOTE

The attached document ^{44a} is designed to assist in formulating basic American policy on trusteeship matters which require immediate decision.

The need for such a decision is urgent because the British Government transmitted on February 4, 1946 copies of draft trusteeship agreements for Tanganyika, Togoland, and the Cameroons. In a covering note it stated that these draft agreements were transmitted to this Government for its "information" and "without prejudice to the interpretation, to be eventually adopted, of the phrase 'states directly concerned' ". Also, the Belgian Government transmitted on January 30, 1946, under a similar covering note, a copy of a draft agreement for Ruanda-Urundi.

A reply to the British was drafted by interested Divisions of the Department, stating that the United States considered itself a state directly concerned in the African mandated territories because, among other reasons, of its position as one of the Principal Allied and Associated Powers. This draft reply did not receive the unanimous approval of the interested Offices; and the Secretary, in a memorandum to Mr. Villard dated February 25, 1946, expressed the view that it might be unwise for the United States to assert a claim to be a state directly concerned in the African mandated territories "unless there is some very strong reason", because such an action might establish a precedent for assertion of similar rights by the Soviet and British Governments in the Pacific Islands.

In a letter dated April 4, 1946, received after the preparation of these papers, the Secretary of the Navy takes the position that "the number of states directly concerned in Pacific islands trusteeships should be kept to a minimum" and states that "any assertion by the United States of direct concern in these [African] ⁴⁵ territories might well serve as a precedent for other nations voicing their direct concern

⁴³ The Secretary's Staff Committee was responsible for "advising and otherwise assisting the Secretary of State in determining current and long-range foreign policy". For the composition of this committee, see footnote 46, p. 569.

⁴⁴ Staff Committee document SC-192 was drafted in the Division of Dependent Area Affairs. It consisted of several parts, one of which, this covering memorandum, is printed here. Discussion of Memorandum SC-192 by the Secretary's Staff Committee, initially scheduled for April 18, was taken up by the Committee at a meeting especially convoked for that purpose on April 20; for minutes of this meeting, see *infra*.

^{44a} Not printed.

⁴⁵ Brackets appear in the source text.

with respect to trusteeship for Pacific islands in which we have a definite strategic interest”.

In as much as any definition of the “states directly concerned” in one region sets a precedent for some other region, as the Secretary indicated, a group of officers representing interested Offices and Divisions met several times to consider this problem again in its broadest aspects. They reached the conclusion that it was probably best to consider the states directly concerned in the mandated territories to be the five Great Powers, as successors to the rights of the Principal Allied and Associated Powers under the Treaty of Versailles, and the mandatory state if it is not such a power. A more restrictive definition would be difficult to secure and a broader definition would be obviously undesirable.

The Soviet Union, the United Kingdom, and France, as signatories of the Italian Armistice, will probably in any event claim to inherit the rights and titles which Italy holds in all the mandated territories as a Principal Allied and Associated Power; and the Soviet Union, the United Kingdom, and China, being among the acceptors of the Japanese surrender, will claim to share in the rights and titles that Japan similarly holds. It is doubtful whether the United States could succeed in denying these claims. It was felt, moreover, that the United States can most effectively protect its many interests in Africa and advance its general objectives regarding dependent peoples by asserting its treaty rights.

With regard to the special question of the Japanese Mandated Islands, it was considered that inclusion of the other four Great Powers as states directly concerned in these islands could not jeopardize American control there. Even if one of the other Great Powers were not included as a state directly concerned, it could veto a strategic-area agreement in the Security Council. . . . It is clear that if these five states cannot agree on the terms of trusteeship or if the Security Council does not approve the agreement, the United States will remain in *de facto* control of the islands. The group agreed that when the United States proposals for placing the islands under trusteeship are submitted to the other states directly concerned, these proposals should be published in order that our position would be promptly made known.

The group concluded that as soon as American policy is settled the United States should consult with the United Kingdom and France, as the remaining Principal Allied and Associated Powers, regarding the states directly concerned. It should be prepared to agree that these three Powers, together with the Soviet Union and China as inheritors of the rights which Italy and Japan hold as Principal Allied and Associated Powers, should be the *only* states directly concerned in mandated territories and that these five Powers should consult as to whether any other states might participate in the negotiations and

to what degree. The United States would, however, be prepared to give careful consideration to any different views proposed by the British or the French.

It is suggested that after the Department reaches a decision on these trusteeship matters it should forward its recommendations to the President for his consideration, with the suggestion that if the President provisionally approves these recommendations the Secretary should seek to obtain, through the State-War-Navy Coordinating Committee, the agreement of the Secretaries of War and Navy and of the Joint Chiefs of Staff.

Secretary's Staff Committee Files : Lot 122 : Box 13147

Minutes of the One Hundred Ninety-Second Meeting of the Secretary's Staff Committee, Washington, April 20, 1946, 9:30 a. m.

Present : ⁴⁶ The Secretary (presiding)

The Under Secretary

The Counselor

Messrs. Benton

Braden

Clayton

General Hilldring

Messrs. McCormack

Russell

Hiss

Hickerson

Henderson } (for Mr. Dunn)

Vincent

Gerig, IS

Gange

Lewis

Brown

⁴⁶The Secretary's Staff Committee at this time, in addition to the Secretary himself, was made up of the two Under Secretaries (Acheson and Clayton), the Counselor of the Department (Cohen), the Assistant Secretaries (Benton, Braden, Hilldring and Russell), the Legal Adviser (not present at this meeting), the Special Assistant to the Secretary for Intelligence and Research (McCormack), the Director of the Office of Special Political Affairs (Hiss) in lieu of the Special Assistant to the Secretary for International Organization and Security Affairs (there was no incumbent at this time), and the Directors or Deputy Directors of certain geographic offices (Hickerson, Vincent and Henderson), in lieu of the Assistant Secretary for European, Far Eastern, and Near Eastern and African Affairs. Mr. O. Benjamin Gerig was present at this meeting in his capacity as Chief of the Division of Dependent Area Affairs. The others named were present presumably in the capacity of secretariat officials; Mr. Lewis recorded the minutes of the meeting.

The Committee met at 9:30 A. M.

Policy and Procedures Concerning the Negotiation of Trusteeship Agreements (Document SC-192)

MR. HISS presented document SC-192⁴⁷ making recommendations regarding policy and procedures concerning the negotiation of trusteeship agreements. The immediate problem, MR. HISS said, was to formulate our position as to which are the "states directly concerned" in such agreements, under the provisions of Article 79 of the Charter. MR. HISS said that the British Government had transmitted to this Government on February 4 copies of draft trusteeship agreements for Tanganyika, Togoland and the Camerouns, and on January 30 the Belgian Government had similarly transmitted a draft agreement for Ruanda-Urundi. The agreements were transmitted to this Government for its "information", and the question now arose as to how this Government should reply—as a "state directly concerned", or otherwise. A reply would have to be made soon, or this Government would be accused of delaying the whole trusteeship program, or the British and Belgians would go ahead on the assumption that we are not interested.

It was also expected that the French Government would shortly transmit to us copies of draft agreements for the French mandates in Africa.

MR. HISS said an important factor in the problem was the effect which an assertion of U.S. claims as a "state directly concerned" in all the mandated territories would have on the policy which this Government may wish to apply to the Japanese mandated islands in the Pacific. He recalled that the Secretary, in a memorandum of February 23, 1946 had expressed the view that it would be unwise for the U.S. to assert a claim as a "state directly concerned" in the African mandated territories unless there was some very strong reason, because such an action might establish a precedent for assertion of similar rights by the Soviet and British Governments in the Pacific islands.

Referring to Article 79 of the Charter, MR. HISS said that it had been the understanding at San Francisco that the mandatory power was obviously a "state directly concerned", while others directly concerned were to be determined by diplomatic negotiations. The importance of the question lay in the fact that no change could be made in a trusteeship agreement except with the consent of the "states directly concerned". Since 1921, MR. HISS said, this Government has taken the position that title to mandates resides in the Principal Allied and Associated Powers in whose favor Germany renounced its titles. He also recalled that Secretary Hughes had asserted a U.S.

⁴⁷ *Supra.*

interest in Turkish territories placed under mandate, merely on the ground of our war effort in the First World War. The U.S. has entered into treaties with the mandatory powers, based on this legal theory, which makes it impossible to modify the present mandates without United States assent. At San Francisco the U.S. took the position (informally) that we would certainly be a "state directly concerned" in all mandates. However the War and Navy Departments have recently taken the position that the United States should not assert claims as a "state directly concerned" in the African mandates since this would make it difficult for us to take a more restrictive position with respect to Pacific strategic territories. The answer to this, Mr. HISS said, was that self-restraint by the U.S. would not cause China or the Soviet Union to exercise corresponding self-restraint. Furthermore the British have in a sense already foreclosed this question by sending copies of the draft African agreements to us and to China and the Soviet Union and thus almost inviting claims on the part of those powers to be considered "states directly concerned". If we renounced our claims with respect to the African mandates, we might be accused of foregoing our own interests, particularly since we had taken the leading part in formulating the whole trusteeship system. Congress might feel that our treaty rights were not being safeguarded, MR. HISS added. Moreover in certain areas (e.g. Palestine, Western Samoa, New Guinea and Nauru) if we do not assert a claim as a "state directly concerned" we have no treaty rights.

MR. HISS also pointed out that the Army and Navy are concerned about limiting the number of states directly concerned in Pacific territories which will be *strategic* trusteeships. Trusteeship agreements for these areas will have to be approved by all members of the Security Council (including China and the Soviet Union), so excluding them at the formulation stage will not exclude them later.

MR. HISS said it was accordingly recommended that we consult with the British and French regarding the definition of "states directly concerned". In these consultations we would take the following general position but keep an open mind to their suggestions:

(1) With respect to the mandated territories, the U.S., U.K. and France as the remaining members of the Principal Allied and Associated Powers, and China and the Soviet Union, as the inheritors of the rights of Italy and Japan as Principal Allied and Associated Powers, should be "states directly concerned".

(2) The "states directly concerned" in the Italian colonies are the U.S., U.K., France and the Soviet Union (in accordance with the Italian armistice).

(3) As far as the non-mandated Pacific territories are concerned, the "states directly concerned" are the acceptors of the Japanese surrender (U.S., U.K., Soviet Union and China).

(4) The five powers would consult on an *ad hoc* basis to determine any other "states directly concerned", or any others to be consulted.

Referring to the argument that the Big Five would have veto power in the Security Council over strategic trusteeship agreements, and that therefore it did not make any difference whether the Soviet Union and China were designated as "states directly concerned", THE UNDER SECRETARY asked if our position would not be prejudiced if we admitted these states were directly concerned. We were recognizing a legal right on their part which might prejudice our position in other places, he said. MR. HISS said that if we did not recognize this legal right we would be basing our position solely on the right of conquest.

THE SECRETARY raised the question of the status of the non-mandated Japanese islands (e.g. Okinawa) in the event the Security Council did not approve a trusteeship agreement proposed by us. THE COUNSELOR said there would presumably be a preceding step—the disposition of the islands in the peace treaty. If we do not agree to a peace treaty we will be in possession of the islands for the time being.

THE COUNSELOR emphasized that the important thing to consider was the status of "states directly concerned". If this meant only that such states should be consulted in advance we should construe the term broadly, but in fact the so-called "states directly concerned" must *agree* before a trusteeship agreement can even be submitted to the Security Council or the Trusteeship Council. Hence the more narrowly we construe the term the better. In so doing, however, let us consult other states broadly before we submit the drafts to the approving authorities. He agreed with the paper that if we broaden the definition to include ourselves with respect to all mandates, it will be impracticable to exclude the Soviet Union from *any* mandate. It seemed to him that it would be a legitimate construction to take "states directly concerned" to mean only the state immediately administering or in control of the territory. As many states as were interested should be *consulted*, however. He was not sure that the fact that a broader conception was carried away from San Francisco was important. However, he said, it must be recognized that the Charter refers to *states* directly concerned, in the plural, and it also refers to "agreement" to be reached among them. MR. HISS added that the Charter provided that terms should "be agreed upon by the states directly concerned *including the mandatory power*".

THE SECRETARY, after reading from Article 79, asked how the agreement of the "states directly concerned" was to be obtained and how the "states directly concerned" would be determined. MR. HICKERSON (who had been an adviser to the American Delegation in drafting this portion of the Charter) said the Charter was ambiguous on this point,

and he said that frankly he thought a mistake had been made. He agreed that the Army and Navy wanted all the Japanese islands to be strategic areas and hence all the "Big Five" states would have a veto. He said he thought the most that should be done now was to consult realistically with the British and French, without taking a formal position, to see what they have in mind. He pointed out that the British had transmitted the draft agreements regarding the African mandates to us for "information" and "without prejudice to the interpretation . . . of 'states directly concerned' ". He noted that the trusteeships proposed by the British were for non-strategic areas, and said that if we take the position with respect to them that all the "Big Five" are "states directly concerned", we will in effect be extending the "Big Five" veto power to the General Assembly (which has authority over non-strategic trusteeships). MR. HICKERSON said he thought the position suggested by the Counselor (see above) was preferable.

MR. HISS pointed out that the veto would not be that of the "Big Five", but of the "states directly concerned". Moreover, the veto is *negative*. It is to no one's interest except that of the mandatory power to exercise the veto. In fact the veto is being extended beyond the "Big Five" in this respect to other countries, e.g. South Africa.

THE COUNSELOR said he was not at all sure it would work out this way. The position outlined by Mr. Hiss generally assumes our right to a veto even before an agreement goes to the Trusteeship Council or the Security Council, and this would give us great influence. If it were necessary for a compromise to be reached before the agreement went to the appropriate United Nations organ, our position would be on record and hence compromised before the matter comes up in that organ. MR. HISS suggested we could waive our rights at the earlier stage in the interest of reaching an agreement for the higher body to consider rather than to waive them in a broad way *prior* to the consideration of an agreement. THE COUNSELOR emphasized his feeling that it would be much easier to reach mutual agreement if "states directly concerned" were kept to the minimum and others interested were merely consulted. The mandatory state could introduce the draft agreement. He referred to Palestine as an example—if the U.S. and the Soviet Union were accepted as "states directly concerned", there would be others who would claim equal concern. He said he opposed drawing such a sharp line between (a) legal right to participate in the drafting and concurring on a trusteeship agreement and (b) consultation on such agreements prior to their submission to the Security Council or General Assembly.

MR. HISS said his proposal was designed to restrict the number of "states directly concerned" as much as feasible, but it was felt that there would have to be four or five such states in each case. He also

re-emphasized his belief that it did not follow that other states would give up their claims merely because we did so. MR. HICKERSON suggested we could find this out by consultation with U.K. and France, at least as far as the mandated areas were concerned. If a draft agreement goes into the General Assembly with only the mandatory pushing it the result will be negotiating with 50 states in order to get approval. MR. HISS said his recommendation provided for this consultation, but that in order to carry out such consultation we must have prior clarification of the concept of "states directly concerned".

MR. HISS suggested that timing was a further consideration. If a trusteeship agreement were turned into the General Assembly by the mandatory with the approval of only that mandatory (as proposed by the Counselor) the task of getting the agreement approved promptly by the 51 members would be much more difficult than if it had been previously approved by all those directly concerned. THE UNDER SECRETARY said he did not think speed was particularly important.

MR. HENDERSON asked whether Counselor's proposal was feasible in view of the specific reference in the Charter to the plural, "*states directly concerned*". THE COUNSELOR said that while the language seemed to indicate several states, the same language applied to the voluntary placing of colonies under trusteeship by a colonial power, and it would be strange to require the agreement of others for such trusteeships. MR. HENDERSON said he thought the Counselor's proposal was a very good one.

THE COUNSELOR said he would also think that we should get agreement that trusteeship agreements would be submitted to certain groups of interested states for their views.

MR. HICKERSON said he had discussed the whole problem, and particularly Western Samoa (for U.S. base rights), with the New Zealand Prime Minister, Mr. Fraser. He (Fraser) does not hold a legalistic interpretation of Article 79 but feels determination should be on an *ad hoc* basis and the number of "states directly concerned" kept to the minimum. With regard to Western Samoa he would prefer to consult only the United States but recognizes that Australia will also have to be consulted. Because Fraser is concerned about a tendency of Great Britain to retire from the Pacific, he would also like to see Britain assert a claim as a "state directly concerned" in Samoa.

THE UNDER SECRETARY asked whether there was any difference between the Japanese mandated territories and other separated Japanese territories, in so far as this problem was concerned. MR. HICKERSON thought there might be. THE COUNSELOR pointed out that claims in the mandates go back to Versailles, whereas a new treaty will be necessary to dispose of the other Japanese territories. He said there were no specific pertinent references in the Japanese surrender terms. THE

UNDER SECRETARY said he assumed the Russians would not advance claims regarding the non-mandated territories because of the Kuriles (which they now hold). THE COUNSELOR asked whether there was any reference in the Yalta minutes which would bear out his assumption that the disposition of the Kuriles in favor of the Soviet Union was all they were to get from Japan. THE SECRETARY said the Yalta agreement merely provided that the Kuriles "shall be handed over" to the Soviet Union, and the only argument which can be derived from this is that no claim to anything additional was advanced by the Soviet Union at that time.

MR. HICKERSON, referring to the strategic trusteeships we propose to establish over the Japanese mandated islands, said a question of tactics was involved—whether we want the main discussion at the negotiating stage, or in the Security Council. He said the Department's experts on Russia felt that tactically our position would be a little better if we should be blocked, to have it come in the Security Council acting before the world rather than at the negotiation stage. THE SECRETARY said he agreed with this line of reasoning—the quicker the matter went to the Security Council, the better it would be.

MR. HICKERSON said he had a formula which he had proposed in previous inter-office discussions of the problem. He favored consulting the British and French, and our course might be altered by their views, but assuming they still want to "dodge" the issue of "states directly concerned", he would propose going directly to the Security Council with trusteeship agreements for the Japanese islands. We would say that these are being presented for approval without prejudice to the interpretation of "states directly concerned", and that we know that all possible states directly concerned are in the Security Council, except New Zealand which has been consulted and approves. Then the whole discussion will be in the Security Council, and open.

THE SECRETARY said that if we followed the course recommended by Mr. Hiss, and encountered the usual delays in the preliminary stage, we could then follow the procedure suggested by Mr. Hickerson, with perhaps a prior thirty-day notice of our intention to submit the draft to the Security Council. We should *try* to get agreement before going to the Security Council but not let the matter be indefinitely delayed.

THE UNDER SECRETARY again raised the question whether our future position was not prejudiced if we recognize as legal rights the interests of certain other states in the mandated areas as "states directly concerned". If an agreement should be defeated by a veto in the Security Council then in subsequent action we would have to take account of the fact that we had recognized their interest in the territory. MR. HISS said that if we base our claim solely on conquest, and a trusteeship agreement is not approved, we will have no legal claim. MR.

HICKERSON questioned this. Referring to the Marianas, he said Germany had the last clear-cut title. She surrendered it to the Principal Allied and Associated Powers. They gave a mandate to Japan, but Japan did not acquire sovereignty. We have driven out the Japanese and are in possession of the islands, but who has title? MR. HICKERSON said it was obviously cloudy. He would hope we could reach agreement in the peace treaty with Japan, but if not, we are in *de facto* control. THE COUNSELOR said he thought we should avoid asserting the right of *conquest* over a mandated territory. MR. HISS said we would have to admit Japan had had some sort of title if we base our claim only on conquest.

MR. HISS said the immediate question was the reply to be made to the British and Belgians, and to the French when they ask. He said he assumed from the discussion that the Department was not prepared to assert the position that the U.S. is a "state directly concerned" in all the mandated territories on a legal basis. He asked whether we could say that this *has* been the U.S. position but we are not now asserting it, and give them our comments on the proposed agreements on their merits *without* asserting it.

THE UNDER SECRETARY asked why we should say this *has* been our position. To do so assumes it is the legal position but we are not asserting it, he pointed out, and we might wish to say it was *not* the legal position. MR. HISS said it has in fact been our position for more than 20 years, and he thought we should not waive it out of hand in the hopes that other states would renounce similar interests.

MR. HENDERSON said we could assert a right under existing treaties as a "state directly concerned" in Tanganyika but he did not think the Soviet Union or China could assert a legal claim either there or in the Japanese mandated islands. Their claims would have to be based on agreements yet to be made. MR. HICKERSON said we could waive our rights with respect to Tanganyika and rely on expressing our views in the General Assembly. THE UNDER SECRETARY said he would prefer neither to waive or claim rights—but merely to reply because we have been consulted.

THE COUNSELOR then proposed that in its reply to the British and Belgian communications on certain proposed trusteeship agreements this Government should reserve its legal right under existing treaties and that its observations on these proposed agreements should be without prejudice to its claims as a "state directly concerned". He further proposed that this Government should discuss the problem of defining "states directly concerned" with the British and French and should take the position that the conclusion of trusteeship agreements would be facilitated by defining this term as narrowly as possible, and that if this is agreed to this Government would propose *consultation* with

as many states as have a legitimate interest in any particular trusteeship agreement.

THE SECRETARY said he thought this might take care of the immediate situation.

MR. HISS suggested the War and Navy Departments should also be consulted regarding their views and to try to show them how those views may not be as valid as they think. THE UNDER SECRETARY said he thought their views were pretty valid.

The agreement of the Committee was recorded as follows:

AGREED that in its reply to the British and Belgian communications on certain proposed trusteeship agreements this Government should reserve its legal rights under existing treaties and that its observations on these proposed agreements should be without prejudice to its claims as a "state directly concerned".

AGREED FURTHER that this Government should discuss the problem of defining "states directly concerned" with the British and French and should take the position that the conclusion of trusteeship agreements would be facilitated by defining this term as narrowly as possible, and that if this is agreed to this Government would propose *consultation* with as many states as have a legitimate interest in any particular trusteeship agreement.

AGREED that there should be consultation with the War and Navy Departments to ascertain their views regarding the position the Department proposes to take in defining "states directly concerned" and regarding the areas which this Government will propose should be placed under the trusteeship system, it being understood that in the event of failure to reach agreement on these matters, the Staff Committee should consider the matter again.

The meeting adjourned at 10:40 A. M.

862S.01/2-446

The Acting Secretary of State to the British Ambassador (Halifax)

SECRET

WASHINGTON, May 7, 1946.

EXCELLENCY: I have the honor to refer further to your communication of February 4, 1946 (No. 71; Ref. 419/19/46) in which His Majesty's Government in the United Kingdom transmitted to this Government drafts of the terms under which the United Kingdom proposes to place the mandated territories of Tanganyika, Cameroons and Togoland under the trusteeship system of the United Nations in accordance with Article 77 of the Charter.

The Government of the United States appreciates the initiative which has been taken by the Government of the United Kingdom with a view to the early establishment of the trusteeship system as contemplated in the Charter. This Government notes that the draft terms

of trusteeship have been transmitted to the United States Government "for their information" and "without prejudice to the interpretation to be eventually adopted of the phrase 'states directly concerned' in Article 79 of the Charter".

This Government has carefully examined the draft terms of trusteeship proposed by His Majesty's Government in the United Kingdom and takes this opportunity to transmit certain comments on these draft agreements which are outlined in the attachment appended hereto.⁴⁸ These comments pertain largely to changes which it is believed experience has shown to be desirable since the original mandate charters were adopted a quarter of a century ago. We hope that these suggested changes and additions may find ready acceptance by the Government of the United Kingdom since in many cases the proposed changes or additions are in effect a codification of practices already adopted by His Majesty's Government. Moreover, it is believed that these terms as broadened might serve as a useful guide when the terms of trusteeship for other territories are being drawn up.

In transmitting these comments, the United States Government does so without reference to the determination of the phrase "states directly concerned". The position of the United States in this respect remains what it has been for the past twenty-five years, namely, that it has special and specific rights under the Treaty of Versailles and as a party to certain bilateral treaties, including treaties with the United Kingdom concerning the mandated territories. The United States believes that by virtue of this position it is entitled to be one of the "states directly concerned" in all mandated territories.

However, it is the view of this Government that in the interest of speeding up conclusion of trusteeship agreements it would be desirable to limit the number of negotiating states to a minimum, and in line with this principle it is felt that the most desirable procedure would be that the present mandatory powers should propose draft terms of trusteeship and that other particularly interested powers should be consulted in regard to these terms before they are actually submitted to the General Assembly for approval.

This procedure is proposed on the condition that the other interested powers agree to the principle of consultation as described above without pressing claims to be signatories to the terms of trusteeship for the African territories in question.

This Government further believes that a useful purpose might be served if informal discussions could take place very soon with His Majesty's Government in order to explore these and other aspects of this subject. This would also afford an opportunity to consult together in regard to the draft terms of trusteeship. Such discussions might

⁴⁸ Printed as a separate memorandum, *infra*.

take place either in London or, if desired, in Washington, and would, we believe, expedite matters so that a number of draft trusteeship agreements could be submitted to the General Assembly in September, thus enabling the Trusteeship Council to be constituted at that time. It is our intention also to ascertain the views of the French Government on the question of the most effective procedure for concluding the agreements.⁴⁹

Accept, Excellency, the renewed assurances of my highest consideration.

DEAN ACHESON

862S.00/5-746

*Memorandum Accompanying Note From the Acting Secretary of State to the British Ambassador, May 7, 1946*⁵⁰

COMMENTS ON THE DRAFT TERMS OF TRUSTEESHIP FOR TANGANYIKA, AND THE CAMEROONS AND TOGOLAND UNDER BRITISH MANDATE⁵¹

(Note: The comments which follow apply equally to the draft terms of trusteeship for Tanganyika, the Cameroons, and Togoland, since it is noted that these terms are identical with the exception of Articles 5 and 6 and the definition of boundaries contained in Article 1 of each draft agreement.)

Article 1a (new)

Comment.—In view of the uncertainty under the mandates system with respect to the location of rights and titles to mandated territories, the following wording is suggested as clarification of this matter:

“Upon the approval of these terms of trusteeship by the General Assembly in accordance with the Charter of the United Nations, all

⁴⁹ The same note, *mutatis mutandis*, was transmitted to the Belgian Ambassador (Silvercruyts) on May 14 (880.014/2-346). A note to the French Ambassador (Bonnet) on May 13 described the approach made by the British and Belgian Governments, set forth the position of this Government in general terms, and without referring directly to the fact that no draft terms had been submitted to this Government by the French Government proposed “informal discussions . . . very soon” either in Paris or Washington (862P.01/5-1346). The essential information regarding these notes was forwarded to the Ambassador in France (Caffery) in telegram 2360, May 15, 8 p. m., the Department indicating that it “would welcome any information you can obtain informally re French plans for negotiating trusteeship agreements for Togoland and Cameroons (urtel 605 Feb 7) [not printed] and French views on states directly concerned.” (862P.01/2-746) In telegram 3829, May 8, 5 p. m., to London, Ambassador Harriman was informed of the May 7 note to Lord Halifax and was requested to “inquire whether other Governments to which British sent draft agreements either as states directly concerned or for information have yet replied and, if so, what position they have taken re states directly concerned and draft terms of trusteeship.” (862P.01/4-2946) The same telegram, *mutatis mutandis*, was sent to Brussels on May 15 (telegram 515, File No. 862.01/5-946).

⁵⁰ Drafted in the Division of Dependent Area Affairs.

⁵¹ References are to texts that are printed in British Cmd. 6840 and 6863, particularly to Annex IV of the former, “Draft Terms of Trusteeship for Tanganyika”.

rights and titles in the trust territory shall thereupon be vested in the United Nations. The United Nations shall exercise these rights as trustee for the inhabitants of the trust territory."

Article 5

Comment.—With respect to paragraph (b), it is suggested that the qualifying words "*with the approval of the General Assembly or of the Trusteeship Council*" should be inserted after the words "shall be entitled". At the end of this clause, consideration should also be given to the insertion of the words "*and with the terms of this agreement*". It is suggested that the words "under his sovereignty or control" be eliminated in order not to bar future arrangements of this character which might include areas not under British sovereignty or control. Consideration might be given to establishing this clause as a separate Article to follow Article 5. An additional clause should be inserted sustaining the validity of arrangements of this character already established.

It is suggested that paragraph (c) be replaced by the following three paragraphs:

"(1) may establish and use military, naval and air bases, erect fortifications, and station and employ its own forces in the trust territory in carrying out its obligations toward the Security Council as well as for local defence and the maintenance of law and order within the trust territory.

(2) may enlist volunteer forces for the purpose of carrying out its obligations toward the Security Council and for local defence and the maintenance of law and order within the trust territory; and

(3) shall use such forces only within the trust territory except upon the call of the Security Council in accordance with any special agreement made by the Administering Authority under Article 43 of the Charter of the United Nations and, in recruiting such forces, shall take care that, except in case of a threat to international peace and security, as determined by the Security Council, enlistments shall not be permitted in such numbers as to disrupt the economic life of the territory."

Article 6

Comment.—It is suggested that it would be of considerable value to specify in greater detail the steps by which the inhabitants of the territory will accomplish their progressive development towards self-government or independence. Such provisions would take account of the great interest of peoples throughout the world in the procedures and techniques for the development of political expression and political institutions in non-self-governing areas. To this end, the following revision of Article 6 is suggested:

"1. The Administering Authority shall foster the development of political institutions suited to the trust territory and shall promote

the progressive development of the inhabitants of the trust territory towards self-government or independence in accordance with Article 76(b) of the Charter by:

(a) providing for increasing participation of citizens of the trust territory in administrative and other governmental positions;

(b) establishing advisory and legislative bodies on a local and a territory-wide basis in the trust territory, as may be appropriate to the particular circumstances of the territory and its peoples;

(c) developing the use of popular election in the trust territory, with progressive widening of the franchise;

(d) extending to all citizens of the trust territory eligibility to hold appointive and elective office; and

(e) developing legislative, administrative, and budgetary autonomy for the trust territory.

2. At intervals not exceeding five years, beginning in 194—, the Trusteeship Council in consultation with the Administering Authority shall survey the development of the political institutions of the trust territory and the capacity for self-government achieved by its inhabitants, and shall report thereon to the General Assembly.

3. At such time as the General Assembly shall find that the inhabitants of the trust territory are ready for self-government it may make recommendations to the signatories as to the form which self-government shall take.”

Article 7

Comment.—With respect to the application of international conventions to the territories, it is believed that the approach followed in Article 9 of the Mandate for Tanganyika is to be preferred to the abbreviated form of Article 7 of the draft terms, with the addition of references to conventions dealing with *labor* and *health*.

Article 8

Comment.—It is suggested that consideration be given to the use of the expression “land and *resources*” rather than merely “land” throughout this Article in order to safeguard the transfer of not only land but also of the sub-surface resources.

It is further suggested that the expression used in the terms of mandate, “previous consent”, be retained in the second sentence of this Article.

It is also proposed tentatively that the guarantees of the terms of mandate relating to usury be maintained.

Article 8a (new)

Comment.—In the implementation of the objective of the trusteeship system “to promote the . . . economic . . . advancement of the inhabitants of the trust territories”, it seems desirable, as in the case of the objective to promote the political advancement of the inhabi-

tants, to specify in some detail the steps which the Administering Authority should take in the achievement of this objective. It is recognized that the items which are included below in the suggested Article represent for the most part statements of programs or plans which are already in existence with respect to these territories. However, it is strongly urged that a valuable service may be performed through these first trusteeship agreements by the formalizing of high standards of administrative practice. With this object in view, the following detailed Article is proposed for inclusion in the terms of trusteeship:

“To promote the economic advancement of the inhabitants of the trust territory, the Administering Authority shall:

(a) regulate the development of natural resources, including the use of land and mineral resources, in accordance with sound conservation principles and for the benefit of all the inhabitants of the trust territory;

(b) encourage the development of efficient agriculture and industry, including diversification wherever desirable in the interests of the inhabitants;

(c) facilitate the access of the inhabitants to capital and technical assistance needed for economic development;

(d) assist the inhabitants, so far as feasible, to become qualified for and to obtain employment in all occupations, employments, and professions without discrimination;

(e) assist the inhabitants to participate in the world economy by permitting them to supply their needs from and to sell their produce in the most favorable markets;

(f) prevent the economic development of the trust territory from being distorted or retarded for the benefit of other peoples or territories;

(g) protect the inhabitants against the loss of their lands and occupations;

(h) assist the inhabitants to become progressively free to manage their own economic affairs subject only to the requirements of a sound international economy; and

(i) institute such other regulations as may be necessary for the economic advancement of the inhabitants of the trust territory.”

Article 9

Comment.—It is believed that the insertion of the word “*industrial*” after the word “*economic*” in the introductory clause of the Article would serve a useful purpose in broadening the scope of these provisions on equal treatment. This terminology would follow the Mandates Agreements. The introductory clause should end with the word “*nationals*”. Paragraphs (a), (b), and (c) should be independent subsections.

In order to make it wholly clear that aviation rights are included within these commercial equality clauses, paragraph (a) of Article

9 should be amended by the insertion of the phrase "*including freedom of transit and navigation by air*" after the phrase "freedom of transit and navigation".

Article 11

Comment.—The necessity of making a provision for protecting the interests of the inhabitants of the trust territory with respect to economic and commercial matters is fully appreciated and concurred in by the Government of the United States. It is believed, however, that the phrase "the application of a more advantageous regime" is not susceptible of precise definition. Moreover, under the commercial policy followed by the United States Government, while it is quite feasible to agree to most-favored-nation treatment for a trust territory, it would be most difficult for this Government to accept an undertaking by which its rights would depend upon a determination of whether a "more advantageous regime" existed in a trust territory for the United States and its nationals than was in existence in the United States for the trust territory and its nationals. The following provision is therefore suggested as a substitute for the present wording of this Article:

"Nothing in this agreement shall entitle any member of the United Nations to claim for itself or for its nationals, companies and associations the benefits of Article 9 of this agreement in any respect in which it does not give to the nationals, companies and associations of _____ equality of treatment with the nationals, companies, and associations of any other state."

Article 11a (new)

Comment.—As an amplification of the objective stated in Article 76(b) "to promote the . . . social . . . advancement of the inhabitants of the trust territories," it is suggested that the following detailed provisions might be inserted as a new Article in the terms of agreement. Again, in many cases these items represent policies already in effect with respect to Tanganyika, Togoland, and Cameroons:

"To promote the social advancement of the inhabitants of the trust territory, the Administering Authority shall:

- (a) protect the rights and fundamental freedoms of all elements in the population without distinction as to race, sex, language, or religion;
- (b) prohibit all forms of slavery and slave-trading;
- (c) prohibit all forms of forced or compulsory labor except when necessary for essential public works and services as specifically authorized by the local administration, with adequate remuneration, with adequate protection of the welfare of the workers, and in accordance with the provisions of the Forced Labor Convention, 1930;

(*d*) promote the progressive elimination of recruiting of workers and the development of the spontaneous offer of labor in giving effect to the principles of the Elimination of Recruiting Recommendation, 1936;

(*e*) prohibit penal sanctions for breach of contract of employment;

(*f*) promote employment at adequate wages, improve working conditions, assure freedom of association and, where feasible, encourage collective bargaining and provide needed social insurance and social services;

(*g*) protect the health of the people through improvement of housing and sanitation, adequate provision for medical care, including insofar as feasible the development of an adequate health service and the provision of necessary hospitals, dispensaries and mobile medical units, the strict application of necessary quarantine regulations, and public education concerning hygiene and nutrition;

(*h*) control the traffic in arms and ammunition;

(*i*) regulate the traffic in opium and other dangerous drugs;

(*j*) regulate in the interest of the inhabitants the manufacture, importation, and distribution of alcohol and other spirituous beverages; and

(*k*) institute such other regulations as may be necessary to protect the inhabitants against social abuses."

Article 11*b* (new)

Comment.—The following provisions are suggested as implementation of the basic objective of the trusteeship system to promote the educational advancement of inhabitants of trust territories:

"The Administering Authority shall continue and extend the general system of elementary education throughout the trust territory, designed to abolish illiteracy and to facilitate the vocational and cultural advancement of the population, child and adult. It shall provide such facilities as may prove necessary in the interests of the inhabitants for qualified students to receive higher education, including training on the professional level."

Article 12

Comment.—Great significance is attached to the establishment of broad rights with respect to the exercise of religion, religious teaching, and the legitimate activities of missionaries. In this regard, the wording of Article 8 of the Mandate for Tanganyika seems preferable to the shorter form adopted in the draft terms. It is suggested, therefore, that the phraseology of this Article follow Article 8 of the Mandate for Tanganyika with the addition of references to freedom of religious teaching and the right of missionaries to open hospitals in the trust territory as well as schools. Appropriately revised, this Article would read as follows:

“The Administering Authority shall ensure in the trust territory complete freedom of conscience, freedom of religious teaching, and the free exercise of all forms of worship which are consonant with public order and morality. Missionaries who are nationals of States Members of the United Nations shall be free to enter the trust territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools and hospitals throughout the territory; it being understood, however, that the Administering Authority shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.”

Article 12a (new)

Comment.—It is strongly urged that the following Article be inserted in the terms of agreement, since no where else in the trusteeship terms is there a direct statement of these fundamental democratic guarantees:

“Subject only to the requirements of public order, the Administering Authority shall guarantee to the inhabitants of the trust territory freedom of speech, of the press, of assembly, and of petition, freedom of migration and movement.”

Article 17 (new)

Comment.—In order to make clear the right of the Administering Authority to accept membership for the trust territory in appropriate regional and international associations of states, the following additional Article is believed to be desirable:

“The Administering Authority may, on behalf of the trust territory, accept membership in any regional advisory commission, regional authority, or technical organization, or other voluntary association of states, may cooperate with specialized international bodies, public or private, and may engage in other forms of international cooperation, not inconsistent with the Charter.”

Article 18 (new)

Comment.—The achievement of free interchange of information on an international basis is a purpose to which both the United Kingdom Government and the Government of the United States subscribe and toward the attainment of which both Governments continue to extend their efforts. It therefore seems appropriate to include in trusteeship agreements provisions which will facilitate such free interchange of information. The following additional Article is therefore proposed:

“1. The Administering Authority shall adhere to the principle of free interchange of information. To this end, nationals, corporations,

and associations of Members of the United Nations shall have the right throughout the trust territory to engage in such activities as writing, reporting, and gathering of information for public dissemination abroad, and shall enjoy freedom of transmission of material to be used abroad for publication and for the radio. Furthermore, the nationals, corporations, and associations of other Members of the United Nations shall enjoy freedom of publication in the trust territory, in accordance with the applicable laws and regulations, upon the same terms as nationals, corporations, or associations of the Administering Authority.

2. The term 'information', as used in this Article, shall include all forms of oral and written communications, printed matter, motion pictures, and photographs."

862P.01/5-746

Memorandum Prepared in the Division of Dependent Area Affairs

[WASHINGTON,] May 7, 1946.

SUPPLEMENTARY COMMENTS ON THE DRAFT TERMS OF TRUSTEESHIP FOR
TANGANYIKA, AND THE CAMEROONS AND TOGOLAND UNDER BRITISH
MANDATE ⁵²

Suggestions Relating to Procedural Matters and Drafting Changes

Article 2

Comment.—In view of the requirement of Article 81 of the Charter that the Administering Authority shall be "one or more states or the Organization itself", it seems desirable to designate "the United Kingdom of Great Britain and Northern Ireland" rather than "His Majesty" as the Administering Authority. It likewise seems desirable to set forth in clear terms the basic role of the Administering Authority in the trusteeship system of the United Nations. The following revised wording is therefore suggested:

"The United Kingdom of Great Britain and Northern Ireland is hereby designated as Administering Authority for _____ and, in the exercise of rights and duties conferred upon it in this agreement, shall serve as agent of the United Nations as trustee."

Article 3

Comment.—Since both the General Assembly and the Trusteeship Council are given important functions in the Charter of the United Nations with respect to the trusteeship system, the Administering

⁵² This document was not transmitted to the British Government at this time, but was handed informally to representatives of the Foreign Office in London in June by Mr. Benjamin Gerig, Chief of the Division of Dependent Area Affairs. For the London conversations, see Mr. Gerig's "Report" to the Acting Secretary, dated July 1, p. 601.

Authority should undertake to give effect to the actions of both of these organs in discharging with respect to the trust territory the functions set forth in the Charter and in the terms of trusteeship. The following revised wording is suggested for the latter portion of this Article:

“. . . and to give effect to the actions of the General Assembly and the Trusteeship Council in discharging their functions with respect to _____ as defined in the United Nations Charter and in this agreement.”

Article 4

Comment.—In view of the fact that this Article bears upon the responsibilities of the Administering Authority with respect to internal and international security, it is suggested that the words “good government” might properly be eliminated in this Article. The designators (a) and (b) might also be eliminated.

Article 5

Comment.—It is suggested that paragraph (a) of the draft terms for Tanganyika should contain, as do the draft terms for Togoland and the Cameroons, the words “subject to the provisions of this agreement”.

Article 10

Comment.—It is suggested that the introductory clause to Article 10 be revised to include the conception that the obligations specified in this Article are obligations of the United Nations as well as of the Administering Authority. The introductory clause so revised would read as follows:

“Measures taken to give effect to Article 9 of this agreement shall be subject always to the overriding obligation of the United Nations and of the Administering Authority to promote the political, economic, social and educational advancement of the inhabitants of _____, and to carry out the other basic objectives of the International Trusteeship System as stated in Article 76 of the Charter. The Administering Authority shall in particular be free:”

It is suggested that the words “as appear to him to be” in paragraph (c) be replaced by the words “as may be”. The exercise of the right set forth in paragraph (c) should be made subject to the approval of the Trusteeship Council.

Article 13

Comment.—It is believed that this important aspect of the trusteeship system would be made still more effective in its practical application by the inclusion of two additional clauses, the first of which would

make possible requests for special reports should this seem desirable, and the second of which would put into writing a useful practice which was quite generally followed under the Mandates System.

"1. The General Assembly or the Trusteeship Council may call upon the Administering Authority to submit special reports upon particular matters.

2. The Administering Authority shall include in its reports to the General Assembly information concerning the measures taken to give effect to suggestions and recommendations of the General Assembly and the Trusteeship Council."

Article 13a (new)

Comment.—The following suggested Article is also based upon a practice of the Mandates System which it might be useful to formalize in the trusteeship terms.

"The Administering Authority shall designate a special representative to be present at the sessions of the Trusteeship Council at which the reports of the Administering Authority with respect to _____ are considered."

Article 14

Comment.—It is suggested that the phrase "in accordance with Articles 82 and 83 of the United Nations Charter" be omitted, since the procedure of amending trusteeship agreements is fully specified in the Charter.

Article 15

Comment.—In view of the fact that these draft terms of agreement are non-strategic in character, the alteration or amendment of them should take place in accordance with Article 79 and 85 of the Charter.

Article 16

Comment.—Consideration might be given to the addition of a clause on advisory opinion.

Article 16a (new)

Comment.—Article 87(c) of the Charter states that visits to trust territories may be provided for at times "agreed upon with the Administering Authority". It therefore seems appropriate to include within each trust agreement a provision of the character of the clause which follows:

"The Administering Authority shall facilitate any periodic or special visits to _____ which the Trusteeship Council or the General Assembly may deem necessary, in accordance with Article 87(c) of the Charter."

862P.01/5-2446

Memorandum of Conversation, by the Deputy Director of the Office of European Affairs (Hickerson)

SECRET

[WASHINGTON,] May 24, 1946.

Mr. Middleton came in to see me at his request at 4 p. m. this afternoon and handed me the attached *aide-mémoire*, dated May 24,⁵³ in answer to our note of May 7 in regard to the proposed trusteeship agreements for Tanganyika, the Cameroons and Togoland. Mr. Middleton suggested that I read the note and give him any immediate comments I wished to make.

I read the *aide-mémoire* and told Mr. Middleton that after a careful consideration of the note we would have a number of comments to make. I told him that my immediate reaction was that the British Government must have misunderstood in at least one important particular our note of May 7. The British *aide-mémoire* refers to the United States Government's "not pressing to be recognized as a 'state directly concerned' ". I told Mr. Middleton that the purpose of our note was to state that we felt that on either of two grounds we could establish a claim as a state directly concerned as regards to these three trusteeship agreements. Our note, however, indicated a willingness that in certain circumstances we would not press such a claim, but we reserved our right to press our claim if these conditions were not met. I said that the whole purpose of our proposal was to reduce to the absolute minimum the number of states actually signing the agreement (and thus possessing a veto power before the agreements reached the United Nations). I said that we hoped that the British and French Governments would agree that it would be desirable to consult governments and obtain their views without recognizing their status as states directly concerned.

I went on to explain to Mr. Middleton that to be more explicit, if we did not assert or claim to be a state directly concerned in the three British Mandates, we would expect the British Government not to assert a claim to be a state directly concerned in agreements in respect of the Japanese Mandated Islands; that we would furthermore expect them to hold to an agreed minimum the number of states signing their three trusteeship agreements as states directly concerned; and that if they recognized as states directly concerned countries in respect of these three agreements which we did not believe to be states directly concerned, we would reserve the right to assert our claim to sign the agreements as a state directly concerned.

Mr. Middleton said that he had understood our note in this sense

⁵³ *Infra.*

and he believed the British Government did. He said that he felt the whole difficulty was that the British Government had not decided whether or not to waive its claims to be a state directly concerned "in the Pacific Mandated Islands".

I said that I had commented only on one aspect of the note after a hasty reading, and that we might have a number of other comments to make after we had studied the note.

JOHN HICKERSON

862P.01/5-2446

The British Embassy to the Department of State

SECRET

Ref: 419/ /46

AIDE-MÉMOIRE

His Majesty's Government have carefully considered the comments of the United States Government on the draft terms of Trusteeship for Tanganyika, and the Cameroons and Togoland under British Mandate, which were conveyed in the Acting Secretary of State's note and attached memorandum of May 7th.

2. The present position regarding trusteeship agreements for the United Kingdom mandated territories in Africa is as follows:

(a) In January drafts were sent for concurrence to States which His Majesty's Government have recognized as in any event "directly concerned" (i.e. Belgium in the case of Tanganyika, France in the case of British Togoland and the British Cameroons, and the Union of South Africa in respect of all three). Simultaneously drafts were also sent to all other members of the "Big Five" and to other British Commonwealth Governments members of the United Nations for information.

(b) The Belgian Government have already concurred in the Tanganyika draft and the South African Government in all three.

(c) No reply has yet been received from the French Government and no comments from the Soviet and Chinese Governments.

(d) For local reasons in East Africa it is desirable to publish at least the Tanganyika agreement as soon as possible, preferably before the end of May, 1946.

(e) As regards the form of publication, the Prime Minister originally announced to Parliament that the drafts would be published as soon as His Majesty's Government had received the concurrence of the States directly concerned.

3. It is against this background and in relation to the future time-

table that His Majesty's Government have to consider the United States suggestions contained in Mr. Acheson's letter of May 7th. His Majesty's Government much appreciate the fact that the United States Government, although not pressing to be recognized as a "state directly concerned", have put their points to His Majesty's Government in this way instead of bringing them up at the General Assembly without the opportunity of previous discussion. His Majesty's Government wish to assure the United States Government that they are giving their detailed comments the most careful consideration. The United States Government will, however, appreciate that if His Majesty's Government decided to modify their draft in the light of the United States Government's suggestions this would now necessitate a second reference to the States hitherto recognized as directly concerned in order to obtain their concurrence in the alterations, which might not be altogether easy especially as the United States are not themselves claiming to be recognized as a State directly concerned. His Majesty's Government would also wish to consult other British Commonwealth members of the United Nations as well as the Union of South Africa, particularly Australia and New Zealand, on account of possible repercussions on future terms of trusteeship for their mandated territories.

4. Between now and September it will be necessary to work to a close timetable if the terms of trusteeship are to be ready in time for submission to the General Assembly. Parliament was told on January 23rd that as soon as the drafts had been agreed upon by the States regarded as being in any event directly concerned their terms would be communicated to Parliament and to the local Legislative Councils (Hansard House of Commons January 23rd Column 151). There are already indications that Parliament and at any rate the Tanganyika Legislative Council may wish for a debate. Debates in the Legislative Councils must obviously come first so that in any Parliamentary debate the reaction of the inhabitants of the territories may be known. This means in practice that any local debates must take place during June so that the matter may be raised in Parliament, if desired, before the summer recess. Otherwise it will be too late for the General Assembly. Consequently His Majesty's Government must arrange simultaneous publication in the United Kingdom and in territories concerned without delay. The only reason why publication has been deferred so long already is that His Majesty's Government had hoped first to secure the agreement of all States whom they had recognized as being in any event States directly concerned. The proposed terms have been drawn up in confidential consultation with the governments of the territories concerned but the delay in making them available to the public is

already causing inconvenience, especially as it is known that they were communicated in January to the South African and various other governments, and further delay would cause acute embarrassment. In reply to a question in Parliament on May 15th enquiring what consultations are being held to ascertain the wishes of the local populations the Colonial Secretary stated *inter alia* that he hoped that publication of the proposed terms of trusteeship would be possible shortly.

5. From the foregoing it will be seen that adoption of the State Department's proposal would involve a radical alteration of the timetable. The consequent delay (pending Anglo-American discussions) would not only cause His Majesty's Government domestic embarrassment but might indeed prejudice the possibility of bringing the trusteeship agreements before the next General Assembly for approval which, according to Mr. Acheson's note is the object of the proposed discussions. In all the circumstances His Majesty's Government consider that it would not be practicable to defer publication in order to make textual amendments. The Foreign Office feel that the State Department will appreciate the importance His Majesty's Government attach to complying with the proper processes of democratic consultation both in the United Kingdom and in the territories concerned.

6. Nevertheless, His Majesty's Government are anxious to collaborate with the United States Government in this matter as fully as circumstances permit. They consider that early discussions with United States officials will be desirable and would be glad that they should take place in London. For the reasons given above, however, the timetable unfortunately precludes deferring publication until these discussions have taken place. Naturally, the drafts as published will not necessarily be final since the General Assembly might make its approval conditional upon amendments proposed by any member State. Although the terms of trusteeship must be agreed to by the existing mandatory power (Article 79 of the Charter) there is nothing to preclude His Majesty's Government accepting amendments after publication of the original draft either at the General Assembly stage or earlier if His Majesty's Government (and the other States directly concerned) consider them satisfactory. His Majesty's Government could profitably consider with the United States Government and possibly other Governments between now and September which, if any, of the United States amendments they would be prepared to accept and, if the other States directly concerned also agree, these amendments could perhaps be incorporated before formal submission of the texts of the United Nations.

WASHINGTON, May 24, 1946.

862P.01/5-2446

The Department of State to the British Embassy

SECRET

AIDE-MÉMOIRE

The United States Government has carefully considered the views of the United Kingdom Government expressed in an *aide-mémoire* of May 24, 1946 replying to the Acting Secretary of State's Note of May 7, 1946 concerning the negotiation of trusteeship agreements with respect to Tanganyika and the Cameroons and Togoland under British mandate.

The United States Government is gratified with the sympathetic consideration which the United Kingdom Government is disposed to give to its comments on the draft terms of trusteeship and welcomes the opportunity to discuss these comments further with representatives of the United Kingdom Government in London.

As to the question of the states which should be signatories to the draft agreements and thus recognized as states directly concerned under Article 79 of the Charter of the United Nations, the United States Government regrets that the United Kingdom Government feel that they have already been committed to a specific definition in this respect according to which France, Belgium, and the Union of South Africa should in any event be included as states directly concerned.

The United States Government notes that this commitment was made without consultation with it and hopes that the United Kingdom Government and the Governments of the three States referred to will yet be able to agree not only that the procedure would be simplified but also that no real advantage to them would be lost if these three Governments would be satisfied with a procedure of consultation on these terms of agreement as proposed by the United States Government. Indeed, it appears to the United States Government that to be a signatory of an initial draft agreement as a state directly concerned gives no greater advantage than would obtain under the exercise of consultation, unless it be the doubtful negative advantage of being able to veto proposals made by the other signatories.

The United States Government, therefore, hopes that the Government of the United Kingdom will agree to make either by itself or jointly with the United States an approach to these three Governments asking them in the circumstances to consider the procedure of consultation as a substitute for negotiation and signature in formulating the initial terms of the draft agreements in question.

Should such an agreement not be reached, the United States Government would feel obliged to reconsider its position and to examine again whether and under what conditions it should press its claim also to be a signatory of the initial draft agreement as a state directly concerned, a claim which, under the condition specified in its Note of May 7, it was prepared to waive in the interest of speeding up the conclusion of trusteeship agreements. It should be noted that the United States Government has not, as suggested in the British *aide-mémoire*, waived the claim of the United States to be recognized as a state directly concerned. This Government merely expressed its willingness to waive its right, subject to certain conditions stated in its Note of May 7, to sign the draft agreement.⁵⁴

With reference to publishing the draft terms of trusteeship when the United Kingdom Government has "received the concurrence of the states directly concerned", the United States Government had hoped that this might follow rather than precede the consultations with the other particularly interested states, including the United States, especially as several other states had previously been consulted in the drafting of the terms.

The United States Government does not wish unduly to delay the publication of the drafts since promises of publication have been made to local territorial authorities and to Parliament, whose delayed fulfillment might cause embarrassment. It sees no great inconvenience in this procedure since, as stated in the *aide-mémoire*, "there is nothing to preclude His Majesty's Government accepting amendments after publication of the original draft either at the General Assembly or earlier" if they are considered satisfactory, and that such amendments could perhaps be incorporated before formal submission of the texts to the United Nations. It does, however, hope that publication will be in the form of a draft proposal by the United Kingdom rather than as an agreement between certain "states directly concerned".

The United States Government agrees with the suggestion contained in the *aide-mémoire* to the effect that it will be desirable to have conversations between the two Governments take place in London at an early date. The Secretary of State has designated for this purpose

⁵⁴ In the drafting history of this *aide-mémoire* a paragraph reading substantially as this one had first appeared and then disappeared. When the draft *aide-mémoire* was circulated by the Division of Dependent Area Affairs to the interested offices for initialling on May 29 it was accompanied by a memorandum from the Chief of the Division (Gerig) recommending that consideration be given to restoring the paragraph. This proposal was concurred in and the paragraph was re-inserted in the final draft with two changes which made the statement both clearer and more firm. (Memorandum by Mr. Gerig to the Office of European Affairs, the Counselor of the Department, the Under Secretary of State, the Office of Special Political Affairs, the Division of African Affairs, the Office of Near Eastern and African Affairs and the Division of British Commonwealth Affairs, May 29, File No. 862P.01/5-2446.)

Mr. Benjamin Gerig, Chief of the Division of Dependent Area Affairs, and Mr. Edwin L. Smith, of the Division of African Affairs, who, if agreeable to the United Kingdom Government, will be prepared to go to London next week to carry on conversations on these questions.⁵⁵

WASHINGTON, May 31, 1946.

880.014/6-746

*The Acting Secretary of State to the Chief of the Division of
Dependent Area Affairs (Gerig)*

SECRET

WASHINGTON, June 7, 1946.

MY DEAR MR. GERIG: In undertaking conversations with representatives of the British Government, and possibly of the French and Belgian Governments with regard to the negotiation of trusteeship agreements for mandated territories in Africa, you should be guided by the instructions which follow.

General Objectives

1. It is desirable that the Trusteeship Council be constituted at the September meeting of the General Assembly. This can be done if the mandatory powers, in response to the Resolution on Non-Self-Governing Peoples adopted by the General Assembly in February 1946, take the proper steps for submitting draft trusteeship agreements for their respective mandated territories and if, through the approval of these draft agreements by the General Assembly, a sufficient number of states are designated as administering authorities. (The Trusteeship Council, for example, might be constituted under Article 86 of the Charter with the United Kingdom, France, and Belgium as "Members which administer trust territories", and with the United States, the Soviet Union, and China as "those which do not", provided that trusteeship agreements can be brought into force for at least one mandated territory now administered by each of the former three states.) It is important, therefore, that you should assist in every possible way in facilitating the conclusion of these draft agreements, while safeguarding the American position on the "states directly concerned" and on the draft terms of trusteeship.

2. The American position on the "states directly concerned", as defined immediately below, is primarily designed to limit the exercise

⁵⁵ In telegram 4407, May 31, to London, the Ambassador in the United Kingdom (Harriman) was brought up-to-date on developments since telegram 3829, May 8, had been cabled to him. Specifically he was apprised of the May 24-May 31 exchange between the Department and the British Embassy and the impending trip to London by Messrs. Gerig and Smith. (862P.01/5-2346)

of the "veto" in this particular field of United Nations activity. Restriction of the "states directly concerned" to an absolute minimum, if possible to a single state, would thus eliminate one opportunity provided by the Charter for use of the "veto" by a Member which may wish unilaterally to block the proper development of the United Nations.

"States Directly Concerned"

1. You should attempt to obtain acceptance for the position on the "states directly concerned" which was stated as follows in the Department's note to the British Government (and, *mutatis mutandis*, to the French and Belgian Governments) :

In transmitting these comments, the United States Government does so without reference to the determination of the phrase "states directly concerned". The position of the United States in this respect remains what it has been for the past twenty-five years, namely, that it has special and specific rights under the Treaty of Versailles and as a party to certain bilateral treaties, including treaties with the United Kingdom concerning the mandated territories. The United States believes that by virtue of this position it is entitled to be one of the "states directly concerned" in all mandated territories.

However, it is the view of this Government that in the interest of speeding up conclusion of trusteeship agreements it would be desirable to limit the number of negotiating states to a minimum, and in line with this principle it is felt that the most desirable procedure would be that the present mandatory powers should propose draft terms of trusteeship and that other particularly interested powers should be consulted in regard to these terms before they are actually submitted to the General Assembly for approval.

This procedure is proposed on the condition that the other interested powers agree to the principle of consultation as described above without pressing claims to be signatories to the terms of trusteeship for the African territories in question.

2. You should explain that this formula is designed to facilitate the conclusion of trusteeship agreements by keeping the number of "states directly concerned" to a minimum. The Member which forwards a draft trusteeship agreement to the General Assembly for approval would inform the latter that it had *consulted* all the particularly interested powers on the terms of trusteeship and had taken their views into account. Such consultation would obviate the need for prolonged discussion and perhaps extensive revision of the terms of trusteeship by the General Assembly. If a definition of "particularly interested powers" which should be consulted is called for, it may be suggested that it might include (a) the states having special treaty rights, (b) all the remaining permanent members of the Security

Council and (eventually) of the Trusteeship Council, and (c) any states in the region having special interests in the territory.

3. You should make clear that in waiving its right to be a signatory to the initial draft terms, the United States is not necessarily waiving its rights with respect to any alterations and amendments which may subsequently be proposed under Article 79.

4. In advocating this formula for consultation, you should point out that the "states directly concerned" in any mandated or other territories should, in any case, include those which have *legal rights* in the territory. You should maintain the principle that the United States, because of its treaty rights, is entitled to be a "state directly concerned" in all mandated territories, even though it is willing not to press its claim to be a signatory to the draft agreements for the mandated territories in Africa, provided that other states (except the mandatory power) do not do so. You need not attempt to obtain British and French concurrence in the claim of the United States to be a "state directly concerned" if you can persuade them to accept the procedure of consultation outlined in paragraphs 1 and 2 above.

5. If *geographic propinquity* is advanced as a criterion, you should not accept any interpretation that this factor is necessarily a basis for determining the "states directly concerned". It may be advisable, however, to consult with such states in regard to the terms of trusteeship, as stated in paragraph 2 above.

6. If the British, French, or Belgians insist, with respect to the draft trusteeship agreements in which they are respectively interested, that states other than the mandatory power must be considered as "states directly concerned" and as signatories to the agreements, you should reserve your position and should immediately ask the Department for instructions. Should the British representative refer to Mr. Attlee's statement in the House of Commons that the Union of South Africa is directly concerned in all the British mandates in Africa, it might be replied that all of the Union's interests could be satisfied by being "consulted" as the United States now proposes.

7. Should the question of the Japanese Mandated Islands arise you should refer to the statements made by the President on January 15, 1946 and by the Acting Secretary of State on January 22. You may state that it is your personal assumption that this Government intends to place these islands under trusteeship. You should further inform the British and French representatives that, with respect to the Japanese Mandated Islands and any other Japanese territories which the United States may administer under trusteeship, this Government prefers that the "states directly concerned" be kept to an absolute minimum. In fact, it would prefer to submit the draft agreements to

the General Assembly or the Security Council as the sole "state directly concerned" after consultation with all interested states. In dealing with the draft agreements for mandated territories in Africa, moreover, you should bear in mind that every decision taken with regard to both the "states directly concerned" and the terms of trusteeship may set a precedent which may affect the trusteeship agreements for territories in the Pacific.

Comments on the Draft Agreements

In general, you should press for revision and expansion of the British and Belgian draft agreements in order to make adequate provision for the political, economic, social, and educational development of the people of the territories and for equal treatment in the territory for the Members of the United Nations and their nationals. The comments which were sent to the British and Belgians, together with the supplementary comments⁵⁶ which are to be handed them informally, represent the maximum terms of trusteeship for these areas which this Government believes it possible to obtain under existing circumstances. In view of the voluntary character of the Charter, the terms of trusteeship must be satisfactory to the mandatory power which, under Article 79 of the Charter, is automatically a "state directly concerned". While the revisions suggested to the British and Belgian Governments do not contain all the most desirable features that might be included in an ideal trusteeship agreement, they are probably the most that could be accepted by the mandatory powers.

Basic Objectives

It is the view of this Government that trusteeship agreements for the mandated territories should be as comprehensive as possible in order that they may serve as a general guide for the constitution or organic law of the territory. These trusteeship agreements should, so far as possible, supplement the bare outlines of the trusteeship system provided in the Charter and should contain specific provisions for fulfilling the objectives of the trusteeship system laid down in Article 76. The agreements, furthermore, should make clear the relationship of the administering authority to the United Nations and its principal organs.

Authority of the United Nations

It is highly important that, as proposed in a new Article 1(a) and in the revised Article 2,⁵⁷ the authority of the United Nations with regard

⁵⁶ For the "Supplementary Comments", see Memorandum Prepared in the Division of Dependent Area Affairs, May 7, p. 586.

⁵⁷ See Memorandum accompanying note from the Acting Secretary of State to the British Ambassador, entitled "Comments on the Draft Terms. . . .", p. 579; see also "Supplementary Comments", p. 586.

to each trust territory should be made perfectly clear in the trusteeship agreement. The agreement should be based upon the principle that all rights and titles are vested in the United Nations and that the United Nations itself acts as *trustee* for the inhabitants of the trust territory and that the administering authority serves as *agent* of the United Nations, exercising the rights and duties conferred upon it by the trusteeship agreements. Such provisions would remove many of the ambiguities which characterized the mandates system of the League of Nations, and would reflect a genuine spirit of "trusteeship".

Fulfillment of Objectives of Trusteeship System

Each trusteeship agreement should, so far as possible, be organized to prescribe, *seriatim* and in detail, the general objectives of the trusteeship system laid down in Article 76 of the Charter:

a. to further international peace and security;

b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territory, and their progressive development towards self-government or independence;

c. to encourage respect for human rights and for fundamental freedoms for all; and

d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals.

Detailed provisions to supplement these general principles would have the following advantages: they would place the administering authority under definite obligation to fulfill these objectives; encourage the inhabitants of the territory to work for their own advancement in accordance with these principles; and provide criteria by which the General Assembly and the Trusteeship Council could supervise and review the work of the administering authority.

Fundamental Freedoms

It is of particular interest to this Government that trusteeship agreements for African territories should make special provision for carrying out Article 76(*c*) with regard to encouraging respect for human rights and fundamental freedoms, including such matters as freedom of speech, freedom of assembly, and the right of petition. The agreements should also provide for complete freedom of conscience, worship, and religious teaching.

Equality of Treatment

This Government has a special interest in the proper fulfillment of Article 76(*d*) relating to equal treatment in social, economic, and commercial matters for Members of the United Nations and their nationals. Similar provisions were included in the "A" and "B"

mandates⁵⁸ of the League of Nations at the insistence of the United States, but this Government was unable to incorporate the principle of equal treatment in the "C" mandates.

The trusteeship agreements should contain at least the provisions of the "B" mandates for equal treatment in social, economic, industrial, and commercial matters for all Members of the United Nations and their nationals. The trusteeship agreements should provide for equal treatment with respect to: freedom of transit and navigation, including freedom of transit and navigation by air; acquisition of property both movable and immovable; the protection of person and property; the exercise of professions and trades; the granting of concessions; and the administration of justice.

It is of special concern to this Government that these trusteeship agreements should provide for equal treatment of the missionary activities of nationals of all Members of United Nations. The principle of equal treatment is equally important in the field of freedom of information.

Procedural Matters

As the Charter affords only the barest outline of procedures for the supervision of trust territories by the United Nations, it is important that each trusteeship agreement make detailed provision for such supervision. Some of these procedural arrangements may ultimately be established by the Trusteeship Council in its Rules of Procedure. Until the Council adopts its Rules of Procedure, however, special provisions on these matters will be required in the trusteeship agreements along the lines suggested in the supplementary comments to be handed to the British and Belgian negotiators.

Sincerely yours,

DEAN ACHESON

⁵⁸ The degree of control exercised by the mandatory power over the political and economic life of the mandated territory varied according to the degree of civilization attained by the dependent peoples involved. This distinction gave rise to the three types of mandates ("A" mandates: Areas provisionally recognized as independent, but temporarily being given advice and assistance until reaching full nationhood—Syria and Lebanon, Palestine and Transjordan, and Iraq; "B" mandates: Areas where it was not considered feasible to grant autonomy and where the Mandatory Power was responsible for the administration under certain specified conditions—the Middle African territories of the Cameroons, Togoland, Tanganyika, and Ruanda-Urundi; "C" mandates: Areas inhabited by peoples in only a primitive stage of civilized development and which were administered under the laws of the Mandatory Power as integral portions of its territory—South West Africa and certain islands in the Pacific Ocean area). See Whiteman, *Digest*, vol. 1, pp. 598 ff.

890.0146/7-246

*Memorandum by the Chief of the Division of Dependent Area Affairs
(Gerig)*⁵⁹

[WASHINGTON,] July 1, 1946.

REPORT FOR THE ACTING SECRETARY

From June 12 to June 20, 1946, Mr. Smith and Mr. Gerig met in London with representatives of the British and French Governments to discuss, on the expert level, steps which will need to be taken to establish the trusteeship system of the United Nations.⁶⁰

In particular, the discussions dealt with two questions: (1) the procedure by which trust agreements for mandated territories will be brought before the General Assembly, and (2) the precise terms of such draft agreements. Five meetings were held with the British and two with the French representatives. The following summary of conclusions will be of special interest:

Conclusions

1. It is now clear that the Trusteeship Council can be established by the General Assembly in September. This is made possible because France, as well as the United Kingdom and Belgium, will have draft

⁵⁹ Submitted to the Acting Secretary of State (Acheson) by the Deputy Director of the Office of Special Political Affairs (Ross) under a covering memorandum of July 2.

⁶⁰ A series of conversations planned to take place in London, Paris, and Brussels in that order began in London on June 12 and concluded there on June 19.

The meetings with the United Kingdom officials took place at the Colonial Office on June 12-June 14 and June 19. Attending on the British side were Mr. Creech Jones, Parliamentary Under Secretary of State for the Colonies; Mr. A. H. Poynton, Head of the International Relations Department, Colonial Office; Mr. Melville, Economic Adviser, Colonial Office; Mr. J. G. Ward, Head of the United Nations Department, Foreign Office; Mr. Paul Mason of the North American Department, Foreign Office; and Mr. G. E. G. Shannon of the Dominions Office. On the American side, besides Messrs. Gerig and Smith, there were Mr. Harry Hawkins, Counselor of Embassy for Economic Affairs, and Mr. Raymond A. Hare, First Secretary of Embassy. Minutes of these meetings are found in the London Embassy Files (1946): 800-Trusteeship.

The talks with the French also took place in London as a result of last-minute changes. The conversations were held at the French Embassy on June 18 and 19, with the French represented on June 18 by Mr. Le Roy, Second Secretary of the French Embassy in London (who had recently been in Paris for consultation on the trusteeship problem), and on June 19 by Mr. Le Roy and Mr. Lucas, French Foreign Ministry mandates expert who came from Paris especially for the talks. Minutes of these conversations are found in the office lot files of the Office of Special Political Affairs, Lot 61-D 146, Box 4581.

Regarding the proposed talks with the Belgians, see footnote 62, p. 603.

agreements ready to submit in regard respectively to the Cameroons, Tanganyika, and Ruanda-Urundi.

2. Both the United Kingdom and France are prepared to present these draft agreements to the Assembly according to our preferred procedure, viz., that they will present them alone after consulting with a number of states, including the United States, which may be regarded as directly concerned or particularly interested. Neither of these states think it necessary that these draft agreements need be formally signed by the directly concerned states prior to submission, although the British Government is not certain whether an informal right of veto might not exist for those states referred to by the Prime Minister as in any event directly concerned in certain African mandates, namely, South Africa, Belgium, and France. No difficulty, however, is anticipated.

3. Both the British and French representatives received very cordially our suggestions for certain modifications and additions in the draft terms. A majority of our proposals were accepted in some form, several subject to further consideration at the ministerial level.

4. While tentatively accepting the draft terms so modified, we made it clear that our Government and the United States Delegation to the Assembly remained completely free to propose any modifications and changes. In this connection, we especially reserved our position regarding a provision giving the trust power authority to establish certain general monopolies in the trust territories when these are regarded by it to be in the interest of the inhabitants. We proposed, in line with our draft, that such monopolies be subject to approval by the Trusteeship Council, but the British and French thought this gave too much executive authority to the Trusteeship Council. They agreed with us to try to find a better formula.

5. The French representatives frankly stated their hope that the inhabitants of the Cameroons and Togoland, under their trust, would eventually choose to be assimilated to the French Union. An article in the draft dealing with political development was drawn up by them in a way to favor such development. We induced them to accept in the article a reference to Article 76(b) of the Charter envisaging "self-government or independence", which they agreed to refer once more to the Cabinet.

6. The Soviet Union and China have received the British drafts but have made no proposals regarding them.

7. The French drafts will be submitted officially to the United States, Great Britain, the Soviet Union, and China near the end of

July. They thought it would include most or all of our suggestions agreed to.⁶¹

8. The British representatives feel certain that Australia and New Zealand will be prepared in September to present draft terms for their Pacific mandates. In this event, the occasion will arise to elect two states to the Trusteeship Council to retain the balance required under Article 86.

9. The British representative said their legal advisers were considering the question of what special procedure, if any, might be required to terminate the special treaties between the United States and Great Britain regarding the mandated territories when the new agreements are consummated. We said we would make similar inquiries.

10. No conversations were held with the Belgian representatives, who informed us through our Embassy in Brussels that they were not quite ready to discuss our proposals, but that they would soon be ready to discuss them through their Embassy in Washington.⁶²

11. The French sent an official from Paris to London in order to avoid any possible suspicions on the part of the Soviet representatives now in Paris who, they thought, might have wished to participate in the conversations.⁶³

12. Full texts of the draft terms as modified are annexed to this report.⁶⁴

BENJAMIN GERIG
EDWIN L. SMITH

⁶¹ In the conversations of June 18 there was discussion of terms of agreement for Togoland and the Cameroons on the basis of drafts prepared in Paris. On June 20, however, a note was received by the U.S. Embassy in Paris from the French Foreign Ministry which stated that no final terms of trusteeship had yet been established and that the talks in London must be regarded as "strictly informal and unofficial" (telegram 448, Paris to London, June 20, repeated to the Department as No. 2986, File No. 880.014/6-2046). No official French drafts were in fact presented to the U.S. Government by the French Government until October 9.

⁶² The Embassy at Brussels, however, on June 19 reported an initial and informal reaction on the part of the Belgians: The U.S. proposals might be appropriate for more advanced areas, but were feared to be "premature" and possibly "provocative" in their emphasis on freedom of political expression and specified progressive steps toward self government and independence "if applied to primitive tribes" in central Africa (telegram 760, June 19, from Brussels, File No. 862S.01/6-1946).

⁶³ Apparently this has reference to the presence in Paris at this time of the foreign ministers of the five great powers for meetings of the Council of Foreign Ministers.

⁶⁴ Texts not attached. See *infra* for copy of draft agreement for Tanganyika agreed upon at London and forwarded by the Department to the Embassy at London on July 15. The draft terms for Tanganyika were identical, with a few minor exceptions, to the draft terms for Togoland and the Cameroons.

London Embassy Files (1946) : 800-Trusteeship

*Draft Trusteeship Agreement for Tanganyika*⁶⁵

[Here follows the text of the preamble, which is the same as that printed in Cmd. 6840, June 1946.]

Article 1.

The territory to which this agreement applies comprises that part of East Africa lying within the boundaries defined by Article 1 of the British Mandate for East Africa and by the Anglo-Belgian Treaty of the 22nd of November, 1934, regarding the boundary between Tanganyika and Ruanda-Urundi.

Article 2.

His Majesty is hereby designated as Administering Authority on behalf of the United Nations for Tanganyika. The responsibility for the administration of Tanganyika ~~which~~ will be undertaken by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland.

Article 3.

The Administering Authority undertakes to administer Tanganyika in such a manner as to achieve the basic objectives of the International Trusteeship System laid down in Article 76 of the United Nations Charter, and The Administering Authority further undertakes to collaborate fully with the General Assembly of the United Nations and the Trusteeship Council in the discharge of all their ~~the Council's~~ functions as defined in Article 87 of the United Nations Charter and in this agreement. The Administering Authority shall to facilitate any periodic ~~or special~~ visits to Tanganyika which they may deem necessary, at times to be agreed upon with the Administering Authority. ~~which the Trusteeship Council or the General Assembly may deem necessary, in accordance with Article 87 (c) of the Charter.~~

Article 4.

The Administering Authority shall be responsible (a) for the peace, order, good government and defence of Tanganyika, and (b) for

⁶⁵ Enclosure to a letter of July 15 from the Deputy Director of the Office of Near Eastern and African Affairs (Villard) to the First Secretary of the American Embassy in the United Kingdom (Hare), not printed (London Embassy Files: 800-Trusteeship).

Additions to the text printed in Cmd. 6840 are underscored; deletions are indicated by canceled type.

A British text of this draft agreement was transmitted to the Department by the British Embassy on July 31 (see p. 612 for covering letter), and is the same as the American draft except as noted below. The British text was entitled "Revised 'A' (June, 1946)", and is referred to in subsequent British communications either under this name or as "the joint text of June". In such instances reference should be made to the U.S. draft here printed.

ensuring that it shall play its part in the maintenance of international peace and security.

Article 5.

For the above mentioned purposes and for all other purposes of this agreement, as may be necessary, the Administering Authority :

(a) shall have full powers of legislation, administration, and jurisdiction in Tanganyika, subject to the provisions of the Charter and of this agreement;

(b) shall be entitled to constitute Tanganyika into a customs, fiscal or administrative union or federation with adjacent territories ~~under his sovereignty or control~~, and to establish common services between such territories and Tanganyika where such measures are not inconsistent with the basic objectives of the International Trusteeship System and with the terms of this agreement;

(c) may establish and use military, naval and air bases, erect fortifications, and station and employ its own forces in the trust territory in carrying out its obligations toward the Security Council as well as for local defense and the maintenance of law and order within the trust territory;

(d) may enlist volunteer forces for the purpose of carrying out its obligations toward the Security Council and for local defense and the maintenance of law and order within the trust territory.

Article 6.

1. The Administering Authority shall promote the development of political institutions suited to Tanganyika. To this end, the Administering Authority shall assure to the inhabitants of Tanganyika a progressively increasing share in the administrative and other services of the territory; shall develop the participation of the inhabitants of Tanganyika in advisory and legislative bodies and in the government of the territory, both central and local, as may be appropriate to the particular circumstances of the territory and its peoples; and shall take all other appropriate measures with a view to the political advancement of the inhabitants of Tanganyika towards the objectives of self-government or independence as prescribed in Article 76(b) of the United Nations Charter.

[Additional sentence to be added in case of Togoland and Cameroons: In considering the measures to be taken under this Article the Administering Authority shall, in the interests of the inhabitants, have special regard to the provisions of Article 5(a) of this Agreement.]

2. The Administering Authority shall collaborate fully with the Trusteeship Council in the conduct of any surveys of the development of the political institutions and the capacity for self-government of the inhabitants of Tanganyika which the Administering Authority

and Trusteeship Council agree it would be useful to hold. The Administering Authority and the Trusteeship Council shall likewise agree upon the time at which any such survey can usefully be held, and upon the most appropriate methods of ensuring the free expression of the wishes of the local population during the conduct of such survey.

Article 7.

The Administering Authority undertakes to apply in Tanganyika the provisions of any international conventions and recommendations already existing or which may hereafter be drawn up by the United Nations or specialised agencies referred to in Article 57 of the United Nations Charter which may be appropriate to the particular circumstances of the territory and its peoples, and which would ~~the application of which would in his opinion~~ conduce to the achievement of the basic objectives of the International Trusteeship System.

Article 8.

In framing laws relating to the holding or transfer of land and resources, the Administering Authority shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests, both present and future, of the native population. No native land⁶⁶ may be transferred, except between natives, ~~save~~ without the previous consent of the competent public authorities. No real rights over native land and resources⁶⁷ in favour of non-natives may be created except with the same consent.

Article 9.

Subject to the provisions of Article 10 of this agreement, the Administering Authority shall take all necessary steps to ensure equal treatment in social, economic, industrial and commercial matters for all members of the United Nations and their nationals and to this end:—

(a) The Administering Authority shall ensure the same rights to all nationals of members of the United Nations as to his own nationals in respect of entry into and residence in Tanganyika, freedom of transit and navigation, including freedom of transit and navigation by air, acquisition of property both movable and immovable, the protection of person and property, and the exercise of professions and trades;

(b) The Administering Authority shall not discriminate on grounds of nationality against nationals of any member of the United Nations in matters relating to the grant of concessions for the development of the natural resources of Tanganyika, and shall not grant concessions having the character of a general monopoly;

⁶⁶ The British Embassy text transmitted to the Department on July 31 included the words "or resources" at this point (FW 862S.01/7-3146).

⁶⁷ The British text read: "or resources".

(c) The Administering Authority shall ensure equal treatment in the administration of justice to the nationals of all members of the United Nations.

The rights conferred by this Article on nationals of members of the United Nations apply equally to companies and associations controlled by such nationals and organised in accordance with the law of any member of the United Nations.

Article 10.

Measures taken to give effect to Article 9 of this agreement shall be subject always to the overriding duty of the Administering Authority in accordance with Article 76 of the Charter to promote the political, economic, social and educational advancement of the inhabitants of Tanganyika, to carry out the other basic objectives of the International Trusteeship System, and to maintain peace, order and good government.

The Administering Authority shall in particular be free:—

(a) to organise essential public services and works on such terms and conditions as he thinks just;

(b) to create monopolies of a purely fiscal character in order to provide Tanganyika with the fiscal resources which seem best suited to local requirements, or otherwise to serve the interest of the inhabitants of Tanganyika;

(c) to establish, under conditions of proper public control, such other monopolies or undertakings having in them an element of monopoly as appear to him to be in the interests of the economic advancement of the inhabitants of Tanganyika.

(Revision suggested by British)

. . . . The Administering Authority shall in particular be free:

(a) No change.

(b) No change.

(c) For specific purposes, and as the interests of the economic advancement of the inhabitants of Tanganyika may require it, to establish, or permit to be established, other monopolies or undertakings having in them an element of monopoly, under conditions of proper public control.

Article 11.

Nothing in this agreement shall of itself entitle any member of the United Nations to claim for itself or for its nationals, companies ~~or~~ and associations in Tanganyika ~~the application of a more advantageous regime than that member itself grants in its own territory to Tanganyika and its inhabitants~~ the benefits of Article 9 of this agreement in any respect in which it does not give to the nationals, companies and associations of Tanganyika equality of treatment with the nationals, companies and associations of any other state.

Article 11a.

The Administering Authority shall ⁶⁸ continue and extend the general system of elementary education throughout Tanganyika, designed to abolish illiteracy and to facilitate the vocational and cultural advancement of the population, child and adult. It shall provide such facilities as may prove necessary ⁶⁹ in the interests of the inhabitants for qualified students to receive higher ⁷⁰ education, including training on the professional level.

Article 12.

The Administering Authority shall ensure in Tanganyika complete freedom of conscience and, so far as is consistent with public order and morality, freedom of religious teaching, and the free exercise of all forms of worship. ~~which are consistent with public order and morality.~~ Subject to the provisions of Article 8 of this agreement ~~and the local laws.~~ Missionaries who are nationals of States members of the United Nations shall be free to enter Tanganyika and to travel and reside in Tanganyika therein, to acquire and possess property, ~~and~~ to erect religious buildings and to open schools and hospitals in throughout the territory. The provisions of this Article shall not, however, affect the right and duty of the Administering Authority to exercise such control as he may consider necessary for the maintenance of peace, order and good government and for the educational advancement of the inhabitants of Tanganyika, and to take all measures required for such control.

Article 12a.

Subject only to the requirements of public order, the Administering Authority shall guarantee to the inhabitants of the trust territory freedom of speech, of the press, of assembly, and of petition.

Article 13.

1. The Administering Authority shall make to the General Assembly of the United Nations an annual report on the basis of a questionnaire drawn up by the Trusteeship Council in accordance with Article 88 of the United Nations Charter and submit such special reports upon particular matters as may be called for by the General Assembly or the Trusteeship Council.

2. The Administering Authority shall include in its reports to the General Assembly information concerning the measures taken to give effect to suggestions and recommendations of the General Assembly and the Trusteeship Council.

⁶⁸ The British text at this point included the words "as may be appropriate to the circumstances of the territory", set off by commas.

⁶⁹ In the British text the words "desirable and practicable" were used in place of "necessary".

⁷⁰ The British text inserted "secondary and" ahead of "higher".

Article 13a.

The Administering Authority shall designate ~~a special~~ an accredited representative to be present at the sessions of the Trusteeship Council at which the reports of the Administering Authority with respect to Tanganyika are considered.

Article 14.

Nothing in this agreement shall affect the right of the Administering Authority to propose, at any future date, the amendment of this agreement for the purpose of designating the whole or part of Tanganyika as a strategic area ~~in accordance with Articles 82 and 83 of the United Nations Charter~~ or for any other purpose not inconsistent with the basic objectives of the International Trusteeship Agreement.

Article 15.

The terms of this agreement shall not be altered or amended except as provided in Article 79 and Article 83 or 85, as the case may be, of the United Nations Charter.

Article 16.

If any dispute whatever should arise between the Administering Authority and another member of the United Nations relating to the interpretation or application of the provisions of this agreement, such dispute, if it cannot be settled by negotiation or other means, shall be submitted to the International Court of Justice provided for in Chapter XIV of the United Nations Charter.

Article 17.

(The Administering Authority may, on behalf of Tanganyika) accept membership in any regional advisory Commission, regional authority, or technical organisation, or other voluntary association of states, may cooperate with specialised international bodies, public or private, and may engage in other forms of international cooperation, not inconsistent with the Charter.

890.0146/7-2346

*The Acting Director of the Office of European Affairs (Hickerson)
to the Division of Dependent Area Affairs*

CONFIDENTIAL

[WASHINGTON,] July 26, 1946.

The New Zealand Minister came in to see me in the late afternoon day before yesterday by an appointment made at his request. Sir Carl Berendsen handed me the attached note dated July 23, 1946, enclosing

a draft of the trusteeship agreement proposed by New Zealand in respect of Western Samoa.⁸⁵

You will observe that the second paragraph of the note states that the New Zealand Government is prepared to regard the United States as a "state directly concerned" within the meaning of that Article, and that the New Zealand Government accordingly invites the comments of the United States on this draft. You will also observe that the note states that a similar approach is being made to the Governments of the United Kingdom and France, and that the comments of Australia have already been received.

Sir Carl Berendsen also handed me the attached *aide-mémoire* dated July 23, 1946, which should be read in connection with his note.

Last February at the Secretary's request I discussed with the New Zealand Prime Minister, the Right Honorable Peter Fraser; Sir Carl Berendsen, and Mr. A. D. McIntosh, Secretary of the Department of External Affairs, a proposal of the United States Joint Chiefs of Staff, approved by the President, that the United States Government be granted by New Zealand joint rights of military use of certain facilities constructed by the United States during the war on Upolo Island in Western Samoa.⁸⁶ I am taking up the New Zealand note and *aide-mémoire* with the War and Navy Departments and the Joint Chiefs of Staff insofar as it relates to base rights.⁸⁷ I shall be glad to

⁸⁵ Neither printed, but see footnote 87 below regarding the text of Article IX of the proposed agreement.

⁸⁶ For documentation on discussions between the United States and New Zealand regarding the desire of the United States to acquire base rights in Western Samoa, see vol v, pp. 1 ff. At the time that these negotiations were initiated by the United States in talks at Washington in February 1946 the New Zealand representatives were handed a draft agreement which described United States views as to the nature of a trusteeship that New Zealand might set up over an area in which the United States might acquire base rights (*ibid.*, p. 3; the draft was handed to the New Zealanders on February 21). The New Zealand representatives at the same time had presented to the Department of State on a most informal basis proposals described as a sketch of the form a trusteeship agreement for Western Samoa might take, having regard to Western Samoa's status as a "C" mandate; this text apparently had been drafted before the Washington talks on bases, and it was noted by the New Zealand Legation that "some use has been made of the United Kingdom draft for Tanganyika". (S11.24590/3-146)

⁸⁷ This was done in an "official letter" from the Acting Secretary of State to the Secretaries of War and Navy respectively on July 30 in which especial attention was directed to Article IX, section 3, of the proposed trusteeship agreement. Article IX provided that:

"The administering authority shall ensure that the trust territory of Western Samoa shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end the administering authority shall be entitled:—

(1) to establish naval, military and air bases and to erect fortifications in the trust territory;

(2) to station and employ armed forces in the territory;

(3) to enter into such agreements in accordance with the purposes and principles of the Charter of the United Nations as it may deem necessary or desirable with other members of the United Nations with respect to sharing rights of occupation and operation, and responsibility for the establishment, maintenance

collaborate with you in bringing together in a single document all of our comments on this draft agreement.

When I read this note in Sir Carl's presence I inquired whether he had heard of the development of our thoughts in regard to the interpretation of the phrase "states directly concerned". He replied that he had not. I then explained to him briefly our views and told him of Mr. Gerig's conversations in London with the British and the French. Sir Carl said that he was completely in accord with these views "on common sense grounds", but that he did not know whether the language of the Charter could be "so stretched". He said that he was confident that the New Zealand Government would be glad, however, to go along with this interpretation. He added that if there were general agreement with that interpretation, their note could be regarded as part of the consultation process.

JOHN HICKERSON

[Annex]

The New Zealand Legation to the Department of State

AIDE-MÉMOIRE

1. In the preparation of the draft Trusteeship Agreement for Western Samoa, the New Zealand Government have endeavoured to meet the point of view of the United States (as expressed in discussions on bases, and in comments on draft agreements prepared by the Government of the United Kingdom) as far as possible, without sacrifice of the following main principles, from which they are unable to depart:

(a) That the agreement should adhere as closely as possible to the form of the Mandate;

(b) That it is unnecessary and most undesirable that Western Samoa or any part of it should be declared a strategic area;

(c) That the grant of base rights to the United States or to any other state under bilateral arrangements should be subsequent to the conclusion of the Trusteeship Agreement, and should be made on lines consistent with New Zealand's obligations to the United Nations.

and control of existing or additional military bases and facilities in the trust territory; and

(4) to 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 the local defence and the maintenance of law and order within the trust territory." (text from draft agreement, dated July 23, 1946, File No. 890.0146/7-2346)

In the same letters it was stated by the Acting Secretary that "After handing [the] note and *aide-mémoire* to Mr. Hickerson, Sir Carl Berendsen stated orally that he was authorized to inform the United States Government that New Zealand was prepared to work out a bilateral agreement with the United States giving the United States joint military rights in Western Samoa which he believed would be satisfactory to both governments." (811.24590/7-3046)

2. Subject to these considerations, the New Zealand Government will be happy to consider and to discuss any views which the United States Government may feel it desirable to express.

3. It is the general desire of the New Zealand Government that the agreement should be a simple document, susceptible of easy translation into the Samoan language, and reasonably comprehensible to the Samoans.

4. The New Zealand Government hold no strong views as to the method by which the agreement of the United States might finally be expressed. They do, however, contemplate an informal exchange of notes, but if this procedure should raise any difficulties for the United States Government, then the New Zealand Government would be satisfied with an unqualified assurance that the draft, as finally agreed upon, is acceptable to the United States and will have the active support of the United States before the General Assembly.

WASHINGTON, July 23, 1946.

862S.01/7-3146

The First Secretary of the British Embassy (Middleton) to the Chief of the Division of Dependent Area Affairs (Gerig)

CONFIDENTIAL

WASHINGTON, July 31, 1946.

DEAR MR. GERIG: With reference to your recent discussions with the the Colonial Office in London regarding the draft terms of trusteeship for Tanganyika and Togoland and the Cameroons under British Mandate, I am enclosing three copies of a provisional revise of the draft terms of trusteeship for Tanganyika.⁸⁸

2. I have been asked to point out that the revised draft is to be regarded only as the United Kingdom record, on the official level, of the understandings reached during your recent discussions. I am sure that you will understand that the revisions which have tentatively been agreed are entirely without commitment on the part of His Majesty's Government and are subject to reference to Ministers, and to consultation with the Governors of the territories concerned. We for our part recognize that your acceptance of modifications in the original State Department proposals are subject to reference to higher authority in Washington.

3. I have also been asked to pass along the following two small explanatory comments on the revised text:—

“(a) Article 12A. The United States text added the words ‘freedom of migration and movement’. Mr. Gerig agreed to drop ‘migra-

⁸⁸ Not printed; see footnote 65, p. 604.

tion'. The United Kingdom representatives said that they would think whether there was some more effective way of describing 'freedom of movement', but they have not yet been able to devise a suitable synonym.

"(b) Article 13. The United States text included a reference to *special* reports. Provisionally, no reference to this has been made in the revised text, but the point is still being considered."

Yours sincerely,

G. H. MIDDLETON

890.0146/8-1946

Memorandum of Conversation, by the Acting Director of the Office of European Affairs (Hickerson)

[WASHINGTON,] August 19, 1946.

Mr. Harry⁸⁹ came in to see me at 5 p. m., Friday afternoon, August 16th at his request and handed me the attached undated memorandum and its enclosure.⁹⁰ It will be noted that the enclosure is a draft trusteeship agreement for New Guinea. Mr. Harry said that the Australian Government would be grateful to receive the comments of the U.S. Government on this draft as a matter of urgency. He said that it would be of assistance if they could receive the views of the U.S. Government through our representative in Canberra.

I told Mr. Harry that we would be glad to consider this draft and to give the Australian Government our comments on it as soon as we can. I said that since our experts are here and not in Canberra it might be desirable for our experts in the Division of Dependent Areas to discuss this matter with officers of the Australian Embassy, but that I assumed that we would have no objection to transmitting our views when they are finalized through our Embassy in Canberra if that is the wish of the Australian Government.

I read the *aide-mémoire* of the draft hurriedly. I commented to Mr. Harry that I saw no mention in the draft or the *aide-mémoire* of the proposals which we gave to the Australian Embassy in Washington on March 14, 1946 proposing an agreement under which the United States would have joint military rights with Australia in certain facilities in the Admiralty Islands.⁹¹ I said that since no specific reference was made I assumed that it is the view of the Australian Government that Article VII of the draft would provide adequately for such an agreement with the United States; it reads as follows: "The Administering Authority may take all measures in the Territory

⁸⁹ Second Secretary of the Australian Embassy.

⁹⁰ *Aide-Mémoire* and attached draft trusteeship agreement for New Guinea not printed.

⁹¹ For the Department's memorandum of March 14, see vol. v, p. 16.

which it considers desirable to provide for the defence of the Territory and for the maintenance of international peace and security." Mr. Harry said that he was not informed on this aspect of the matter.⁹²

JOHN HICKERSON

800.014/8-2046

*Memorandum of Conversation, by the Chief of the Division of
Dependent Area Affairs (Gerig)*

SECRET

[WASHINGTON,] August 20, 1946.

Participants: Mr. G. H. Middleton, First Secretary, British
Embassy
Alger Hiss—SPA
Benjamin Gerig—DA

At our invitation, Mr. Middleton came to the Department to consider whether it would be wise for the British Government to notify the Soviet Government prior to the meeting of the General Assembly with respect to the procedure by which the British Government is proposing to submit its draft trusteeship agreements to the Assembly for approval.

Mr. Hiss pointed out that the Soviet Government may not be aware that the British and American Governments had agreed upon a simplified procedure for submitting the trust agreements to the Assembly, a procedure which would not require the agreement to be formally signed by states directly concerned but, instead, would be submitted by Great Britain after informal consultations with a number of states particularly interested. Mr. Hiss added that the Soviet Government had several times heard United States Delegates explain a more formal procedure under Article 79, in which signature by the states directly concerned would be required. In a conversation which Mr. Dulles had with Mr. Gromyko in London, the former got the impression that the Soviet Government expected that signatures would be called for under Article 79 and that the U.S.S.R., as a state directly concerned, would wish to sign an agreement. He, therefore, thought it was possible that the Soviet Government, unless informed otherwise in advance, might come to the Assembly under a misapprehension and cause unnecessary

⁹² In a memorandum of even date to the Chief of the Division of Dependent Area Affairs (Gerig) Mr. Hickerson said: "I am taking up with the War and Navy Departments and the Joint Chiefs of Staff the security aspects of this draft and its effect upon our proposed agreement with Australia giving us joint military rights in certain installations in the Admiralty Islands. Mr. Richards of BC [Arthur Richards, Assistant Chief of the Division of British Commonwealth Affairs] and I will be glad to collaborate with you in the preparation of a reply to the Australian *aide-memoire*." (890.0146/8-1946)

Copies of the Australian documents were forwarded for comment to the War and Navy Departments on August 20.

delay by claiming "surprise". He wondered whether the British draft agreements might not be submitted to the United Nations about two weeks before the Assembly is to meet. This draft could indicate without special emphasis the plan with respect to submission to the UN.

Mr. Middleton said that he agreed that the problem should be considered. He thought his government would feel committed to transmit to the Soviet Government informally a copy of the revised draft of the agreement before submitting it formally to the UN. He pointed out that the prior draft had been similarly given to the Russians at the same time it had been given to us. No comment had been received from the Russians. Mr. Middleton said that he thought his government might transmit the revised draft about two weeks before the Assembly meets and in that draft indicate without calling attention to the point their plans as to the method of submission. He said he would take the matter up with the Foreign Office and the Colonial Office and would let us know their reaction. In the course of the discussion Mr. Middleton confirmed Mr. Gerig's understanding that the British had never accepted the view that the agreement of states directly concerned should be evidenced by their signing an agreement prior to its submission to the UN. Consequently our proposal that there be no such signing was entirely in line with their own views and plans. Any "surprise" to the Russians would, therefore, be something the British would not feel responsible for.

The discussion then turned on whether the problem of defining the states directly concerned under Article 79 might arise in the Assembly. It was suggested that states claiming to be states directly concerned might assert that their affirmative vote would be required in the two-thirds necessary for approval of the agreements. It was also suggested that to avoid the necessity of settling the issue such states might say merely that they were prepared to accept the agreement thus making the issue moot but that they wished to be recorded as claiming the status of states directly concerned whose agreement would be necessary for any amendment of the agreement. It was agreed that such statements, however, might elicit quite a number of similar pronouncements which might become embarrassing. Palestine was mentioned as an example in which such pronouncement would be embarrassing.

Mr. Middleton pointed out that in the absence in the Charter of any fixing of responsibility for determining which are the states directly concerned, the United Kingdom Government, on practical grounds, took the initiative with respect to their mandated territories and named a limited list of countries which, in any event, might be so regarded. He agreed that the list was not exclusive but that in the

absence of any Charter definition they thought this procedure a feasible one. Mr. Hiss explained that the U.S. position had, all along, been that we considered ourselves a state directly concerned, but did not think it necessary that effect be given to this status through signature of a formal instrument.

Mr. Middleton repeated that there was a danger of a misunderstanding here and said again that he would immediately take it up with London and let us know the result in due course.

890.0146/7-2346

*The Acting Secretary of State to the New Zealand Minister
(Berendsen)*⁹³

SECRET

[WASHINGTON,] August 21, 1946.

SIR: [Here follow introductory amenities, and statement that the United States Government had carefully examined the draft terms of trusteeship prepared by New Zealand and was transmitting in an enclosure "certain comments" for revisions and additions. It was noted that many of these "have already been accepted by the Government of the United Kingdom for inclusion in the terms of trusteeship for Tanganyika".]

On August 12, 1946, Mr. John Reid of your Legation was informed by Mr. Hickerson of this Department that Article IX of the draft trusteeship agreement relative to the maintenance of international peace and security is agreeable to the United States Government. This statement is hereby confirmed. Furthermore, this Government agrees to the provisions of paragraph 1(c) of the *aide-mémoire* which you left at the Department of State on July 23, 1946, stating that the question of base rights should be taken up subsequent to the conclusion of the trusteeship agreement.

[Here follows exposition of this Government's position on the question of "states directly concerned", at the outset of which appreciation was expressed that New Zealand was prepared to regard the United States as a "state directly concerned" in Western Samoa.]

DEAN ACHESON

⁹³ Handed to Mr. John S. Reid of the New Zealand Legation by Mr. Hiss on August 21. Memorandum of conversation regarding exchange of views between Messrs. Hiss and Reid on this occasion not printed (890.0146/7-2346). On August 23 at the request of the New Zealand Legation there was an article-by-article review of the agreement made by representatives of the Department and Legation (memorandum of conversation not printed, 890.0146/8-2346).

890.0146/8-2946 : Telegram

The Acting Secretary of State to the Chargé in Australia (Minter)

SECRET

WASHINGTON, August 29, 1946—9 a.m.

169. Australian Government in *aide-mémoire* transmitting draft trusteeship agreement for New Guinea requested Dept authorize you to discuss agreement with them. Comments on Australian draft and covering note on procedures for submission to GA being airmailed via London because of length.⁹⁴ No comment has yet been made on Article 7 of Australian draft agreement relating to defense and security matters. This Article, and its relations to US Govt's proposal March 14, 1946 concerning desire of US to obtain joint rights with Australia in certain installations in Admiralty Islands, are still under consideration. Our views on this matter will be cabled in near future.

Following are general instructions for use when you receive air-mailed document.

[Here follows a four-page exposition of the U.S. position regarding the question of states directly concerned, the procedure for submitting trusteeship agreements to the General Assembly, and U.S. desiderata (briefly) in respect of terms of the trusteeship agreement along the lines of the Tanganyika draft.

There was also included an instruction that should the question of the Japanese Mandated Islands arise reference should be made to the statements made by President Truman on January 15, 1946 (see p. 551) and by Acting Secretary Acheson on January 22 (bracketed note, p. 561). "You may state it is your personal assumption that US Govt intends to place these islands under trusteeship. You should further inform Australians that, re Japanese Mandated Islands and any other Japanese territories which US may administer under trusteeship, we prefer the 'states directly concerned' be kept to absolute minimum. In fact, we would prefer to submit draft agreements to General Assembly or Security Council as sole 'state directly concerned' after consultation with all interested states."]

⁹⁴ Text of U.S. revisions in Department of State Files (890.0146/8-2946); instruction not printed (890.0146/8-2946). Draft terms together with text of note to be handed to the Government of Australia at Canberra transmitted to the Australian Embassy in Washington under cover of an *aide-mémoire* of August 29, none printed (890.0146/8-2946).

862S.00/9-546

*Extract From Telegram From the Foreign Office to Lord Inverchapel
Dated August 31st, 1946*⁹⁵

His Majesty's Government have never considered that agreement to terms of trusteeship by the "States directly concerned" should take the shape of a formal treaty. Therefore we do not contemplate that the draft terms of trusteeship as agreed upon under Article 79 will carry any signatures. It will be seen from the draft terms for our African territories (published as Command Papers 6840 and 6863) that these terms have been drawn up in the form of an Assembly resolution the preamble to which contains the words "having satisfied itself that the agreement of the States directly concerned including the mandatory power has been obtained in accordance with Article 79 of the said Charter". In submitting the draft terms of trusteeship to the Secretary-General we intend to inform him that the agreement of Belgium and South Africa, in the case of Tanganyika and France and South Africa in the case of the West African mandated territories has been obtained and to enclose copies of the relevant notes from them provided these governments have no objection. As regards Soviet thesis attributed to Gromyko by Dulles and Gerig, we cannot trace any record that Soviet Delegation expressed view that trusteeship agreements required signature by "States directly concerned", nor do we recollect this point being made. His Majesty's Government's attitude as explained above is different. Charter is admittedly obscure but nowhere states explicitly that process described in Article 79 (regarding terms of trusteeship being agreed upon by "States directly concerned") itself constitutes (or is identical with) the "trusteeship agreement" mentioned in e.g. Articles 75, 77, 80 and 81. It will be noted that term "trusteeship agreement" is not used in Article 79 and in our opinion this variation of wording was deliberate and is significant. The trusteeship agreement in our view is the instrument which governs relationship between administering authority and United Nations (to whom administering authority is accountable). The trusteeship agreement is the document which designates the administering authority (Article 81) and by which the territory is placed under the trusteeship system established by the United Nations (Articles 75 and 80). It must be something different from the proposal referred to in Article 79 because the States directly concerned do not themselves place the territory under trusteeship. Their function under

⁹⁵ Transmitted to the Director of the Office of Special Political Affairs (Hiss) by the First Secretary of the British Embassy (Middleton) under a covering letter of September 5 as an explanation of "the preliminary views of His Majesty's Government in the United Kingdom as to the manner in which the problem of submitting trusteeship agreements might be met."

Article 79 is simply to agree upon the terms of trusteeship which they must do before the United Nations can take action on any draft terms. In other words although the word "agreement" in the term "trusteeship agreement" clearly means an instrument of some kind the phrase "agreed upon" in Article 79 has no such formal significance but means simply "concurred in". Such concurrence (or agreement without a capital A) can as stated above be obtained by diplomatic consultation and no question of signature arises. Our interpretation is implicit in the form of draft terms of trusteeship communicated to Soviet Government among others in January. Soviet Government have so far made no comment either on form or on content of these drafts and despite attitude adopted by Yugoslav and Soviet Delegations during preparatory commission on interpretation of "States directly concerned" have not approached us since receipt of these drafts with request to be recognised as "State directly concerned". That being so we believe it would be tactical mistake to approach Soviet Government at this late stage on the procedural question without any obvious reason for doing so. In our view such an approach would be likely to create impression that we felt doubtful about our interpretation. It would weaken our position by provoking suspicion and at same time giving Soviet Union plenty of time to think up objections. We believe it is much wiser to proceed according to plan as though no uncertainty existed. If Soviet Delegations at New York argue in favour of "agreements" signed by States directly concerned we should rely on arguments outlined above to counter such interpretation and trust United States Government (whose objective on this point seems identical with ours) would support us.

We naturally desire to avoid a clash with the Russians when the draft terms of trusteeship come up for discussion. While there may be arguments which Russians could use against procedure we propose we should have thought that following action would be open to us. We were urged by the Assembly resolution of February 9th to take all "practical steps" for the implementation of Article 79 of the Charter. As no authoritative interpretation has been given to this Article, His Majesty's Government have been obliged to work on basis of their own interpretation which was explained to the Assembly at the time. In presenting the draft terms to the Assembly in the form of a draft Assembly resolution His Majesty's Government do not intend to preclude the discussion at the Assembly of the interpretation of Article 79 or of any comments on the draft terms made by other States either during debates at the Assembly or through diplomatic channels. But His Majesty's Government will insist on adherence to the wording of Articles 79 and 85 which limit the functions of the Assembly to approval or disapproval of the draft terms. Thus if a Delegation

wishes to secure a change in the draft terms of trusteeship submitted by the mandatory power it could only move that the Assembly should not approve them unless amended in some particular respect. Even if such a motion were carried by necessary majority this would not of itself be effective in amending draft terms since under Article 79 "States directly concerned" (including mandatory power) must agree upon any alteration or amendment of terms of trusteeship before such amendment can be approved by United Nations. Russia would have NO veto on the terms of trusteeship unless she establishes a claim to be a State directly concerned. There is nothing in the Charter to indicate how it should be decided who are the "States directly concerned", but as it is essentially a political issue presumably it will be decided in the last resort by the Assembly. Russia would therefore require a two-thirds majority (see Article 18) to carry a motion that she should be recognised as a State directly concerned.

740.00119 Council/9-346 : Telegram

The Acting Secretary of State to the Ambassador in France (Caffery)

SECRET

WASHINGTON, September 3, 1946.

4567. Secdel 812. For Cohen from Hiss.

1. Middleton of British Embassy told us today that he had been asked to take up "with highest possible authorities" the difficulty in which the British find themselves vis-à-vis Parliament with respect to Tanganyika trusteeship agreement. Creech Jones insists that as the initial British draft was submitted to Parliament the revised draft agreed at the technical level when Gerig was in London cannot be submitted to the United Nations without having first been tabled in Parliament. As Parliament is not now in session any submission of the revised draft would entail delay in establishment of trusteeship system in which British say they have been leading exponent of speed. British Embassy was directed to ask us what amendments we considered absolutely essential and to ask us whether we considered in the present state of international relations amendments so essential as to warrant delaying establishment of trusteeship system. Embassy was also informed that amendments proposed by Assembly could only be accepted *ad referendum*.

2. We suggested Parliamentary situation would be met by French revised draft for Camerouns and Togoland being submitted first. French revised draft almost identical to British revised draft. British Assembly Delegation could agree to this as they have suggested no difficulty in substance with our proposals. British revised draft could

be submitted to Parliament when it reconvenes. Middleton believes reconvening date is end of September.

3. We pointed out British original draft would invite numerous amendments which would cause confusion and make ultimate form of agreement uncertain. We indicated our own view that we would have to favor substantial amendments. British would be in embarrassing position if they oppose amendments they really agree to in substance but would be equally embarrassed in Parliament if they accepted amendments *ad referendum* and submitted greatly modified agreement for Parliamentary approval. We also said information conveyed by Middleton came as great surprise. Middleton gratefully accepted suggested procedure which he will refer to Foreign Office and said that until Foreign Office reaction received Embassy would not need to take matter up with higher authorities.

4. In view of fact that our suggestion involves British ceding of leadership to French and of possibility French may be unwilling to propose revised draft it is doubtful our suggestion will be acceptable to the Foreign Office. If not, we feel important we retain free hand to propose in Assembly bulk of amendments agreed to in Gerig's London's talks. We feel original British draft would be unfortunate precedent as first trusteeship agreement. Will of course submit matter to Secretary for decision if British do not accept our suggestion.

[Hiss]

CLAYTON

811.24590/9-946

Memorandum for the File, by Mr. Edward T. Wailes of the Division of British Commonwealth Affairs

[WASHINGTON,] September 9, 1946.

On the basis of the attached memoranda from the War and Navy Departments⁹⁶ and subsequent telephone conversations with Captain

⁹⁶ Neither printed. A War Department memorandum of August 23, signed by Colonel J. E. Bastion, Jr., of the General Staff Corps, noted that "the trusteeship agreement for New Guinea as proposed by Australia does not make any provision for the future use by U.S. Forces of the base we developed on Manus Island. Nor does the *Aide-Mémoire* mention any plans for providing an agreement on the use of Manus. . . The New Zealand form of trusteeship agreement is considered much more favorably by the War Department." After suggesting that an attempt be made to persuade the Australians to revise their agreement to the form of the New Zealand agreement (that is, Article IX (3) of the New Zealand agreement) the War Department memorandum concluded: "In event the Australians decline to change the form of the agreement it is recommended that an expression of intent be obtained from the Australians with regard to their intentions on future military base agreements with the U.S." (890.0146/8-2346) A similar point of view, stated in more general terms, was expressed by Captain R. L. Dennison, Office of the Chief of Naval Operations, Navy Department, in a letter of August 27 (890.0146/8-2746).

Dennison of the Navy and Mr. Gerig of DA, I asked Mr. L. R. McIntire, First Secretary of the Australian Embassy, to call on me this afternoon to discuss Article VII of the Australian draft trusteeship agreement for New Guinea. Miss Beard of BC was present.

I told Mr. McIntire quite frankly that we felt Article VII of the Australian draft was not sufficiently explicit and that we greatly preferred Article IX of the New Zealand draft. He said he was not surprised to hear this comment. At the suggestion of Captain Dennison I then added that if the Australian Government adopted phraseology similar to Article IX of the New Zealand draft we, of course, would want them to consider such phraseology sufficiently broad and inclusive to provide the necessary means for their entering into a base agreement with respect to rights at Manus such as we had discussed with them on previous occasions.⁹⁷ I added that we felt that the phraseology of New Zealand's Article IX sufficiently inclusive to permit such an agreement and that we only wished to make sure that the Australian Government felt so likewise.⁹⁸

EDWARD T. WAILES

SWNCC Files : Series 59

*Memorandum by the Ad Hoc Committee Appointed at the 42nd
SWNCC Meeting*⁹⁹

SECRET

[WASHINGTON,] 10 September 1946.

As directed by SWNCC at its 42nd meeting, there is submitted herewith a draft text of a trusteeship agreement (Appendix)¹ for the Japanese Mandated Islands. This text has been developed by the *ad hoc* Committee solely for exploratory purposes. The *ad hoc* Committee considers that with one exception as described below, the draft is fully consistent with the applicable provisions of the United Nations Charter.

⁹⁷ Documentation on the discussions relating to military bases is found in vol. v, pp. 1 ff.

⁹⁸ The Embassy at Canberra had already been notified of this Government's position in telegram 180, September 6. "Please press this point. . . ." (890.0146/9-646)

⁹⁹ This paper with its appendix was circulated by the Secretariat of the State-War-Navy Coordinating Committee on September 10 to the Committee as SWNCC document 59/4.

A month earlier the *ad hoc* committee had had under study five different types of trusteeship agreements "to cover all possible contingencies for territories formerly mandated to Japan or formerly under Japanese control" (a report of the *ad hoc* committee to this effect was circulated to the Committee on August 8, not printed; unnumbered document dated August 8 filed with the papers of Series 59 in the SWNCC Files).

¹ Appendix not printed. Except for Article 8 the text of the draft agreement included in 59/4 is the same with minor technical revisions as that printed in the White House press release of November 6 on the proposed trusteeship arrangement (see Department of State *Bulletin*, November 17, 1946, pp. 889 ff.)

The draft trusteeship agreement is based on the hypothesis of a strategic agreement for the entire area.

The *ad hoc* Committee believes that substantially the same text could be used for other islands which were pre-war Japanese territory.

The members of the *ad hoc* Committee agree on all Articles of the attached draft except Article 8 concerning the application of Article 76(d) of the Charter, which requires equal treatment in social, economic and commercial matters for all Members of the United Nations and their nationals.

On this Article, the State Department representatives consider that Article 76(d) requires "national" treatment and believe that if made subject to security requirements could be safely applied. They further believe that if "most-favored nation" treatment, as suggested by the Navy representatives, were adopted it would react unfavorably on our economic interests in other mandated territories.

The Navy Department representatives agree that Article 76(d) of the Charter may be technically applicable under the terms of the Charter to a strategic trusteeship. However, the provisions of this subparagraph do not seem appropriate for the area in question. The sparseness of population and the lack of indigenous resources are factors which should make unnecessary provisions in the agreement for free-for-all social, economic and commercial exploitation.

The principal objections to Article 76(d) of the Charter as applied to the ex-Japanese Mandates are :

a. The area would be open to exploitation by nationals of all Members of the United Nations while the United States, under the terms of the agreement, holds responsibility for the protection of the social and economic welfare of the inhabitants.

b. Subversive activities could be undertaken under the guise of commercial development, inter-island traffic and welfare activities.

The above objections are not removed by the State Department representatives' proposal that the application of the terms of Article 8 in the draft agreement should be stipulated as subject to the requirements of security. This test could not be practically or equitably applied for adequate protection of security interests. The Navy Department representatives have proposed a "most-favored-nation" clause in Article 8. This was done because the terms of the Charter seem to require provisions for equal treatment of all Members of the United Nations. It is believed that "most-favored-nation" interpretation can be applied to the terms of Article 76(d) of the Charter. Even this provision, however, does not appear adequately to protect security interests.

The difference of opinion between the members of the *ad hoc* Committee as demonstrated by Article 8 is not based on the relative phil-

osophical merits of "national" treatment versus "most-favored-nation" treatment but principally on security considerations alone.

890.0146/9-1146

Memorandum by the Chief of the Division of Dependent Area Affairs (Gerig) to the Department of State Member on the State-War-Navy Coordinating Committee (Hilldring)

[WASHINGTON,] September 11, 1946.

Subject: Comment on SWNCC 59/4

(1) Agreement on all Articles except Article 8 was reached by State, War, and Navy members of the *ad hoc* Committee.

(2) The present draft containing 16 Articles represents a combination of the State draft of August 8 containing 27 Articles, and of the Navy (JCS) counter draft of August 24 containing 9 Articles.

(3) Nothing essential from the original State draft is omitted in the present draft. It was possible by condensation, combination, and abridgement to arrive at the present text. All the essential features of the Navy Department draft are also retained.

(4) Disagreement by the *ad hoc* Committee remains on only Article 8 where the text is presented in parallel columns. State's representatives consider that "national" treatment is required under Article 83(2) and Article 76 of the Charter, while Navy's representatives consider that "most-favored-nation" treatment would be safer and also legitimate in these circumstances. The War Department representative on the *ad hoc* Committee did not express himself finally either way.

(5) The distinguishing features of this draft are:

(a) It designates the whole area as strategic (Art. 1);

(b) It specifies that the goal shall be self-government instead of independence, thus announcing in advance that independence is no objective (Art. 6);

(c) It provides, however, for full use of the Trusteeship Council as regards economic and social matters outside of any closed areas (Art. 13);

(d) It restricts any possible fiscal, administrative or customs union to a union "with other territories under United States jurisdiction" instead of with "adjacent" territories, as was proposed in the original State draft (Art. 9); and

(e) It provides that the agreement cannot be "terminated" without the consent of the United States (Art. 15).

(6) Captain Dennison and Colonel Giffen showed a very great desire to meet State's representatives on every possible point and the compromise was arrived at in the *ad hoc* Committee very congenially.

501.BB/9-846 : Telegram

The Acting Secretary of State to the Ambassador in Belgium (Kirk)

SECRET

WASHINGTON, September 13, 1946—1 p. m.

1018. Urtel 1157 September 8.⁴ Please inform Belgian Govt we hope they will submit draft trusteeship agreement for Ruanda-Urundi to GA without mention of any specific Members as "states directly concerned". We believe requirements of Article 79 will be fulfilled if Belgium informs GA it has consulted with all Members particularly interested in Ruanda-Urundi and given full consideration to their views. If Belgium insists on naming UK and France as "states directly concerned" this may precipitate a succession of claims by other Members to be so considered and thus delay approval of trusteeship agreement.⁵

We appreciate favorable consideration given by Belgian Govt to our suggested revisions and are reviewing points not agreed upon in Villard conversations. We would be glad to accept Belgian suggestion of informal meeting with Brit and French in New York during week prior to GA.⁶

CLAYTON

⁴ The conversations on the technical level at Brussels, projected originally for June at the time of Gerig talks with the British and French experts, took place on September 6 between the Deputy Director of the Office of Near Eastern and African Affairs (Villard) and representatives of the Belgian Foreign and Colonial Offices. This telegram was in response to Brussels telegram 1157, September 8, summarizing the discussion (501.BB/9-846). Minutes of the meeting were transmitted to the Department under Brussels despatch No. 458, September 8, not printed (862S.01/9-846).

⁵ Villard had reported in telegram 1157 that "Belgians agreed submit alone to Assembly unsigned document containing trusteeship terms for Ruanda Urundi stating document has been agreed to by French British [*sic*] as state directly concerned in any event and that US (and possibly France) have been consulted as particularly interested powers. They feel bound to reach prior accord with Great Britain by exchange of communications as in technical conformity with Article 79 of Charter but are prepared to state this arrangement is without prejudice to final determination of States directly concerned." It is clear from the minutes of the meeting that the French should not have been named in this telegram along with the British as a state directly concerned. Mr. Hiss however did not have the minutes of the meeting available when this telegram was drafted, hence the confusion apparent in the text.

⁶ Villard had reported in the telegram under reference that the chief Belgian spokesman, Mr. Walter Loidan, Chef de Cabinet of the Belgian Ministry of Foreign Affairs, "appeared well versed and several times questioned my statement as to British and French approval of certain articles indicating he has had more recent contact than we with interested French and British officials. He suggested informal meeting New York or Washington with British, French and ourselves prior to submission agreement to General Assembly to establish uniformity which he deems indispensable."

800.014/9-1346 : Telegram

The Chargé in the United Kingdom (Gallman) to the Secretary of State

SECRET

LONDON, September 13, 1946—6 p. m.
[Received September 13—2:07 p.m.]

8165. From Villard. Sir George Gater, Permanent Under-Secretary of State for Colonies, who also was in Brussels last week, told me at luncheon yesterday that British Govt had not yet had time to consider on higher level revised trusteeship drafts discussed with Gerig last June.

This morning Secretary of State for Colonies called meeting his staff to go over matter. In subsequent conversation at Colonial Office Poynton informed me that approval had been given to most of our suggestion modifications, principal exception being revision for political surveys which British cannot accept. Early FonOff approval is expected after which final revised draft will be forwarded Washington and elsewhere.

Poynton also stated that while agreement of states defined by British as directly concerned would be sought, it would be unnecessary to submit changes for parliamentary approval. Colonial Office is in touch with Belgians and feels informal and separate discussions in NY prior to Assembly would be useful in interest of uniformity. Position of French regarded as uncertain.

Repeated Brussels 142.

GALLMAN

 SWNCC Files : Series 59
*Revised Draft Article 8 of Draft Trusteeship Agreement*⁷

SECRET

ARTICLE 8

1. In discharging its obligations under Article 76(d) as defined by Article 83(2), the administering authority, subject to the requirements of security, and the obligation to promote the advancement of the inhabitants, shall accord to nationals of each Member of the United Nations and to companies and associations organized in conformity with the laws of such Member, treatment in the trust territory no less

⁷This document was circulated by the Secretariat of the State-War-Navy Coordinating Committee on September 16 to the Committee as SWNCC document 59/5. This paper was considered by the Committee at a special meeting on September 17 and approved. The draft trusteeship agreement as revised was then forwarded to the Joint Chiefs of Staff on September 19; see SWNCC document 59/6, *infra*.

favorable than that accorded therein to nationals, companies and associations of any other United Nation, except the administering authority.

2. The administering authority shall ensure equal treatment to the Members of the United Nations and their nationals in the administration of justice.

3. Nothing in this Article shall be so construed as to accord traffic rights to aircraft flying into and out of the trust territory. Such rights shall be subject to agreement between the administering authority and the state whose nationality such aircraft possesses.

4. The administering authority may negotiate and conclude commercial and other treaties and agreements with Members of the United Nations and other states, designed to attain for the inhabitants of the trust territory treatment by the Members of the United Nations and other states no less favorable than that granted by them to the nationals of other states. The Security Council may recommend, or invite other organs of the United Nations to consider and recommend, what rights the inhabitants of the trust territory should acquire in consideration of the rights obtained by Members of the United Nations in the trust territory.

SWNCC Files : Series 59

Memorandum by the State-War-Navy Coordinating Committee to the Joint Chiefs of Staff^a

SECRET

WASHINGTON, 19 September, 1946.

SWN-4759

Subject: Draft Trusteeship Agreement

References: a. SWNCC 59/4
b. SWNCC 59/5

The State-War-Navy Coordinating Committee has developed draft terms of a trusteeship agreement for exploratory purposes only. The draft agreement has been drawn for application to the ex-Japanese mandates. It is believed, however, that substantially the same text could be used in the case of a strategic trusteeship agreement applied to any other area.

The Joint Chiefs of Staff are requested, as a matter of priority, to submit comments from a military point of view on the merits of the

^a This paper was circulated by the Secretariat of the State-War-Navy Coordinating Committee on September 20 to the Committee as SWNCC document 59/6. There was no covering substantive memorandum and this paper constituted Enclosure "B" of 59/6; Enclosure "A" consisted of the draft terms of agreement as revised, not printed.

enclosed draft as a trusteeship agreement and particularly for its adequacy for protection of security interests.

In the event that this form of a trusteeship agreement is unacceptable from a military point of view, it is requested that the State-War-Navy Coordinating Committee be advised of the specific respects in which it is unacceptable.

It is not intended that the submission by the State-War-Navy Coordinating Committee or consideration by the Joint Chiefs of Staff of this draft agreement shall prejudice the ultimate decision as to whether the strategic control desired by the United States over former Japanese-held islands is to be accomplished through sovereignty or through United Nations trusteeship.

For the State-War-Navy Coordinating Committee :
A. D. REID
Secretary

800.014/9-546

*The Department of State to the British Embassy*⁹

SECRET

AIDE-MÉMOIRE

The United States Government was glad to learn from the extract of a Foreign Office telegram dated August 31, 1946, which was attached to Mr. Middleton's letter of September 5, 1946 addressed to Mr. Hiss, that the respective views of the two Governments as regards the procedure for submitting trusteeship agreements to the General Assembly are now almost identical.

It is noted that the United Kingdom Government considers that the phrase "agreed upon" in Article 79 of the Charter means simply "concurred in" and that such concurrence can be obtained by diplomatic consultation without any recourse to formal signature. It is further noted that the United Kingdom Government believes that it would be a tactical mistake to approach the Soviet Government as to any other possible interpretation of this Article.

The United States Government is very anxious to avoid a protracted debate in the General Assembly, both as regards the nature of the "agreement" and the states which might have to concur in an agreement of this informal character. Therefore, the Department undertakes once more to urge the United Kingdom Government to consider whether it would not be possible and highly desirable for the United

⁹ Handed to the First Secretary of the British Embassy (Middleton) on September 20 by the Chief of the Division of Dependent Area Affairs (Gerig).

Kingdom Government to present the draft terms of trusteeship to the General Assembly without specifying any particular states by name as having concurred in the agreement. Should the United Kingdom Government specify as "states directly concerned" those named in Prime Minister Attlee's statement of January 23, 1946 and also in the British Embassy's *aide-mémoire* of May 24, 1946, this Government might deem it necessary to inform the General Assembly that it considers that the United States is entitled to be a "state directly concerned" in all mandated territories. Such a decision might easily result in a large number of other claimants, and thereby start the General Assembly on a protracted debate and possibly a series of votes as to which states should qualify under Article 79 of the Charter.

It seems to this Government that the General Assembly should be able to "satisfy itself that the agreement of the states directly concerned including the mandatory power has been obtained . . .", as stated in the preamble of the draft agreements, without undertaking to specify these states in each case. This Government is expressing the same view to the Belgian and French Governments.¹⁰

The United States Government is also somewhat disturbed by the possibility that some mandatory powers may only be able to accept *ad referendum* certain changes which might be proposed by the General Assembly. This Government agrees with the Foreign Office view as to the procedure in case changes should be proposed by the General Assembly, namely, that the mandatory power would need to agree to such changes before the terms of trusteeship could be approved by the United Nations.

It is to be hoped that the pre-Assembly consultations will have resulted in such a wide area of agreement that any changes in the draft agreements which may be necessitated in order to obtain the approval of the General Assembly could readily be agreed to by the mandatory powers through their representatives to the General Assembly. This would obviate the delays incident to reference back to Parliaments and would permit the Trusteeship Council to be established by the General Assembly this year. In furtherance of this

¹⁰ Actually *aide-mémoire* were handed first to the Australian Embassy and the New Zealand Legation on September 30, neither printed (800.014/9-3046). *Aide-mémoire* were transmitted to the Belgian and French Embassies on October 7 and 8, respectively, neither printed (800.0146/10-746 and 501.BB/10-846 respectively). A memorandum was handed to Mr. A. A. Gromyko of the Soviet Delegation to the General Assembly on October 15, at the United Nations, not printed (501.BB/10-1146). All were substantially of the same content as this *aide-mémoire* of September 20 to the British Embassy.

On October 18 a memorandum was handed to the Chinese Ambassador (Koo) by the Director of the Office of Special Political Affairs (Hiss), explaining this Government's position regarding states directly concerned. This was an abbreviated composite of the Secretary of State's note of May 7 to the British Ambassador, p. 579, and this *aide-mémoire*. (501.BB/10-1846)

objective the United States Government has warmly accepted the Belgian proposal for further separate and informal discussions by the Belgian, United Kingdom, French, and United States Governments just prior to the opening of the General Assembly.

For the foregoing reasons the United States Government believes that it will be both possible and desirable to leave the question of "states directly concerned" undetermined and the enumeration of such states unspecified. If the question should arise in the General Assembly, the United States Delegation is likely to urge the wisdom of leaving the phrase undefined. And if the General Assembly does not concur in this view, it may urge that all states, except of course the mandatory power, should agree to waive the exercise of any special rights which their designation as states directly concerned might appear to give them and, instead, to accept as binding the two-thirds vote of the General Assembly. If all the other states are willing to agree to this formula the United States Government, as mentioned before, will be willing to waive the exercise of its rights in this respect. The United States will, however, reserve its rights with respect to future alterations and amendments of the terms of trusteeship.

WASHINGTON, September 20, 1946.

862S.01/2-446

*The Acting Secretary of State to the British Ambassador
(Inverchapel)*

SECRET

WASHINGTON, September 20, 1946.

EXCELLENCY: I have the honor to refer further to your communication of February 4, 1946 (No. 71; Ref. 419/19/46) in which the United Kingdom Government transmitted to this Government drafts of the terms under which the United Kingdom proposes to place the mandated territories of Tanganyika, the Cameroons, and Togoland under the trusteeship system of the United Nations in accordance with Article 77 of the Charter. In addition to its original comments, transmitted to the British Embassy in a note of May 7, 1946, the United States Government, which is still considering the revised draft for Tanganyika sent to Mr. Gerig by Mr. Middleton in a letter dated July 31, 1946 desires to suggest at this time the following clause for inclusion as the final paragraph of Article 9 of the drafts:

"Nothing in this article shall be so construed as to accord traffic rights to aircraft flying into and out of the trust territory. Such rights shall be subject to agreement between the administering authority and the state whose nationality such aircraft possess."

The inclusion of this paragraph seems desirable since, in the view of the Government of the United States, aviation traffic rights (taking on and discharge of passengers, cargo, and mail) require special treatment in accordance with the Chicago Convention on International Civil Aviation and with relevant bilateral treaties.¹¹

Accept, Excellency, the renewed assurances of my highest consideration.¹²

WILLIAM L. CLAYTON

800.014/10-846

*The British Ambassador (Inverchapel) to the Acting Secretary of State*¹³

SECRET

WASHINGTON, 8 October 1946.

SIR: The United States Government are aware of and indeed are known to share the wish of His Majesty's Government in the United Kingdom to see the Trusteeship system set up without delay. In this spirit His Majesty's Government expressed their readiness to co-operate as fully as circumstances permitted in considering the amendments to the draft terms of trusteeship for the territories in Africa under United Kingdom mandate proposed by the State Department in their secret note to my predecessor of the 7th May, 1946.¹⁴ Representatives of the State Department were accordingly invited to London early in June to discuss these amendments. The discussions on the official level resulted in a joint text which was communicated to the State Department informally shortly afterwards.¹⁵ As was explained at the time, this text was subject on the part of His Majesty's Government in the United Kingdom to ministerial approval.

2. After full consideration His Majesty's Government in the United Kingdom are now glad to state that, subject to a satisfactory understanding being reached with United States Government regarding the attitude of the latter to the text, they are prepared to accept sub-

¹¹ For documentation regarding U.S. policy with respect to international civil aviation matters, see pp. 1450 ff.

¹² Similar notes of even date, *mutatis mutandis*, were sent to the French Ambassador (Bonnet) and the New Zealand Minister (Berendsen); text cabled to the Chargé in Australia (Russell) for communication to the Australian Government, in telegram 194, September 20 (501.BB/9-2046).

¹³ Marginal notation: "Handed by Mr. Middleton to Mr. Hiss—Oct. 10, 1946". For discussion that took place between Messrs. Hiss and Middleton on this occasion see memorandum of conversation of October 10 by the Chief of the Division of Dependent Area Affairs, p. 638. At the same time Mr. Middleton transmitted to the Department an *aide-mémoire* dated October 9, *infra*.

¹⁴ This has reference to the "Comments on the Draft Terms" which were incorporated into the Memorandum Accompanying Note from the Acting Secretary of State to the British Ambassador, May 7, p. 579.

¹⁵ See letter from the First Secretary of the British Embassy (Middleton) to the Chief of the Division of Dependent Area Affairs (Gerig), July 31, p. 612.

stantially the joint text of June. The revised draft terms of trusteeship which His Majesty's Government are prepared to adopt subject to this understanding and to the concurrence of the Governments who concurred in the original texts are enclosed herewith, and are accompanied by an explanatory memorandum.¹⁹ In the few cases where His Majesty's Government have not felt themselves able to follow the June text the reasons are given.

3. It is the intention of His Majesty's Government in the United Kingdom, when the concurrence of the "states directly concerned" has been obtained, to communicate the revised texts to the Secretary-General of the United Nations. It is furthermore the intention of His Majesty's Government to submit the proposed terms of trusteeship to the United Nations on its own behalf as mandatory power, and not collectively on behalf of itself and of the "states directly concerned".

I have [etc.]

For the Ambassador

D. D. MACLEAN

[Enclosure]

ANNEX A

AIDE-MÉMOIRE

REVISED DRAFT TERMS OF TRUSTEESHIP
FOR TERRITORIES IN AFRICA UNDER UNITED KINGDOM MANDATE

SECRET

The revised draft terms of trusteeship for territories in Africa under United Kingdom mandate are identical with the texts resulting from the discussions in June between United States and United Kingdom experts,²⁰ except in the following respects.

Article 2.

After very careful consideration His Majesty's Government have found themselves unable to accept the inclusion in this Article of the words "on behalf of the United Nations". They cannot find any words in the Charter to warrant definition of the position in these terms. They feel that the position of the Administering Authority under the trusteeship system in relation to the United Nations is clearly set out in the Charter, and that it would be undesirable to attempt to define it further in the terms of trusteeship themselves. It is felt that the inclusion of these words might give the erroneous impression that the

¹⁹ Copy of revised draft terms accompanying this note not printed. The revised draft terms are printed in British Cmd. 6935, October 1946. The explanatory memorandum follows as "Annex A".

²⁰ See draft terms of agreement for Tanganyika, p. 604.

United Nations itself had administrative functions in respect of trust territories where a single state is designated as administering authority. It will be recalled that in his statement to the General Assembly in January, 1946, when announcing the intention of His Majesty's Government to place the territories in question under the trusteeship system, the Foreign Secretary said: "It is most important that the people of the territories themselves and the world at large should be left in no doubt that the continuity of administration will be maintained until the ultimate objective of the trusteeship system, self-government or independence, as the case may be, is attained".

Article 5(b).

It has been decided to retain the words "under his sovereignty or control". His Majesty's Government are not in a position to *constitute* a trust territory under their control into a customs, fiscal or administrative union with any territory not under their control. Further His Majesty's Government are anxious to avoid anything which might create an impression either locally or internationally that they wish in any way to attach other territories to territories under their administration.

Article 6(1).

The words "in accordance with Article 76(b) of the United Nations Charter" have been substituted for the words "towards the objectives of self-government or independence as prescribed in Article 76(b) of the Charter". It is felt that the Article as now amended is already sufficiently explicit and that all that is required is a simple reference to the relevant Article of the Charter where the objectives in question are set out.

Article 6(2).

His Majesty's Government are unable to accept the addition of a paragraph to Article 6 about surveys of development of political institutions. They appreciate that there was considerable discussion at the Preparatory Commission on this question and that it is felt in some quarters that it is desirable that such surveys should become a feature of the International Trusteeship System. Should the United Nations eventually decide that such surveys were desirable and should provision be made for them in the rules of procedure of the Trusteeship Council or anywhere else, the position would have to be re-examined. In the meantime however His Majesty's Government feel that they would not be justified in prejudging the issue by including a provision for such surveys in the terms of trusteeship.

Article 8.

The word "natural" has been inserted before "resources" in this Article. This has been done as a result of a suggestion by local authorities who considered that it is desirable to define more clearly what was meant by "resources".

Article 10(c).

There has been a slight rewording in this Article in order to make the sense clearer.

Article 11.

The word "nationals" has been substituted by "inhabitants" as this is a more appropriate description of the status of the people of Tanganyika. There has further been a slight rewording at the end of this article, which does not involve any change in the sense of the article.

800.014/10-946

*The British Embassy to the Department of State*²¹

AIDE-MÉMOIRE

During the discussions which were held in London on the official level in June, 1946, with State Department officials to consider trusteeship matters, the thesis was put forward on the United States side that the mandatory power is the only "state directly concerned" in the terms of trusteeship for its mandated territories, and that the obligation of Article 79 of the Charter can be discharged simply by a process of diplomatic consultation with other states. Subsequently the views of the United States Government were further elaborated in the State Department's *Aide-Mémoire* of the 20th September, 1946.

2. His Majesty's Government in the United Kingdom appreciate the motives of the United States Government in putting forward its suggestions for simplifying the procedure of consultation with other governments and expediting the conclusion of trusteeship agreements. They share the desire of the United States Government to avoid lengthy debate in the General Assembly on the issue of "states directly concerned" and have no desire to provoke such a debate. Indeed the respective views of the two governments on the interpretation to be placed on Article 79 of the Charter would now appear to be almost identical.

3. It will be recalled that at the time that His Majesty's Government in the United Kingdom announced their intention of bringing the African territories under United Kingdom mandate under trustee-

²¹ Marginal notation: "Handed by Mr. Middleton to Mr. Hiss—Oct. 10, 1946".

ship, there was not (and there still is not) any agreed or authoritative interpretation of the phrase "states directly concerned". His Majesty's Government in the United Kingdom therefore had no alternative but to give a practical interpretation themselves in what appeared to be a generally accepted sense. As is known, His Majesty's Government in the United Kingdom informed the General Assembly that they were communicating the draft terms of the trusteeship to certain states who seemed on any interpretation to be directly concerned with the terms of trusteeship for the territories in question. The United Kingdom drafts were also communicated for information to the other states mentioned by name in Article 23 of the Charter. It was made clear at the time that this action was without prejudice to the ultimate interpretation of the phrase "states directly concerned" and the action of His Majesty's Government in the United Kingdom was not challenged by any delegation at the General Assembly. Since that time the states which, in the opinion of His Majesty's Government in the United Kingdom, were in any event directly concerned, have concurred in the original United Kingdom draft terms of trusteeship, the drafts themselves have been published as command papers and the command papers which refer to the concurrence of these states have been communicated for information to the Secretary-General. His Majesty's Government in the United Kingdom cannot go back on these published statements.

4. In the light of the foregoing and particularly in view of the history of Article 79 of the Charter at San Francisco, His Majesty's Government in the United Kingdom do not feel that they could avoid all reference at the next meeting of the General Assembly to agreement to the terms of trusteeship by "states directly concerned". His Majesty's Government in the United Kingdom, however, have never contemplated the conclusion of a formal treaty among "states directly concerned" and do not interpret Article 79 of the Charter as meaning that any "state directly concerned" can indefinitely hold up the submission of draft terms of trusteeship to the General Assembly should it unfortunately prove impossible to reach agreement in any particular case. Moreover, for their part, as the United States Government is now aware, His Majesty's Government in the United Kingdom will be presenting the draft trusteeship agreements on their own behalf alone and not on behalf of a group of "states directly concerned", and will be taking the line that Article 79 of the Charter could adequately be fulfilled by obtaining the concurrence of certain states in these drafts through diplomatic channels.

5. Whether or not it will be possible to avoid a discussion on the

meaning of the expression "states directly concerned", His Majesty's Government in the United Kingdom consider that it is in any event almost certain that the General Assembly will not approve the drafts until it is told what states have in fact been consulted. His Majesty's Government in the United Kingdom therefore expect that it will be necessary at some stage for them to declare which states they have formally consulted and possibly to produce written evidence in the shape of formal correspondence that such states have agreed to the draft terms presented. They do not, however, propose to take this action unless requested by the Assembly, which might conceivably be equally satisfied by oral statements from the delegations concerned.

6. With reference to the last paragraph of the State Department's note of the 20th September, His Majesty's Government in the United Kingdom would be very content if it should prove possible to leave the general question of the interpretation of "states directly concerned" still undetermined. But the General Assembly itself may be unwilling to approve the draft terms of trusteeship on this basis. In the view of His Majesty's Government in the United Kingdom one of two things may then happen. Either the General Assembly itself may wish to settle the general question of the interpretation of Article 79 of the Charter before proceeding to the examination of individual drafts; or some particular state or states may put forward claims to be "states directly concerned", in respect of particular mandated territories (not necessarily only those under United Kingdom mandate), and press for consideration of their claims by the General Assembly. Either of these courses would probably lead to a prolonged discussion which His Majesty's Government in the United Kingdom, like the United States Government, would much prefer to avoid. His Majesty's Government in the United Kingdom note that, in that event, the United States delegation is likely to urge the wisdom of leaving the phrase undefined. The United States Government will appreciate that any one new claim to be directly concerned put forward at the General Assembly would be likely to provoke others. For this reason His Majesty's Government in the United Kingdom express the hope that the United States Government, since it shares their general approach and interest in this question, will feel able to agree with the procedure outlined in paragraphs 4 and 5 above and to refrain from making any formal reservation at the General Assembly of its own claim to be a "state directly concerned" in respect of mandated territories.

WASHINGTON, October 9, 1946.

890.0146/10-946

*Memorandum by Mr. John Foster Dulles of the United States Delegation to the Secretary of State*²²

CONFIDENTIAL

[WASHINGTON,] October 9, 1946.

I spent the morning with Mr. Hiss and Mr. Gerig discussing trusteeship in anticipation of the next meeting of the General Assembly. I had previously told the President and Secretary Forrestal that I would be in Washington and the President had asked me to call on him at 12:45 and Forrestal had asked me to lunch with him following that. I took advantage of these two meetings to try to advance somewhat what Messrs. Hiss and Gerig had told me was the Department's policy with respect to Trusteeship.

In the course of the conversation with the President, I said to him that I felt it of the utmost importance that he or you should at the next Assembly meeting make an authoritative and definite statement of U.S. intentions with regard to the Japanese Mandated Islands which are now under our administration. The President said that he expected to discuss this with you as soon as you returned.

I then lunched with Secretary Forrestal and told him that in my opinion it was very important that the United States clearly state its intentions at the next Assembly. I recalled that there had been indecision for about eighteen months. I stated that in my opinion from an over-all standpoint the United States needed to demonstrate to the rest of the world its capacity to act decisively in relation to international affairs. There were, I said, a number of countries who were doubtful as to whether we had that capacity and whether it was safe for them to associate themselves with us. I said that the indecision shown with reference to the Japanese Mandated Islands would, if prolonged, weaken our position in the world; that the differences of opinion between the State Department, War Department and Navy Department were well known and could not be continued without giving the world the impression that in such matters our Government was unable to make up its mind and come to a decision.

I said that while *some* decision was of first importance, irrespective of what that decision was, I thought it was important that the decision should be in favor of strategic trusteeship rather than annexation. There was a long history beginning with the Atlantic Charter which had given other nations reason to believe that we would not annex outright and if we did so it might set an example for others to do likewise with a result that the entire trusteeship system might collapse.

²² The Secretary could not have seen this immediately, as he was still at the Paris Peace Conference.

Secretary Forrestal seemed impressed by what I had said and he asked me to talk to Admiral Nimitz and Admiral Sherman. I repeated to them the substance of the above emphasizing that I thought it entirely possible and proper to get, in these largely uninhabited islands, the military rights which the Navy felt indispensable. I referred to the fact that we had not annexed the Panama Canal Zone but had a lease in perpetuity. Admiral Nimitz and Admiral Sherman put various questions to me which I was able to answer so that they felt fairly satisfied, and I gained the impression that the Navy people were by no means unalterably opposed to strategic trusteeship for the Japanese Mandated Islands. Admiral Nimitz asked me to look over an agreement which had been drafted to cover this contingency and to let him know what I thought of it, and I am planning to do so.

JOHN FOSTER DULLES

501.BB/10-1046

Memorandum of Conversation, by the Chief of the Division of Dependent Area Affairs (Gerig)

SECRET

[WASHINGTON,] October 10, 1946.

Participants: Mr. George Middleton, First Secretary, British Embassy
SPA—Mr. Hiss; DA—Mr. Gerig

Mr. Middleton said he had two points to take up with us. First, the United Kingdom Government agreed with our recent proposal²³ that it was desirable not to specify by name states as "directly concerned" under Article 79 whose concurrence would be necessary in voting the trusteeship agreements at the Assembly, and that the British would transmit the draft trusteeship terms for Tanganyika, the Cameroons, and Togoland to the Assembly without referring to any other states as being directly concerned. The British Government, he said, felt able to do this in the hope that the United States Government would refrain from making any formal reservation at the General Assembly of its own claim to be a "state directly concerned" in respect of mandated territories. Mr. Middleton added, however, that the British Government was not convinced that other states might not press the Assembly to define and specify certain states as "directly concerned".²⁴

On this point, Mr. Hiss said that it was our hope that a protracted debate could be avoided and that the United States Delegation, he

²³ See Department of State *aide-mémoire* of September 20, p. 628.

²⁴ It seems probable that sometime during the preceding statement by Mr. Middleton he handed Mr. Hiss the British Embassy *aide-mémoire* of October 9, p. 634.

thought, would merely state that while it considered itself entitled to be a state directly concerned if such states were to be designated, it was prepared, if others also agreed, not to press such a claim. He explained that our waiver, of course, was for this Assembly, and did not necessarily extend to future amendments and alterations of such agreements.

Mr. Middleton then raised his second point, which he said was more difficult and to which the United Kingdom Government attached great importance. At that point he handed us a copy of the official revised text of the trusteeship terms which the British Government was now prepared to submit to the Assembly.²⁵ It contained, he said, substantially all the revisions which the United States experts had pressed in London last June, except on point 10(c) relating to the establishment of general monopolies, on which the experts did not agree. He said that the British Cabinet would have preferred to put forward their original terms, and that it was with some difficulty that the Cabinet was able to agree to a number of our revisions. They decided, however, to put the revised draft forward, provided we could give them some assurance that, apart from Article 10(c), the United States Delegation would support the amended text, and would not press for further revisions.

On this second point, Mr. Hiss said that if the United Kingdom Government wanted a formal commitment of this kind, the Department could not give it because it was not possible to tie the hands of our Delegation completely even before they had seen the text which would be the subject of negotiation at the Assembly. He hoped that the British Government would not press us on this point. He added, however, that it was unlikely that our Delegation would depart from the revisions tentatively agreed upon. Mr. Middleton then said that if we could not give adequate assurance on this point, the British Government might feel that it should fall back on its original text. Mr. Hiss said he felt that would be unfortunate, since it would mean that we, as well as others, would have to introduce a much larger number of amendments which would probably result in failure to reach agreement at this Assembly at all. He hoped that the suggestions previously made to the effect that we did not anticipate any difficulties on points apart from Article 10(c) would be sufficient to give the British Government the assurances it desired.

Mr. Middleton then said he hoped this would be sufficient and that he fully understood the constitutional difficulties of attempting to bind our Delegation. He urged, however, that every effort be made to support the revisions agreed on at the technical level and, further, that the United States Delegation would not support amendments of sub-

²⁵ Not printed; see footnote 19, p. 632

stance without first consulting with the United Kingdom Delegation.

Mr. Hiss said that he thought, in keeping with our previous practice of consultation, our Delegation would consult with the British Delegation on any amendments of substance which might arise at the Assembly.

At the end of the discussion, Mr. Hiss summarized our position by saying that he thought it would be possible informally to tell London that officials in the Department felt that, except for Article 10(c), the United States Government, through its Delegation, would generally agree with the revised draft in so far as it followed the original revisions agreed on in London, but that it should be explained, nevertheless, that we could not bind the hands of our Delegation to the Assembly.

Mr. Hiss agreed to discuss the matter with the Acting Secretary, and Mr. Gerig agreed to compare the two texts immediately to see if there were substantive differences between the two revisions which might occasion any difficulty.

890.0146/10-1146 : Telegram

The Ambassador in Australia (Butler) to the Secretary of State

SECRET

CANBERRA, October 11, 1946—4 p. m.
[Received October 11—10:22 a. m.]

235. Deptel 208, October 9, 7 p. m.²⁶ No definite reply yet from External Affairs re proposed Australian trusteeship agreement. Watt has stated that general feeling is that suggested revisions are too lengthy, that conditions New Guinea vary from those of Tanganyika and Western Samoa, and that Australia has adhered to UN Charter and would abide by its spirit but did not care to be restricted by too much detail, some of which might later be regretted. Embassy finds no disposition to question US formula of consultation with particularly interested powers prior to submission agreement to GA. No opposition so far manifested as to position of US as a state directly concerned. Watt intimated two days ago desire for conference on Embassy's note dated and delivered September 23 but since then has received orders proceed NY October 13. Embassy presumes conference will be called next week.

BUTLER

²⁶ Telegram 208 read: "In view short time remaining before opening General Assembly please cable (Deptel 169 Aug 29) any available information developments proposed Australian trusteeship agreement." (890.0146/10-946)

862S.01/10-1146

*Memorandum of Telephone Conversation, by the Director of the
Office of Special Political Affairs (Hiss)*

[WASHINGTON,] October 11, 1946.

Mr. Middleton called me on the telephone this afternoon and referring to the conversation which he, Mr. Gerig and I had yesterday (which is the subject of a separate memorandum of conversation) said that the Ambassador had asked him to clarify with me the matter of the degree of support which our Delegation would be prepared to give the Tanganyika draft. He said that he understood from his conversation with Mr. Gerig late yesterday afternoon, after Mr. Gerig had had an opportunity to examine the text of the British revised draft, that there were three points on which we still felt dissatisfied, namely, the draft of Article 10 (c) on monopolies, the absence of provision for periodic surveys, and the absence of a recital that the agreement is entered into by the United Kingdom on behalf of the United Nations. Mr. Middleton said that he understood that as to the provision with respect to periodic surveys we would probably be satisfied with a British statement of record that they would agree to such surveys if conducted in the form of questionnaires. He said that in any event he understood our position to be that if we can reach a meeting of the minds on these three points we would be willing to recommend to the Delegation that the United States not initiate any substantive amendments to the revised agreement and that it not support any substantive agreements which would be inconsistent with the spirit of the revised agreement.

I told Mr. Middleton his understanding of the views which Mr. Gerig and I had expressed yesterday was accurate but that I wanted to make sure that he understood fully the detailed application of this statement. There were a number of provisions which we had proposed in the course of Mr. Gerig's conversations in London which the British have been reluctant to include in the agreement but which they had been prepared to have included in questionnaires to be formulated by the Trusteeship Council. In the event that some other Delegation were to propose similar provisions for incorporation in the agreement we would certainly not wish to oppose them although we would be willing to say what we had already said to the British, namely, that we would be satisfied if they were incorporated in questionnaires. I thought that in some such cases we might abstain from voting and in others we might actually support the proposed amendment.

I then said that I wanted particularly to emphasize the fact that I was speaking in terms of my estimate of what the Delegation would do. I said that Mr. Middleton should understand that I was not in a

position to bind the Delegation in any sense. We had every reason to believe, however, that the Delegation would see the issues as we see them. We have been careful to go over many of the points with the Delegates who will be most interested in trusteeship matters and we did feel that our estimates were accurate but they were estimates and not commitments. Mr. Middleton said that he thoroughly understood this.

Mr. Middleton indicated plainly that he thought the British Government would be mistaken were it to ask for written commitments and I made it plain that I was confident we could give them no written commitments. I pointed out that it seemed to me that it would certainly not be in the interests of the British Government in any event to submit the original draft agreement instead of the revised agreement, and I pointed out in this connection that the French agreement which has been filed with the United Nations is almost identical to the British revised agreement; furthermore the French have stated the British have agreed to the French draft agreement. In view of this and of our conversations with the British I did not see how they could possibly oppose amendments to the original draft which merely incorporated those of our proposals which the British had agreed to at the technical level and had incorporated in their revised draft. Mr. Middleton seemed to be in agreement with me but said that this was, of course, a matter for London to determine. He said that the Ambassador is extremely anxious to reach a maximum of agreement and I feel sure the Embassy will recommend that the British not pursue further the suggestion that we either give a written commitment to support the revised draft or they would have to revert to the original draft.

862S.01/10-1446

*The First Secretary of the British Embassy (Middleton) to the
Director of the Office of Special Political Affairs (Hiss)*

SECRET

CONFIDENTIAL

WASHINGTON, 14 October, 1946.

MY DEAR HISS: May I refer to Mr. Clayton's secret note of the 20th September to Lord Inverchapel suggesting the following clause for inclusion as the final paragraph of Article 9 of the draft trusteeship agreements: "Nothing in this article shall be so construed as to accord traffic rights to aircraft flying into and out of the trust territory. Such rights shall be subject to agreement between the administering authority and the state whose nationality such aircraft possess".

The Foreign Office assume that your proposal is designed to limit the granting of all five freedoms, implicit in the preamble to Article 9, to granting of non-traffic rights, (i.e. first and second freedoms) only,

and that the granting of the third, fourth and fifth freedoms could therefore be made only by bilateral agreements between the States concerned.²⁷

If this interpretation is correct, the Foreign Office consider that there would seem some doubt whether the suggested amendment is in accordance with the provisions of Article 76(d) of the Charter, from which Article 9 of the draft terms of trusteeship derives. They are not convinced that the amendment would be justifiable under the proviso to Article 76(d) contained in the words "without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80". In consequence though it is appreciated that the United Kingdom might obtain considerable material advantages from accepting the proposed amendment, His Majesty's Government do not feel able at this stage to incorporate it in their draft terms of trusteeship or to take the lead in proposing in the Assembly such an amendment, which might expose them to criticism of attempting to strain the provisions of the Charter.

In explaining the difficulties of His Majesty's Government as outlined above, we have however been instructed to let you know informally that should the United States Government still desire to propose the inclusion of this or a similar amendment, in the Assembly, His Majesty's Government would have no objection to their doing so; and if the general view of the Assembly was that the provision is reconcilable with the Charter, they would be willing to accept a recommendation to incorporate it in the draft terms of trusteeship, subject to the concurrence of the States recognised by His Majesty's Government as directly concerned.

Yours sincerely,

G. H. MIDDLETON

501.BB/10-1546: Telegram

*The Acting United States Representative at the United Nations
(Johnson) to the Secretary of State*

SECRET US URGENT

NEW YORK, October 15, 1946—10 p. m.

[Received 10:33 p. m.]

671. For Hiss from Gerig. Johnson and I found Gromyko still thinking a formal agreement would be required probably signed by five big powers and submitted by them to Assembly for approval.²⁸ He

²⁷ Regarding the "five freedoms of the air", see editorial note, p. 1450.

²⁸ Mr. Johnson had on this date handed to Mr. Gromyko a memorandum explaining that the United States favored a simplification of the procedures relating to the negotiation of trusteeship agreements under Article 79; see footnote 10, p. 629.

referred to conversation with Dulles in London ²⁹ in which latter expressed opinion such formal agreement among states directly concerned would be probable procedure. We explained that while this was one method which might be pursued, our more simplified procedure would also be consistent with Article 79 and that short time remaining indicated simplified procedure preferable. Gromyko said he would inform his delegation but did not know what reaction might be expected since they had always assumed the more formal procedure would be followed.

JOHNSON

862S.01/10-1646

Memorandum of Conversation, by the Director of the Office of Special Political Affairs (Hiss)

[WASHINGTON,] October 16, 1946.

Mr. Middleton came to see me yesterday at his request.

He said that he had good news on the subject of the British attitude toward states directly concerned and, he believed, also on the question of the status of the revised draft agreement for Tanganyika.

As to the first point he said that the Foreign Office is now quite happy about the arrangements made with respect to proposed procedure for dealing with "states directly concerned." They agree with us in hoping that the matter can be left undefined. They have gone so far as to say now that if, in urging that it be left undefined, we wished to mention the possibility that the Charter could be interpreted as meaning only the proposed administering state is to be considered as a state directly concerned the British Delegation would be willing to go along with stating that that is a possible interpretation provided that the French, the Belgians and the South Africans, to whom they feel committed as being states directly concerned in the British African Mandates, are also agreeable to such a position. Mr. Middleton made it clear on this point that the Foreign Office is not prepared to support such an interpretation as a definitive interpretation but merely to agree that it is a possible interpretation and as such is indicative of the uncertainty of the issue and the desirability of leaving it undefined at this time. They think it might also be helpful as an argument in support of why those claiming to be states directly concerned should be willing to waive their claims for the purposes of the present Assembly.

With respect to the status of the present revised draft agreement for Tanganyika Mr. Middleton said that the Foreign Office have said that they were sorry that if in an excess of enthusiasm they had asked

²⁹ See minutes of informal meeting of the United States Group on Trusteeship, London, January 17, p. 554.

for a written commitment from the Department that we would not initiate amendments and would consult any amendments proposed by others. They understand fully that we are not in a position to give such a commitment and are perfectly satisfied with the oral assurances which Mr. Gerig and I had previously given that this was in fact the attitude of the Department, that we would urge it upon the Delegation and that we had every reason to believe that the Delegation would accept it.

Mr. Middleton went on to say that the Foreign Office further were agreeable to the issue of paragraph 10(c) (on monopolies) being left outside these oral assurances. He said we could "agree to disagree" about paragraph 10(c) and it was understood that we were perfectly free to initiate a substantive amendment to that paragraph.

As to the phrase "on behalf of the United Nations" which we wished to be inserted as governing the assumption of trusteeship, Mr. Middleton said that the Foreign Office regarded the exclusion of this as being as important to them as we regarded a revision of paragraph 10(c). He asked whether we could agree that if in the course of the informal conversations with the mandatory powers, planned to be held prior to the Assembly discussion, it developed that all the mandatories were equally opposed to the inclusion of this phrase we would agree not to initiate an amendment proposing its inclusion in the agreement. I told Mr. Middleton that frankly we regarded this as a matter of less moment to us than paragraph 10(c) but nonetheless considered it an important matter of principle which should be clarified so as to leave no doubt of the status of the trustee. It seemed to me the kind of issue that we would not wish to try to prevent the Delegation from raising although I felt sure the Delegation itself would not consider it the kind of issue which would prevent our approval of the agreement if not settled satisfactorily to us, assuming other provisions of the agreement were satisfactory.

Mr. Middleton said that he was now in a position to assure us that the Foreign Office has no objection to an obligation with respect to political surveys being incorporated in questionnaires or regulations of the Trusteeship Council. The Foreign Office is also prepared to make this commitment as a matter of record in the Assembly.

Mr. Middleton said that the Embassy had been asked by the Foreign Office to be sure that the oral assurances which Mr. Gerig and I had given as outlined above had been brought to the attention of the Acting Secretary. I said that I would undertake to do this and would communicate again with Mr. Middleton promptly after I had talked to Mr. Acheson.

Referring again to paragraph 10(c) Mr. Middleton said that he had been asked to repeat orally to the Department the British argu-

ments as to why they did not feel that they could agree to determination as to the propriety of a given monopoly by an organ of the United Nations. They felt that freedom of action on the part of the trustee was necessary in order that the trustee could carry out its obligations for the welfare of the inhabitants. They felt that the open-door provisions of the mandates had resulted definitely in certain disadvantages to the inhabitants of the mandated area. They believe that Article 76(d) of the Charter, which relates to equal treatment, makes it clear that such treatment is to be given without prejudice to the attainment of the basic objectives re the welfare of the inhabitants. They think we should be prepared to accept lesser rights than we had under the mandates in view of the provisions of Article 76(d) and the whole change in the conception of the administering states' responsibilities under the Trusteeship System as opposed to the mandate system. They feel that any approval by a United Nations organ would result in endless appeals by vested interests which would obstruct necessary action for the welfare of the inhabitants. Finally, they feel that any abuse can be corrected in view of the fact that the right of petition will be available. **Mr. Middleton** said that the British Government wished to point out that their position on this matter does not mean that they will fail to give full consideration to our views in the course of any informal meetings we may have on the subject of paragraph 10(c).

Reverting again to the question of the phrase "on behalf of the United Nations" **Mr. Middleton** said that the British position is that there is an important distinction between trusteeships administered by a single power and trusteeships, such as we have proposed for the African colonies, which the United Nations is to administer directly. In the former cases the trustee is not merely an agent of the organization. He pointed out that the trustee has no recourse to the United Nations if there is a budget deficit. He said that if the Assembly were to insist on the inclusion of this clause he felt sure that the United Kingdom would have to reconsider its entire attitude toward the agreement and would consider that many of the obligations contained in it were inconsistent with such a thesis. He informed me that it was his understanding that the Australians are equally vigorously opposed to the inclusion of this clause.

862S.01/10-1646

Memorandum of Conversation, by the Director of the Office of Special Political Affairs (Hiss)

[WASHINGTON,] October 16, 1946.

After clearing the matter with **Mr. Acheson** at the 9:30 meeting this morning I told **Mr. Middleton** that **Mr. Acheson** approved the oral

assurances which had previously been given Mr. Middleton and that with the exception of points listed hereafter we would recommend to our Delegation to the General Assembly that they initiate no substantive amendments to the British draft trusteeship agreement for Tanganyika (or the draft agreement for Togo and the Cameroons) and that we would not support any substantive amendments without prior consultation with the British Delegation. (See memoranda of conversations of October 11 and October 16).

The exceptions as to which Mr. Middleton and I were already agreed related to paragraph 10(c) on the subject of monopolies and the phrase "on behalf of the United Nations" as the basis on which trusteeship would be assumed by the United Kingdom. As to the former point Mr. Middleton had already this morning received informally from the Department suggested new language and the whole subject will be considered in the informal conversations in New York between representatives of the two delegations. If agreement is not reached we remain free to initiate an amendment on that subject. With respect to the phrase "on behalf of the United Nations" we do not attach the same importance to this as to the monopolies provision but we nonetheless consider it an important matter of principle and would not wish to give any assurances that we would not take the initiative in proposing its insertion in the agreement. This subject, too, however, could be discussed further in the informal conversations in New York.

I went on to refer to the provision relating to aviation landing rights and pointed out to Mr. Middleton that in view of the note on this subject which he had sent to me after the earlier talks with Mr. Gerig and me this point would also be regarded as not covered by the oral assurances. (In his note Mr. Middleton had said that British Government is not prepared to adopt our proposal on this subject because they feel that a provision to the effect that landing rights should be granted only on a reciprocal basis would be inconsistent with the Charter. He had, however, said that his Government would have no objection to our Government raising the point.) Mr. Middleton concurred that this was the agreed status of this point.

I then referred to three other topics which we had found, after careful examination of the draft revised agreement, had not been incorporated but had not been mentioned in the Embassy's *aide-mémoire* with which the draft revised agreement had been submitted. In Article 3 the revised draft left out a provision for special visits which we had suggested; in Article 5 our proposal that fiscal, customs and administrative unions with neighboring territories be permitted with the approval of the Trusteeship Council had been omitted; in Article 12(a) our proposals that "freedom of movement" be guaran-

teed had been left out. I said that as to special visits and freedom of movement we felt that important matters of principle were involved and that while we did not attach the same importance to them that we did to the monopolies provision we nonetheless did not feel prepared to give assurances not to initiate provisions on these points. The two points could, of course, be discussed further in the forthcoming talks in New York. This arrangement was satisfactory to Mr. Middleton. As to the fiscal, customs and administrative unions point I said that I would wish to check further with my associates in the Department before giving Mr. Middleton a final answer but that I thought our position would be that although we considered the provision desirable it was merely designed to increase the authority of the trustee and if the administering power did not desire it I did not see how we could urge it further. (Subsequently, after Mr. Green of DA had checked with the other interested Divisions, I told Mr. Middleton by telephone that we would be willing to drop this point and to include it within the general oral assurances.)

I then said there remained one further point, namely, the question of the political surveys. Mr. Middleton had told me on October 15 that his Government is prepared to make a statement of record to the Assembly that political surveys might be included in questionnaires. Subsequently, on examining the record of the Preparatory Commission, we had discovered that both we and the British had opposed a provision for political surveys being put in the draft regulations of the Trusteeship Council on the ground that there was no authority for such surveys unless they were authorized by the agreements themselves. Mr. Middleton readily agreed that unless the Assembly were prepared to take a different view as to the legal status he could not expect the political surveys point to be within the scope of our oral assurances. It was agreed that this matter would be explored further in the New York conversations. (Subsequently I called Mr. Middleton to say that if the legal question on this point was satisfactorily settled we would want the British statement of record on this subject to be a statement of willingness that political surveys would be covered by questionnaires and by periodic visits.)

I reiterated that it was understood that with respect to amendments offered by others which merely proposed the addition of topics we ourselves had proposed but had agreed either to drop altogether or to drop from the agreement provided they were to be covered by questionnaires, periodic visits or regulations of the Trusteeship Council, although we would be prepared to consult the British Delegation before taking a position it should be anticipated that we would not oppose such amendments. In some cases we might vote for them after

stating our willingness to have them taken care of by the questionnaires, periodic visits and regulation method, or after stating that we did not feel too strongly the topics should be included, as the case might be. In other cases we might be prepared to abstain after making our position clear in the same manner.

I then informed Mr. Middleton of the results of the conversations which Mr. Gerig and Mr. Herschel Johnson had had with Mr. Gromyko in New York on October 15 on the subject of "states directly concerned" (see telegram 671, October 15, from New York).

800.014/10-1646

Memorandum of Telephone Conversation, by the Associate Chief of the Division of Dependent Area Affairs (Green)

[WASHINGTON,] October 16, 1946.

Mr. Middleton telephoned at noon to say that there were two points in connection with our position on the British draft terms of trusteeship which he wished to clarify before telegraphing London. He said that Mr. Hiss had informed him earlier in the morning that the Department was still studying its position on Article 5(b) and that he understood Mr. Hiss to say that we were concerned about the omission of any provision concerning the establishment of customs, fiscal or administrative union, or federations. I said that he may have misunderstood Mr. Hiss, for we were concerned not with the omission of the provision as a whole, but rather with the omission of the clause "subject to the approval of the General Assembly or the Trusteeship Council" which we had proposed at London. I said that I understood that the British representatives in London had told Mr. Gerig and Mr. Smith that it would be difficult to incorporate such a provision in the Tanganyika agreement since arrangements for associating Tanganyika with Kenya and Uganda were already far advanced, but that the British spokesmen apparently did not feel quite so strongly on this point with respect to Togoland and the Cameroons.

Mr. Middleton said that the British had been willing to state that any such arrangements must be consistent not only with the basic objectives of the trusteeship system but also "with the terms of this agreement". He asked whether inclusion of this phrase would not give adequate protection. I replied that while I thought that the phrase would probably be sufficient to make sure that any such unions or federations would not violate the commercial equality article, I would like to consult other officers of the Department on this point. The Department had previously felt, I continued, that approval of the General Assembly or the Trusteeship Council would be necessary to

make sure that any union or federation was in accordance with the trusteeship agreement. Mr. Middleton said that he personally could not see why such a provision was necessary and asked whether I thought he ought to emphasize the point in his telegram to London. I replied that I personally did not think this matter was of equal importance to the monopolies provision and certain other points on which we had reserved judgment, and that I would let him know our views as soon as possible.

Mr. Middleton then said that he had one suggestion to make concerning the suggested revision of Article 10(c) on monopolies which he had discussed earlier this morning with a group of officers of the Department. He suggested that the last clause of our suggested revision be altered as follows: "provided that the conditions laid down by the appropriate United Nations agencies and approved *for the purposes of this Article* by the Trusteeship Council relating to the circumstances in which and the manner by which such monopoly undertakings may be established or maintained are satisfactory". Mr. Middleton said that he thought the phrase "for the purposes of this Article" should be inserted in order to make clear that the Trusteeship Council was not reviewing the general work of other organs of the United Nations or of the specialized agencies, since the latter might well resent such an implication. I replied that I thought this amendment was a useful one and that I would inform the other officers who had talked to Mr. Middleton this morning.

501.BB/10-1646

The Ambassador in France (Caffery) to the Secretary of State

RESTRICTED
No. 6421

PARIS, October 16, 1946.

The Ambassador has the honor to transmit herewith copies of drafts of trusteeship agreements for French Cameroons and French Togoland, which the French Government will submit to the General Assembly of the United Nations.³¹ A representative of the Foreign Office stated that these documents, which have not yet been released to the public, contain two noteworthy provisions, namely, (1) that the administering authority may establish military, naval and air bases

³¹ Neither printed. In Washington on October 8 the French Minister (Lacoste) had shown copies to the Director of the Office of Special Political Affairs (Hiss) at the time that this Government's *aide-mémoire* of even date was transmitted to the French Embassy (see footnote 10, p. 629). On October 9 the French Embassy officially transmitted copies to the Department. (Memoranda of conversations between Messrs. Hiss and Lacoste, October 8 and 9, not printed; Files Nos. 501.BB/10-846 and 862P.01/10-946 respectively).

in the trust territories and may recruit volunteer forces, and (2) that provision has been made for periodic visits of inspection to the trust territories whenever the General Assembly or the Trusteeship Council may deem it necessary. This right of visit was regarded as the greatest departure from the former mandate agreements, and was viewed with certain misgivings. Orally it was explained that the establishment of military bases and the recruiting of volunteer forces would be for the purpose of carrying out France's obligations toward the Security Council.

501.BB/10-1846

Memorandum by the Director of the Office of Special Political Affairs (Hiss) to the Acting Chief of the Division of Dependent Area Affairs (Green)

[WASHINGTON,] October 18, 1946.

Mr. Cohen ³² told me today that he had shown Senators Connally and Vandenberg the draft which he took with him when he last went to Paris ³³ that set forth our plan with respect to our interpretation of "states directly concerned". Both the Senators read the paper and returned it to him without comment. He feels, consequently, that in view of this reaction by the Senators we are entitled to assume that they see no objection from the point of view of the Senators' prerogatives to our agreeing that the Assembly may approve a trusteeship agreement to which we were not a party but which replaced a mandate as to which the United States has a convention with the mandatory.

862P.01/10-2146

Memorandum of Telephone Conversation, by the Associate Chief of the Division of Dependent Area Affairs (Green)

[WASHINGTON,] October 21, 1946.

Mr. Middleton telephoned this morning to say that he had been unable to reach Mr. Hiss. He said that he wished to inform the Department that the British Government was publishing as a white paper the "Revise A" of the Draft Terms of Trusteeship for Tanganyika, Togoland and the Cameroons. The Government was doing this in order to get through the parliamentary processes, but its action did not in any way constitute a commitment as to the final text of the

³² Benjamin V. Cohen, the Counselor of the Department.

³³ Senators Connally and Vandenberg were members of the United States Delegation at the Paris Peace Conference.

three agreements. This action merely carried one step further the earlier parliamentary procedure by which the British Government had published the original draft terms of trusteeship as white papers. Publication at this time, he repeated, would not preclude any change which might be agreed to during the informal conversations in New York or in the General Assembly itself.

Mr. Middleton said that the British Government was following the same procedure it had used with respect to the original white papers. It was sending copies to the permanent members of the Security Council, to the British Dominions for purposes of consultation, and to France, Belgium and South Africa as states which the British felt were "states directly concerned" in any event in the three territories.

Mr. Middleton said, finally, that he had not received any information concerning the arrival of the Delegation in New York, but he was sure Mr. Poynton would get in touch with Mr. Gerig immediately upon arrival.

811.24590/10-2546

Memorandum by the Assistant Chief of the Division of British Commonwealth Affairs (Richards) to the Deputy Director of the Office of European Affairs (Hickerson)

[WASHINGTON,] October 21, 1946.

Attached is the New Zealand draft trusteeship agreement for Western Samoa as now revised by the New Zealand Government. This revision was handed to Mr. Hiss on Saturday.³⁴

SPA is now preparing a "position paper" on this revision and has asked for our comments on Article X (4) which is much more general than what was originally proposed.³⁵ Mr. Reid told Mr. Hiss orally that his Government felt that the original wording was too broad and that they "did not want to invite other powers" to share too much in the use of defence installations. He added, however, that his Government felt that they had such friendly relations with the US that we should have no conflict over the revised wording.

ARTHUR RICHARDS

³⁴ On October 19 Mr. Reid, First Secretary of the New Zealand Legation, had handed to Mr. Hiss an *aide-mémoire* dated October 18 with the text of a revised draft trusteeship agreement for Western Samoa and a memorandum of comment on the draft, none printed except the excerpt in the following footnote. Memorandum of conversation of October 19 between Messrs. Hiss and Reid not printed.

³⁵ In the course of revision of the draft terms, Article IX (3) of the original draft had become Article X (4) in the revised draft. The revised text provided that the administering authority should be entitled "to take all such other measures in accordance with the purposes and principles of the Charter of the United Nations as are, in the opinion of the administering authority necessary to the maintenance of international peace and security and the defence of Western Samoa" (890.0146/10-1846).

IO Files : US/A/M (Chr)/4

*Minutes of the Fourth Meeting of the United States Delegation, New York, Hotel Pennsylvania, October 21, 1946, 10 a. m.*³⁶

SECRET

[Here follows list of names of persons (23) present.]

In opening the meeting Senator Austin expressed the gratitude of the Delegation to Senators Vandenberg and Connally for the work done in Paris. He then called upon Mr. Gerig to discuss the problems which it was expected would arise in the Trusteeship Committee.

*Trusteeship Questions*³⁷

Mr. Gerig explained that the most important questions would be the following:

1. Procedure in Negotiating and Adopting Trusteeship Agreements;
2. The Question of the Future Status of South West Africa; and
3. The Functions of the General Assembly on Information to be Transmitted by Members Concerning Non-Self-Governing Territories.

Procedure in Negotiating and Adopting Trusteeship Agreements

Mr. Gerig discussed the proposals made by the Department aimed at simplifying the procedure for negotiating and approving trusteeship agreements, particularly as regards the definition and rights of the "states directly concerned". He explained that we had proposed to the mandatory powers and the Soviet Union and China that if all other claimant states were prepared to do the same, the United States would be willing not to press its claims to be a signatory to the draft trusteeship agreements and to leave the determination of the "states directly concerned" undefined when the draft agreements are submitted to the Assembly for approval and to abide by an unqualified two-thirds vote of the Assembly. He added that our proposals had been accepted by the United Kingdom, France, and New Zealand. The Soviet Government had been informed but had not yet accepted them. He pointed out that the Soviet Union had previously indicated that it was a "state directly concerned" in its capacity as a member of the

³⁶ For documentation regarding organization and arrangements for U.S. representation at the second part of the first session of the General Assembly, opening at New York on October 23, see pp. 1 ff.

³⁷ The Delegation had before it at this meeting a position paper dated October 19, document US/A/C.4/2 (IO Files), not printed, which was organized on the same basis as the sub-divisions of these minutes. Positions described in the paper were those which in pertinent part have been developed in the previous documentation, with specific reference to the procedure for submitting the trusteeship agreements to the General Assembly and the question of the terms of the agreements themselves. This paper was the last of several written in the Division of Dependent Area Affairs in a conventional drafting process which began in September (documents found in the IO Files in series SD/A/C.4/1 ff.).

Security Council and the Trusteeship Council and on account of its worldwide interests. The Arab states, as well as others, might also put in claims and, unless our proposed procedure were followed, the General Assembly would be forced to designate specifically "states directly concerned". Unless the Assembly were to decide this question by a two-thirds vote, one of the states directly concerned might veto any agreement.

Mr. Gerig explained that the viewpoint of the Soviet Union appeared to be that the proper procedure would be for four or five states directly concerned to confer together and draw up a more or less formal agreement. Senator Vandenberg expressed the opinion very strongly that our proposed procedure was already "out" and that the Russian position would have to be met.

Mr. Gerig said that if pressed to define the "states directly concerned", it was thought in the Department that we would probably have to vote for the inclusion of the Soviet Union in this category. He pointed out that the Soviet Union was particularly anxious to see the Trusteeship Council established and that we were not asking them to renounce their rights but merely not to exercise them to the full.

Mr. Sandifer expressed the opinion that if the Soviet Union were brought fully into the preliminary negotiations, it might waive the exercise of these further rights. Mr. Dulles pointed out that by our proposed procedure we were following a policy already laid down at London. We felt that it was undesirable to secure a formal definition of "states directly concerned" as it would involve endless decisions concerning the definition as well as claims from the Arab states, for instance, regarding Palestine. He agreed with Senator Vandenberg that much depended on preliminary agreements on the question with the Soviet Union.

Senator Vandenberg reiterated that the whole matter lay at the mercy of an advance agreement with the Soviet Union and Mr. Dulles pointed out that the Soviet Union could make an alliance with other states as well as with its own bloc and thus exert a practical veto power over the whole trusteeship system.

After Senator Vandenberg had stated that the procedure must be cleared and Senator Austin had suggested that the matter should be placed before the Secretary of State, the following decision was taken:

Decision: It was unanimously decided that no attempt should be made to define "states directly concerned" at the present time if it could be avoided.

It was unanimously decided that the Secretary of State should confer with Foreign Minister Molotov regarding the procedure in negotiating and adopting trusteeship agreements as soon as

possible, especially as regards leaving the "states directly concerned" unspecified.

Terms of Trusteeship Agreements and Monopolies

Mr. Gerig, in discussing the terms of the draft trusteeship agreements on which differences remain, first took up the question of monopolies in trust territories. He explained that the British, French, and Belgian draft agreements proposed that the administering authority should be entitled to establish general monopolies in the trust territories, if such monopolies were considered to be in the interest of the inhabitants, as provided in Article 76(b) of the Charter. The United States had suggested that if such monopolies were established, they should not only be in the interest of the economic advancement of the inhabitants, but that determination of such interest should be subject to the approval of the Trusteeship Council. The British, French, and Belgian Governments have not agreed to our proposal.

Mr. Villard pointed out that the mandatory powers were opposed to securing the approval of the Trusteeship Council as they felt this would lead to endless delays and, in general, discourage investors.

Mr. Sandifer said that the British argument was that the administering authority should have the right to agree to the establishment of monopolies, loans, etc.

Mr. Bloom stated strongly that complaints against monopolies should go to the Trusteeship Council, while Mrs. Roosevelt expressed concern for the welfare of the inhabitants in the matter. Mr. Stevenson felt that the Department formula was perfectly acceptable. Mr. Dulles, with whom Mrs. Roosevelt expressed her agreement, stated that we should stick to our principles and vote for the prevention of monopolies. Mr. Dulles then proposed the following motion as a substitute for the formula suggested by the Department :

"That the position of the United States Delegation should be that the trusteeship agreements should make no provision for monopolies other than natural or fiscal monopolies or such monopolies as might be approved by the Trusteeship Council as being an application of Article 76 of the Charter."

Decision: The motion was unanimously adopted.

Aviation Rights

Mr. Gerig explained the United States proposal regarding aviation rights which stated that :

"Nothing in this article shall be so construed as to accord traffic rights to aircraft flying into and out of the trust territory, such rights being subject to special agreement between the administering authority and the state whose nationality such aircraft possess."

Senator Connally opposed raising the claims on aviation rights and Mr. Fahy agreed.

Decision: It was voted that the provision which the Department had suggested be added to each trusteeship agreement on aviation rights should be omitted.

Economic and Social Advancement of the Inhabitants of Trust Territories

Mr. Gerig explained that the United States had proposed to the mandatory powers that there be added to their draft trusteeship agreements detailed provisions concerning the economic and social advancement of the inhabitants of the trust territory.

Senator Connally moved that the recommendation of the Department on this subject be approved.

Decision: It was recommended that the United States Delegation should not initiate discussion on the subject of economic and social advancement as stated on pages 14 and 23 of the British draft agreement for Tanganyika (SD/A/C.4/6a) and that if other Members proposed that specific provisions on social matters be included in the trusteeship agreements, the Delegation should act in a negotiating capacity to reach a compromise acceptable to the mandatory power.

Freedom of Information

Mr. Gerig stated that the United States had suggested to the United Kingdom that it would be appropriate to include in trusteeship agreements provisions to facilitate the free interchange of information, but that the British preferred not to include such provisions in the trusteeship agreements in as much as the question was being considered by the Commission on Human Rights with a view to a possible convention on the subject.

Mrs. Roosevelt pointed out that any conference on freedom of information should include such important subjects as movies and radio adding that the United Nations Secretariat had expressed a desire to postpone consideration of this question for one year.

Decision: It was decided to defer consideration of this item for the present.

Responsibility of Administering Authority to the United Nations

Mr. Gerig pointed out that while the British and Australian drafts for Article 2 of the trusteeship agreements have eliminated the phrase that the trusteeship was being administered "on behalf of the United Nations", the Government of the United States wished to indicate that cognizance should be taken of the responsibility of the administering authority to the United Nations. He pointed out that the British feel that such a phrase should be eliminated as unnecessary and as embar-

raising to the exercise of the full authority of the administering power in the territory.

Mr. Sandifer expressed the opinion that the British tended, by this reservation, to obscure the nature of the trusteeship system. Mr. Fahy stated that the phrase, although correct, was not essential.

Decision: It was recommended that while not pressing unduly for consideration of this phrase, the Delegation might find it desirable to state our views for the record.

New Zealand and British Requests Not To Amend

He added that the New Zealand and British Governments had requested an undertaking that we would not initiate further amendments at the General Assembly, that we would agree not to support any amendment in substitution which may be proposed by other states.³⁸ Mr. Gerig said it had been made clear that our Delegation could in no way have their hands tied. Mr. Dulles said that although this was true, he hoped the Delegation would confine itself to a minimum of changes.

The Future Status of South West Africa

Mr. Gerig summarized the present position as to the future status of South West Africa by explaining that the United States Government had proposed to the Government of South Africa that a United Nations Commission should be established to investigate the problem of South West Africa and to report to the next session of the General Assembly. He added that the South African Government had replied that it proposed to submit to the General Assembly a statement on the outcome of its consultation with the peoples of South West Africa regarding the future status of the mandated territory, and on the implementation to be given to the wishes thus expressed.

Senator Austin expressed the opinion that it might be unwise to take a position as to the annexation of South West Africa by the Union in view of the fact that we might be forced into the position of having to annex some of the Japanese Mandated Islands in the Pacific.

Mrs. Roosevelt asked for information as to what policy toward annexation we were contemplating in the Pacific and wondered what we were afraid of. She said that although the War and Navy Departments could offer advice, she felt that it was still up to the Department

³⁸ The New Zealand request had been conveyed to this Government in the New Zealand Legation's *aide-mémoire* of October 18, not printed (890.0146/10-1846); see footnote 34, p. 652.

of State and to the President to make a final decision in the matter of annexation taking into account our general interests.

Mr. Dulles stated the opinion that the United States Delegation would be in an embarrassing position unless some declaration of intention regarding the Japanese Mandated Islands were made. He traced the history of internal dissension between the various Departments of this Government which went back as far as the period before Dumbarton Oaks. He requested the Chairman of the Delegation to confer with the President and the Secretary of State on the urgent necessity of making a declaration of intention regarding the Japanese Mandated Islands. The Chairman stated that he would do so.³⁹

Decision: It was decided to defer consideration of this question until conversations on the technical level with the South African Delegation had taken place.⁴⁰

[Here follows short discussion relating to information to be transmitted to the General Assembly regarding Non-Self-Governing Territories.]

811.24590/10-2546

Memorandum of Record, by the Assistant Chief of the Division of British Commonwealth Affairs (Richards)

[WASHINGTON,] October 22, 1946.

At Mr. Hickerson's suggestion I talked to Mr. Reid, First Secretary of the New Zealand Legation, regarding the revised wording of Article X(4) of the new draft trusteeship agreement for Western Samoa.

I informed Mr. Reid that we would go along with the revised wording, and that we would recommend that the Army and the Navy agree, on the understanding that no change in the New Zealand point of view existed and that the New Zealand Government continued to be prepared to enter into discussions with the US, as soon as the trusteeship agreement was approved by the General Assembly, looking toward a bilateral agreement for the joint use of bases in Western Samoa.

Mr. Reid stated that he was sure that there had been no change in this regard, but he would telegraph to Wellington at once for confirmation and would inform me immediately upon the receipt of a reply.

ARTHUR RICHARDS

³⁹ Senator Austin reported on this matter in telegram 867, October 22, 12:10 a. m., not printed.

⁴⁰ For subsequent developments see footnote 62, p. 683.

501.BB Summaries/10-2246: Telegram

*Senator Austin to the Secretary of State*SECRET URGENT NEW YORK, October 22, 1946—11:10 p. m.
[via Courier]

691. GA Secret Summary.

Conversations with U. K. on Trusteeship

In technical level conversations on October 22 on the remaining differences between the U. S. and the U. K. with regard to draft terms of trusteeship for the British African Mandates, it was agreed that, except for the wording of Article 2, which designates the administering authority, and the key question of monopolies, the U. S. would not take the initiative in the GA in raising and pressing substantive amendments on the several points of disagreement still remaining. The U. S. would be free, however, to support proposals by other Delegations in line with the original U. S. position on these several points.⁴¹ This followed the lines of earlier discussions in Washington between the British Embassy and the Department.

With regard to Article 2, both groups agreed to consider a possible wording to the effect that the administering authority is designated "under the international trusteeship system". The U. K. representatives held strong objections to the proposed U. S. wording "on behalf of the United Nations."

The basic remaining difference on the monopolies was whether the prior approval of the Trusteeship Council should be required for the establishment of monopolies in trust territories. The U. K. representatives strongly opposed such a provision largely on the grounds that it would act as an effective bar to the economic development of trust territories and to the general advancement of the inhabitants. No agreement was reached on this point; the discussions will continue tomorrow.

AUSTIN

Editorial Note

In a meeting held on October 22, 1946, with representatives of the State, War, and Navy Departments, President Truman stated that the form of a contract on trusteeships would be agreed upon by the

⁴¹ Similar understandings were reached with the French on October 25 (telegram 708, October 25, from New York, File No. 501.BB Summaries/10-2546) and the New Zealanders and the Belgians on October 28 (telegram 718, October 28, from New York, File No. 501.BB Summaries/10-2846).

United Nations first, and that the United States would then offer the islands formerly under Japanese mandate for trusteeship under that form. In response to the statement by Secretary of the Navy Forrestal that he wanted to make certain that the terms of the arrangement would permit the Navy to maintain adequate bases, Secretary of State Byrnes gave assurances that no changes in the United States proposal would be accepted without the approval of the President or the Secretary of State. See James F. Byrnes, *Speaking Frankly* (New York: Harper and Brothers, 1947), pages 219–220; Walter Millis, editor, *The Forrestal Diaries* (New York: The Viking Press, 1951), pages 213–214. Cf. *Foreign Relations*, 1945, volume I, pages 350–351. For the public statement on this subject which the President made on November 6, 1946, see page 674.

501.BB/10-2346 : Telegram

Senator Austin to the Secretary of State

SECRET US URGENT NEW YORK, October 23, 1946—11:30 p. m.
[Received October 24—12:05 a. m.]

702. For Hiss and Green from Gerig. Reference my telegram 691 of October 22. Second meeting was held today with British experts re monopolies question in trust territories, Stinebower and Fowler assisting. Difficulty still remains question of prior approval by Trusteeship Council. British representatives informed us that present instructions prevent them accepting any provision requiring such approval. Following text for Article 10 (c) suggested by British experts:

“Where the interests of the economic advancement of the inhabitants of Tanganyika may require it, to establish, or permit to be established, for specific purposes, other monopolies or undertakings having in them an element of monopoly, under conditions of proper public control: provided that, in the selection of any non-governmental agencies to carry out the purposes of this clause, the administering authority shall not discriminate on grounds of nationality against other members of the United Nations; and that in every case in which use is made of the powers conferred by this clause the administering authority shall immediately report to the Trusteeship Council a full explanation of the circumstances and the reasons why the measures taken are considered necessary.”

Above text not cleared with British delegation or with London. British representatives in sending to London for instructions desire to know reactions of United States to above draft proposal. We are presenting it for consideration of delegates tomorrow. [Gerig.]

AUSTIN

IO Files : US/A/M (Chr.)/10

Minutes of the Tenth Meeting of the United States Delegation, New York, Hotel Pennsylvania, October 25, 1946, 9 a. m.

SECRET

[Here follow a list of names of persons (26) present and the discussion on several agenda items.]

Trusteeship Discussions

Mr. Bloom reported that the Trusteeship Committee of the Delegation had discussed the trusteeship problem for a long time on October 24 but could not come to any conclusion. They felt that until a statement regarding the U.S. position on the Pacific Islands was available, the Delegation could not come to any final decision. He therefore wished to request that the Delegation should send another message to Washington requesting additional instructions on the Pacific problem.

Mr. Dulles concurred with Mr. Bloom and cited the South African question. He pointed out that the Delegation could not have a decision on whether the situation should be investigated because if it were to be proposed that the U.S. annex the mandated islands, then the South African precedent might be used to provide for an inspection.⁴³ On this inspection group might be all the permanent members of the Trusteeship Council. He asked, therefore, how the Navy would like to have Soviet representatives inspecting Pacific Island bases. In other words, he said, the Delegation does not want to be embarrassed. He continued that the question of monopolies was similarly complicated for the reason that the Navy wanted to establish trade monopolies for Americans on Pacific Islands because they thought that if foreigners were allowed in, they would photograph the islands and therefore endanger security.

Mr. Dulles inquired how, if these views of the Navy were correct and were the U.S. Government's position, how the British proposals for a monopoly in Tanganyika could be opposed. The United States was incapable of establishing a position on these questions until the American Pacific Islands position was defined. He said that he and Mr. Bloom were in agreement that the United States practically had to abstain until a directive came from Washington.

Mr. Ross reported that the message which had been sent by the Delegation was being considered in the Department through conversations between Mr. Byrnes, Mr. Forrestal and the President. Apparently no conclusion had been reached yet. Now Mr. Byrnes had gone to

⁴³ For the Delegation's discussion of the South West Africa question at the Delegation meeting, see Minutes of the Fourth Meeting, October 21, 10 a. m., p. 653.

South Carolina for two or three days. Mr. Ross said if it was agreeable he would send a further message pointing out that it was the decision of the U.S. Delegation that until the American position on the Pacific Islands was defined that the Delegation could not go to work on the trusteeship question.

Senator Austin inquired whether the Navy had receded from its original position and Mr. Ross said he did not know.

Mr. Bloom inquired whether any consideration had been given to consulting the Chairmen of the Committees of the Senate and House. From what he had heard on the Hill about this question, committees of both Houses were very much interested in the Pacific Islands question.⁴⁴ He thought that if a decision were made without these committees being at least informed, and preferably consulted, that there would be considerable difficulty. He would like to have the Secretary of State informed that the various chairmen of the military committees should be consulted on this question. Senator Austin said he knew that the military committee of the Senate would dig into this subject thoroughly. Mr. Bloom commented that if Mr. Vinson was not given a chance to say something on this question he would be very much displeased.

Senator Austin suggested that there would probably be some more informal work done before Monday and it might be well to reach the respective chairmen by telephone and arrange an appointment on Monday. Mr. Bloom pointed out that the chairmen of the various committees had gone over these questions year after year whereas the Secretaries of State only picked them up at the time they entered office. He said there were many questions to which a great deal of consideration had been given over the years.

Mr. Fahy said he supposed there was a difference between annexation of territories for military bases as provided in a peace treaty and annexation of a mandated territory as was involved in the case of South West Africa. Mr. Dulles pointed out that in this connection consideration was being given only to the mandated islands and it was this on which clearance was needed.

Senator Connally remarked that this was simply because other nations had interests in these islands. Mr. Dulles replied this was the case and that also involved was a substitution of the United Nations for the League of Nations. Mr. Dulles said that if there was an agreement, as he hoped there would be, on a strategic trusteeship for the mandated islands, the Navy was going to be very stringent in what it would accept in the agreement. Mr. Dulles did not want the Delegation

⁴⁴ See letter from the Acting Secretary of State to the Director of the Bureau of the Budget (Webb), December 3, p. 695.

tion to be in the position of opposing in someone else's trust agreement what was going to be included in a United States agreement. He emphasized that he and Mr. Bloom were in full agreement on the need for instructions and clarifications of the United States position.

[Here follows discussion of a proposed schedule for attendance by delegates at the next five Plenary Sessions.]

890.0146/10-1846

Memorandum of Conversation, by the Assistant Chief of the Division of British Commonwealth Affairs (Richards)

SECRET

[WASHINGTON,] October 25, 1946.

Participants: Mr. Reid, First Secretary of the New Zealand Legation
Mr. Hickerson, EUR
Mr. Richards, BC

Mr. Reid called at his request to explain the New Zealand position regarding Article X (4) of the revised draft trusteeship agreement for Western Samoa.

Mr. Reid stated that the revised wording represented no change in New Zealand policy as regards future negotiations with the United States and with other members of the British Commonwealth, especially the United Kingdom and Australia, looking toward defense arrangements in the South Pacific. He stated that New Zealand is willing to undertake discussions along such lines at an appropriate time.

Mr. Reid was informed that the revised draft appeared to be acceptable to the Department and that the Army and the Navy would be advised of the changed wording.⁴⁵

501.BB/10-2346: Telegram

The Secretary of State to Senator Austin

SECRET

WASHINGTON, October 29, 1946—7 p. m.

255. For Gadel. Urtel 702, Oct. 23. 1. British suggestions to amend Article 10c or to substitute short general statement of principle for

⁴⁵ Approval of the new wording was given by the War Department on October 28 and by the Navy Department on October 29 (two memoranda for the files by Mr. Richards dated October 28 and 29, respectively, File Nos. 811.24590/10-2546).

Final talks between the New Zealand Legation and the Department on the draft trusteeship agreement for Western Samoa took place on October 25 and 28 (memoranda of conversation not printed, File Nos. 890.0146/10-1846 and 890.0146/10-2846, respectively). In the end the main question related to the degree of support on the draft agreement New Zealand could expect from the U.S. Delegation at the General Assembly. Mr. Hiss described the position of the United States as outlined in conversations with representatives of the British Embassy on the same general question, October 11-16 (see memoranda of conversation of even dates, pp. 641-642 and 644-650).

Articles 9 and 10 (telephoned Gerig to Green Oct 28) not satisfactory to Dept.

2. If Gadel considers modification necessary of Dept's original position favoring prior approval of other monopolies by Trusteeship Council, Gadel might suggest version requiring that any proposed monopoly be submitted to Trusteeship Council or its designee and should be considered approved if not disapproved within a specified period such as, for example, 60 days. The latter version would meet British objection that Trusteeship Council approval would unduly delay action and discourage capital from entering area.

3. If not possible to obtain British agreement to version suggested in para. 2, Dept suggests accepting modification of Article 10c proposed by British (urtel 702) if rephrased as follows:

"Where the interests of the economic advancement of the inhabitants of Tanganyika may require it, to establish, or permit to be established, for specific purposes, other monopolies or undertakings having in them an element of monopoly, under conditions of proper public control: provided that, in the selection of any non-governmental agencies to carry out the purposes of this clause, the administering authority shall not discriminate on grounds of nationality against other members of the United Nations; and that in every case in which use is proposed to be made of the powers conferred by this paragraph the administering authority shall report to the Trusteeship Council or its designee for consideration a full explanation of the circumstances and the reasons why the measures proposed to be taken are considered necessary. Such report shall be submitted at least blank days prior to any final decision by the administering authority."

Sixty days might be considered reasonable.

4. Dept aware British objections to prior approval by Trusteeship Council of other monopolies are based on both legal and practical grounds. Dept feels, however, British objection on legal grounds to granting Trusteeship Council right of "approval" could be met under broad scope of Article 87 (*d*) of Charter of UN by insertion of appropriate provision in trusteeship agreement. Administering authority could legally agree therein to accept "decision" or "recommendation" of Trusteeship Council. Dept willing not to force issue on legal authority being granted Council in trusteeship agreement and believes wording in para. 2 should satisfy British practical objections.

5. British experts' suggested alternate proposal to consolidate detailed provisions of Articles 9 and 10 into single statement of general principle appears even more undesirable than the mandate provisions and is subject to uncertain interpretation.⁴⁶

BYRNES

⁴⁶ A U.S. Delegation working paper of even date, not printed, written after this telegram was received in New York, analyzes in some detail the several pro-

IO Files : US/A/C.4/14

*Memorandum of Conversation, Between Members of the United States
and Soviet Delegations to the United Nations*

SECRET

[NEW YORK,] October 31, 1946.

Participants: Mr. Gromyko, Mr. Novikov, Mr. Stein, of the Soviet
Delegation
Mr. Bloom, Mr. Dulles, Mr. Yost, Mr. Gerig

At our invitation, the Soviet Delegates took lunch with us today at the University Club to consider various questions which we thought might arise in the trusteeship discussions at the Assembly. As we had not had any reply from Mr. Gromyko to the memorandum which was handed to him by Mr. Johnson and Mr. Gerig on October 15,⁴⁷ we thought it advisable to follow up on this matter and to discuss any other matters which might be of interest to the two Delegations.

Mr. Bloom asked Mr. Dulles to state some of the questions which particularly interested us. Mr. Dulles said that we might start by considering the views which we respectively held on the best way to consider the draft trusteeship agreements in the Fourth Committee. He thought it would be necessary, in any case, to have a Subcommittee and the question arose as to the size and composition of this Subcommittee.

Mr. Gromyko said that it would be desirable to have a rather small Subcommittee and Mr. Novikov added that it would be good to have a few days of general discussion by the whole Committee based on the Secretary-General's report as to these trusteeship agreements.

Mr. Dulles then suggested that the Subcommittee might well be composed of about ten states, somewhat on the pattern of the projected Trusteeship Council. Mr. Gerig suggested that perhaps the Rapporteur of the Committee might be added and that the question might also arise as to whether the Subcommittee should be composed exactly as the Trusteeship Council, since that might prejudice the election of two or three of the states that might later be considered for election to the Trusteeship Council. It was generally agreed that such a Subcommittee composed generally along these lines would be desirable.

Mr. Dulles then suggested that the Committee might be composed

posals and counter-proposals passed back and forth between the U.S. and U.K. experts on this question in the latter part of October. There is further a memorandum of conversation of October 30 recording an exchange of some length that took place on that date between Messrs. Gerig and Poynton in which the situation as of that time was carefully explored, not printed. It is clear from the latter document that despite very active efforts by the technical experts on both sides that at least a temporary impasse had been reached. (IO Files, documents US/A/C.4/8 and US/A/C.4/9)

⁴⁷ See telegram 671, October 15, from New York, p. 643.

of the five permanent members of the Trusteeship Council, the other states submitting trust agreements if they are not among the five, and that would leave two or so to be added.

Mr. Gromyko thought that if the Rapporteur was Czechoslovakia, that would account for one, and that one of the Arab states might be another. Mr. Novikov suggested India, but Mr. Gromyko did not feel that that would necessarily be a wise selection.

Mr. Gromyko then raised the question of what our view was concerning "states directly concerned".

Mr. Dulles said that they were familiar with our view, as stated in the memorandum, namely, that we hope it will be possible for all to agree on a simple procedure by which a formally signed agreement by certain states will not be necessary. He thought this was entirely feasible if we could get a Subcommittee composed as suggested before since this would give each of the five powers ample opportunity to make further suggestions or amendments. He added that the United States, as they well knew, had already made a number of suggestions to the mandatory powers and that some of these suggestions were included in the revised drafts.

Mr. Gromyko said that it was difficult to see how Article 79 could be interpreted as not requiring a formal agreement by certain states directly concerned. Then after the formal agreement was concluded, it would be necessary under Article 81 for the Assembly to approve such an agreement.

Mr. Dulles said that that was undoubtedly one possible procedure and that we had, ourselves, at one time felt along the same line. More recently, however, we felt that another procedure would be equally valid and we felt strongly that it would be necessary to adopt a simpler procedure if we were to get a Trusteeship Council at all this year. We certainly did not wish to do anything which was contrary to the Charter, but felt our proposal was entirely consistent with the Charter.

Mr. Bloom said that if we have a formally signed agreement, the question might arise as to completing such a formal agreement by some form of ratification and that this would certainly take some time. When Mr. Novikov said that an executive agreement might be sufficient, Mr. Bloom said that even an executive agreement in our system requires a joint resolution of Congress, that Congress is not now in session, and that such a procedure would certainly delay the establishment of the Trusteeship Council. Mr. Bloom added that a Subcommittee composed as previously suggested would, in Parliamentary practice, be entirely feasible since all the members could indicate their

position in the Subcommittee and the report could be made on behalf of all of them.

Mr. Gromyko then asked Mr. Dulles to reply to a specific question, namely, whether the United States would consider that the Five Powers were "states directly concerned" in all mandated territories.

Mr. Dulles asked Mr. Gerig if we have a position on this general question as to who might be regarded as "states directly concerned" in case it came to a vote.

Mr. Gerig said that he thought our position was that if it became necessary to specify "states directly concerned" it would have to be done by a vote of the General Assembly, probably by a two-thirds vote. He said he did not know if we had a definite position because we had hoped the question would not arise. But he thought that we felt that the Five Powers, because of their special position on the Trusteeship Council as well as the Security Council might be in a position to put forward special claims to be states concerned in the draft trusteeship agreements which would be brought before this session of the Assembly. Mr. Yost said that that was also his impression.

Mr. Dulles said that that was also his impression and that we would try to give them a more definite reply if they desired it, which they did.

Mr. Dulles said that they knew, of course, that the United States has a special treaty position which was different from that of the Soviet Union and China, namely, that the United States was one of the Principal Allied and Associated Powers in whose favor the mandated territories had been renounced by Germany at the end of the First World War. He said that this was not necessarily a special position that we would emphasize, but he thought it should be mentioned.

Mr. Stein said he thought the Treaty of Versailles mentioned "Allied and Associated Powers" and not "Principal Allied and Associated Powers". Mr. Gerig said that he was quite certain that the word "Principal" stood in the text and Mr. Stein acknowledged that Mr. Gerig was probably right.

Mr. Stein then said that, in their view, the terms proposed by the mandatory powers were very inadequate and unsatisfactory. Mr. Dulles said that we also regarded them in their original form as quite inadequate but that he thought the revised drafts which were not yet in circulation would be found to be much better. As he had said before, the United States had made a number of suggestions, many of which were accepted, and it was on that account that we felt they were substantially pretty good, although they were capable of some improvement.

The discussion was friendly and cordial throughout. The Soviet Delegation did not, however, give a clear indication that they were

yet ready to accept the simplified procedure which we suggested. It did, however, appear that their first objective was to be classified in relation to all trust territories as a "state directly concerned" and that to get this they might make some concessions.⁴⁸

FW 501.BB/10-3146

Memorandum of Telephone Conversation, by the Director of the Office of Special Political Affairs (Hiss)

[WASHINGTON,] November 1, 1946.

Participants: Mr. John Foster Dulles—Gadel
Mr. John C. Ross—Gadel
Mr. Alger Hiss

After the morning meeting in Mr. Acheson's office I called Mr. Dulles and Mr. Gerig and told them of the decisions which had been reached as a result of consideration of New York's telegram 741 of October 31, 9 p. m.⁴⁹ I explained that it was the Department's position that in the event our proposal is not accepted that claims to be states directly concerned in trusteeship agreements be waived by all other interested member states for the purposes of the present Assembly, we should take the position that the Assembly should refuse to designate any except the respective mandatories as being states directly concerned. I added that this meant we would vote against any proposal for a general formula which included additional states directly concerned and against any motions recognizing individual states as directly concerned. I explained that the Department felt that this was a justifiable interpretation of the ambiguous language of the Charter and I pointed out that neither at San Francisco nor at London had it been possible to arrive at an agreement of what states should be regarded as directly concerned or upon any principles for determining this question. I pointed out that it can be argued that under Article 77 (1) (c) a sovereign voluntarily agreeing to place some of its territory under trusteeship would presumably be the only state directly concerned. If the general language of the Charter can mean this in such a case it can mean it also in the case of mandates. I said that the Department felt that if a number of states, including the Soviet Union, were to be recognized as states directly concerned there was every likelihood that no agreements would be approved certainly at this Assembly and that the trusteeship system would be further indefinitely delayed. I added that the Department felt that there would probably be widespread

⁴⁸ The substance of this memorandum was summarized and sent to the Department in telegram 741, October 31, 9 p. m., not printed.

⁴⁹ See footnote 48, above.

support among the smaller powers in as much as our proposal meant resistance against extension of the veto power in the trusteeship field and in the General Assembly. We thought that the mandatory states should be able to accept our point of view for the reason that by the power they unquestionably have to refuse to adopt unacceptable suggestions of the Assembly they can by their own commitments to states they consider directly concerned give these other states all the protection they would have if they were so designated by the Assembly itself. I added that no decision had been reached by the Department as to the position we would take if despite our opposition one or more states were to be designated as directly concerned in any particular agreement. We might at that time decide to assert our own claims in view of the decision of the Assembly, a decision which we would regard as unwise but as necessarily changing the situation confronting us. Of course, if despite our opposition a general formula was passed which included us, and we doubt the likelihood of any formula which would exclude us being adopted, then we would accept the decision of the Assembly and regard ourselves as being a state directly concerned.

Mr. Dulles told me that he found himself substantially in agreement with the Department's point of view. He feels that the Russians are planning a campaign of obstruction to the proposed agreements. They have indicated they will emphasize the need for provisions looking toward early independence which would be unacceptable to the mandatory powers. If the Russians have a veto right they would then be able to prevent the establishment of the trusteeship system. Mr. Dulles said that he was inclined to feel that although the establishment of the trusteeship system is important, that establishment is really of less substantive importance than is the propaganda issue which the Russians are raising about what states are really the defenders of the dependent peoples. He said that once the trusteeship agreements were approved there will be relatively little of substance which the Trusteeship Council will itself accomplish and, as in the case of the mandate system, the administering powers will be responsible in fact for what goes on in their territories. He regards Chapter 11, which relates to dependent territories generally and of course covers a far greater area of the world's surface and a far greater population group than does the trusteeship system, as more important than the trusteeship system itself. He indicated that he was anxious that we not get in a position of appearing to rush through the Assembly against Russian opposition agreements which are satisfactory to colonial powers. He said he thought the Russians would try to class us with the colonial powers.

Mr. Dulles said that as a lawyer he cannot conscientiously argue strongly for the Department's interpretation of the Charter. In his

opinion the language, by using the phrase "the states directly concerned, including the mandatory powers in the case of territories held under mandate", means at least a group larger than the respective mandatory states. However, he agrees with the practicable reasons for urging the Assembly to avoid determining that any state other than the respective mandatories are directly concerned. He said that he would wish promptly to talk to the Russians and the mandatory states on the basis of the Department's views and that perhaps after that had been completed he might wish to come down to confer on the whole matter with the Department. I pointed out that Mr. Cohen would be in New York by Sunday or Monday and suggested that Mr. Dulles and Mr. Gerig keep in touch with him.

Mr. Gerig told me that in recent talks with the British the British have indicated more sympathy than heretofore with our suggestion that the Charter be interpreted as including only the mandatory with respect to each trust territory. He thought that in view of these recent indications it might be possible to get the British to go along with us. Mr. Dulles doubted this and was not at all sure that we could avoid having a number of states designated. He said that the possibilities for logrolling in this connection are evident and said that he was sure that the Russian group of states and the Arab states would oppose our position. He thought it possible also that Chile and perhaps some other Latin American states would do the same. If the mandatories also opposed us, the possibilities for action contrary to our views would be considerable. Moreover it takes only one-third plus one to block the approval of a trusteeship agreement itself.

501.BB/10-3146: Telegram

The Secretary of State to Senator Austin

SECRET

WASHINGTON, November 1, 1946—8 p. m.

262. USdel. for Gadel. Reference your telegram 741 of October 31, 9 p. m.⁵⁰ Confirming the telephone message from Hiss to Dulles and Gerig of today, Department believes Soviets and other Delegations should be told that if members interested in particular trusteeship agreements do not accept our proposal to waive for purposes of this Assembly claims to be states directly concerned and attempt is made to have Assembly define this term we will take the position that no state other than the mandatory should be determined by the Assembly to be a state directly concerned in the case of any of the proposed agreements. We would accordingly vote against any proposed general

⁵⁰ See footnote 48, p. 668.

principle of interpretation inconsistent with this view and would also vote against the designation of any individual member state, other than the mandatory in each case, as a state directly concerned. Department considers the Charter can appropriately so be construed and feels strongly that this is the only practicable interpretation if the issue is forced on the Assembly. Any other interpretation would be an unnecessary extension of the veto principle which has no place in the deliberations of the General Assembly.

It seems to us that the mandatory powers should be willing not to oppose us on this issue for the reason that it leaves open to each mandatory the privilege of consulting such other states as it desires and refusing to give its consent to any amendment proposed by the General Assembly which it is unable to agree to or which is unacceptable to any of the states the mandatory may itself consider bound to regard as states directly concerned.

In the event, which the Department considers unlikely, that the Assembly should nonetheless designate one or more particular states as directly concerned in any given trusteeship agreement, Department will consider position the United States should take with respect to possible assertion by it of a right to be similarly designated as a state directly concerned. Our present position is that we are prepared to waive for the purposes of the present Assembly our claims to be a state directly concerned and we urge all other member states to do likewise. If this appeal is rejected by any member we urge the Assembly to refuse to designate any state other than the respective mandatories. If, nonetheless, the Assembly does proceed to designate one or more additional states as directly concerned we will have to consider our own position as a possible claimant in the light of such action, which we will consider unwise, by the Assembly.

BYRNES

501.BB/11-746

*Memorandum Prepared in the Division of Dependent Area Affairs*⁵¹

SECRET

[WASHINGTON,] November 6, 1946.

EFFECTS OF THE CONCLUSION OF TRUSTEESHIP AGREEMENTS ON UNITED STATES CONVENTIONS WITH THE MANDATORY POWERS

THE PROBLEM

The strong possibility that the "B" Mandates in Africa as well as the mandated territory of Palestine may be placed under the trustee-

⁵¹ Drafted for use by the United States Delegation at the General Assembly. Approved by the Under Secretary of State (Acheson), the Counselor of the Department (Cohen) and the Legal Adviser (Fahy) (memorandum, Hiss to Fahy, November 7, not printed, 501.BB/11-746).

ship system of the United Nations suggests the need for a careful consideration of the future status of the conventions between the United States and the respective Mandatory Powers. In view of the fact that the United States Delegation to the forthcoming meeting of the General Assembly will probably be called upon to indicate approval or disapproval of draft terms of trusteeship for each of the "B" Mandates, decisions on the following questions should be reached by this Government prior to the opening of the General Assembly:

1. If terms of trusteeship for the "B" Mandates should be presented, as is now contemplated, to the General Assembly by the Mandatory Powers after consultation with the particularly interested states rather than as formal agreements to which the United States and other states directly concerned would be parties, and if the General Assembly should approve these terms, what would be the status of the conventions between the United States and the Mandatory Powers?

2. If the Delegation should vote for the approval of terms of trusteeship for a territory now covered by one of the United States conventions with the Mandatory Powers, would such an affirmative vote constitute the "assent" of the United States to modification of the terms of mandate within the meaning of the provision which is included in each of these conventions in the following sense:

"Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate, as recited above, unless such modification shall have been assented to by the United States".

3. If the answer to Question 2 is in the affirmative, would this imply that the conventions with the Mandatory Powers would, in effect, be supplanted by the terms of trusteeship for the various trust territories?

4. Does it appear advisable to take specific steps to either continue in force the conventions with the Mandatory Powers or to terminate these conventions? If so, what procedures might be followed?

DISCUSSION

[Here follows detailed discussion of the problem with particular attention to the nature of American rights in the mandates and the effect of the replacement of the terms of the mandates by the terms of the proposed trusteeship agreements.]

The Assent Clause

As indicated above, if the United States Delegation to the General Assembly should vote for the approval of terms of trusteeship for a territory now covered by a convention with the Mandatory Power,

such an affirmative vote would constitute the assent of the United States to modification of the terms of mandate within the meaning of the provision included in each one of these conventions. It is difficult to see how the United States could approve terms of trusteeship, and at the same time maintain that it was not assenting to a modification of the terms of mandate. It is believed that such an exercise of the assent clause is also valid in terms of our domestic constitutional law. The conventions do not specify how the assent is to be given. It may also be pointed out, that during the period of active operation of the mandates system, the United States acting through the Department of State on several occasions gave its assent to modifications of the terms of mandate. In international discussions involving the assent clause, the United States has never taken the position that the assent of the United States involved anything else than an expression of the Executive Branch. Moreover, by its consent to ratification of the Charter the Senate plainly endorsed the trusteeship system under which, by Article 77, it is expressly envisaged that the mandates may be placed. The Senate insisted on no reservations as to the mandates conventions and asserted no special prerogatives with respect to trusteeship agreements for the territories under mandate.⁵²

CONCLUSIONS

1. If United States Delegation votes in favor of the terms of trusteeship for the "B" Mandates, the rights of the United States and its nationals will depend upon the terms of trusteeship rather than upon the terms of mandate as specified by the conventions with the Mandatory Powers.

2. If United States Delegation votes in favor of the terms of trusteeship, this will constitute the assent of the United States to modification of the terms of mandate.

3. If United States Delegation votes in favor of the terms of trusteeship, the conventions with the Mandatory Powers will, in effect, be supplemented [*supplanted?*] by the terms of trusteeship for the various trust territories.

4. If the United States Delegation votes against the terms of trusteeship and if the terms of trusteeship do not enter into force, the rights of the United States and its nationals under the conventions with the Mandatory Powers are continued.

5. If the United States Delegation votes against the terms of

⁵² It may be noted that this discussion is without reference to the Japanese Mandated Islands. In December the Legal Adviser's office began a detailed study as to what form of Congressional approval was required for the U.S. draft trusteeship agreement for the Japanese Mandated Islands or any Japanese islands that might be included in the strategic trust territory.

trusteeship and if the terms of trusteeship nevertheless enter into force, it would probably be legally impossible for the United States successfully to maintain that such of its previous rights under the conventions which are inconsistent with the terms of trusteeship are still in force. The United States would, of course, have all the rights under the trusteeship agreements of a Member of the United Nations.

RECOMMENDATIONS

1. If the United States Delegation votes in favor of the terms of trusteeship for the "B" Mandates, no specific action to terminate the conventions with the Mandatory Powers seems necessary. It is unnecessary because, if the terms of trusteeship come into force, they will supplant the terms of mandate and the United States' rights will be adjusted accordingly.

2. If the United States Delegation does not approve the terms of trusteeship for the "B" Mandates and if these terms do not go into force, no action with regard to the conventions is required. In such a circumstance, the rights of the United States and its nationals under the conventions would be retained.

3. If the United States Delegation votes against the terms of trusteeship and if these terms nevertheless enter into force, it would seem politically undesirable and probably legally impossible for the United States to seek to maintain such of its rights under the convention as may be inconsistent with the terms of trusteeship. The United States should accept a two-thirds vote of the General Assembly approving terms of trusteeship as binding and should regard its previous rights as having been adjusted accordingly. For the reason given under paragraph 1 above, it should not, however, take steps to terminate the conventions.

501.BB/11-646: Telegram

The Acting Secretary of State to Senator Austin

SECRET

U.S. URGENT

WASHINGTON, November 6, 1946—1 p. m.

271. USdel. The President will make the following announcement today:

"The United States is prepared to place under trusteeship with the United States as the administering authority, the Japanese Mandated Islands and any Japanese Islands for which it assumes responsibilities as a result of the second World War. In so far as the Japanese Mandated Islands are concerned this Government is transmitting for information to the other members of the Security Council and to New Zealand and the Philippines a draft of a strategic area trusteeship agreement which sets forth the terms upon which this Government

is prepared to place those islands under trusteeship.⁵³ At an early date we plan to submit this draft agreement formally to the Security Council for its approval".⁵⁴

In accordance with this announcement I have sent this morning to the missions of the other members of the Security Council and of New Zealand and the Philippines, for the information of their Governments, copies of the draft trusteeship agreement under which our Government is prepared to place the Japanese Mandated Islands under trusteeship. Copies of the draft agreement will be forwarded to the Delegation which may be made available to other Delegations, the press, and the public.

I suggest that at an appropriate time you read the President's announcement into the records of the General Assembly or of its Fourth Committee.

ACHESON

Editorial Note

On November 7 the United States representative on the Fourth Committee, Mr. Dulles, reading President Truman's statement of November 6, announced to the Committee that the United States was prepared to place under trusteeship with the United States as the administering authority the Japanese mandated islands and any Japanese islands for which it might assume responsibilities as a result of World War II. This declaration was accompanied by a general statement to the Committee (approved by the Department in telegram 269, November 5, not printed, File No. 800.014/11-446) outlining the position of the United States regarding the establishment of a trusteeship system with particular reference to the implementation of Article 79 of the Charter.

After describing the problems involved in attempting a definition of the term "States directly concerned", Mr. Dulles continued:

"In the light of these considerations the United States Delegation urges that the Assembly, and this committee on its behalf, should not become involved in all these questions. We prefer a practical procedure which, in harmony with the letter and spirit of the Charter, will, as quickly as possible, permit the establishment of the trusteeship system and the giving to the inhabitants of the trust territories the benefit of that system. Concretely, we propose:

"1. That a small sub-committee of this committee should be established to consider the draft trusteeship agreements before us and to negotiate on our behalf in relation to them;

⁵³ Notes not printed. For text of the draft trusteeship agreement, see Department of State *Bulletin*, November 17, 1946, pp. 889 ff.

⁵⁴ The text of this announcement is printed, *ibid.*, p. 889.

"2. That all states which are interested be given the opportunity promptly to submit to this sub-committee and to the mandatory power involved their suggestions regarding these proposed trusteeship agreements;

"3. That after hearing such suggestions and after consultation with the sub-committee, the mandatory power concerned shall promptly advise the sub-committee as to the acceptability of those suggestions;

"4. That the agreements reflecting any such modifications shall then be considered by this committee and referred by it to the General Assembly with the recommendation of this committee, in each case, as to approval or disapproval.

"Under this procedure", Mr. Dulles went on, "every state which is interested, whether or not technically a state 'directly concerned', whether it be large or small, whether it be near or far, will have an equal opportunity to present its views. All would, however, without prejudice to any rights they may possess, now forego formal classification as being, or not being, states 'directly concerned' and would forego formal signature of the preliminary agreement, accepting the verdict of a two-thirds vote of the Assembly." (United Nations, *Official Records of the General Assembly, First Session, Second Part, Fourth Committee, Part I*, p. 76. Hereafter cited as GA (I/2), *Fourth Committee, Pt. I*. Text of the complete Dulles statement on this occasion is found in Department of State *Bulletin*, December 1, 1946, pages 991 ff.)

Because of the wide range of subjects under consideration by the Fourth Committee at this time (there were three other items on the Committee's agenda in addition to eight proposed trusteeship agreements), the Fourth Committee on November 14 appointed two sub-committees, Sub-Committee 1 taking over the trusteeship agreements as its sole concern. Sub-Committee 1 organized itself on November 15, and immediately began examination of the agreement proposed by New Zealand for Western Samoa. The summary record of this sub-committee is found in United Nations, *Official Records of the General Assembly, First Session, Second Part, Fourth Committee, Part II*. Hereafter cited as GA (I/2), *Fourth Committee, Pt. II*.

For an analytical summary in pertinent part of the work of the Fourth Committee, its Sub-Committee 1 and the General Assembly on the trusteeship question during the second part of the first session of the General Assembly, with detailed citations to the official record, see United Nations, *Repertory of Practice of United Nations Organs* (1955 edition), volume IV, pages 175-300. Hereafter cited as *Repertory of UN Practice*.

IO Files : US/A/C.4/19

Memorandum of Conversation, by Mr. Charles W. Yost of the United States Delegation

SECRET

[NEW YORK,] November 7, 1946.

In the course of a conversation yesterday afternoon I asked Mr. Gromyko whether his Delegation had given further consideration to the suggested procedure for dealing with the question of "states directly concerned" which had been transmitted to them in an *aide-mémoire* a few days ago and which Mr. Dulles had explained more fully at our recent luncheon. Mr. Gromyko said that his Delegation is still studying this question. He felt, however, that it would be extremely difficult for them to accept the US proposal in view of the Soviet belief that the terms of Article 79 of the Charter require formally signed agreements among the "states directly concerned".

Mr. Gromyko asked whether we had given further consideration to the question he had raised at our luncheon as to whether the United States believes that the five principal powers are "states directly concerned" in all of the trusteeship agreements which have been presented. I replied that it is precisely because we feel that an attempt to define this term will lead to endless controversy and debate, and I cited the Indian claim to be a "state directly concerned" in the Tanganyika agreement, that we were proposing a procedure which would avoid this difficulty and enable the Assembly to set up the Trusteeship Council at this session. I pointed out that our procedure would accord to the Soviet Union, as well as to ourselves and to any other state which might consider itself directly concerned, ample opportunity to present its views to the proposed subcommittee, to the full committee and to the Assembly. Mr. Gromyko continued, however, to contest the constitutionality of our procedure and concluded our conversation by stating that, while it was, of course, most desirable to set up the Trusteeship Council as soon as possible, it would nevertheless be better not to do so at all, than to do so on an unsound constitutional basis and by virtue of trusteeship agreements which may not be satisfactory to all the "states directly concerned".

501.BB/11-846 : Telegram*The Acting Secretary of State to Senator Austin*

SECRET

WASHINGTON, November 8, 1946—7 p. m.

276. USdel. 1. After comprehensive review of monopoly problem in pending trusteeship agreements in which both geographic and eco-

conomic divisions participated under Thorp's⁵⁵ guidance, Dept feels that its basic position (Deptel 255 Oct 29) is sound in order to protect US interests in trust territories. Opposition to this position expressed consistently by other govts tends to confirm its real or potential importance.

2. Dept therefore recommends Gadel formally propose as amendment in Committee 4 substance of provision contained in paragraph 3 Deptel 255.⁵⁶

3. Dept however appreciates Gadel's position in considering establishment of trusteeship system itself as of paramount importance. If this Govts official position outlined in paragraph 2 should constitute sole reason for preventing mandatory powers agreement and therefore for delaying establishment of trusteeship system, Dept will at Gadel's request reconsider US position. Lines which such reconsideration might take will be suggested later by Dept. Until issue has been clarified on floor of Committee Dept feels that position indicated in its telegram 255 should be considered final one without any indication of further compromise.

4. Dept meanwhile wiring Wilcox in London re possibility approach through other than office which has principally represented British viewpoint to date.⁵⁷

ACHESON

⁵⁵ Willard L. Thorp. Assistant Secretary of State for Economic Affairs-designate.

⁵⁶ The text of this provision (see p. 663) was circulated by the United States Delegation either as a new article or as a modification of an existing article in respect of the proposed trusteeship agreements for Western Samoa (GA (I/2), *Fourth Committee, Pt. I*, p. 237, annex 4c), New Guinea (*ibid.*, p. 242, annex 5b), Ruanda-Urundi (*ibid.*, p. 253, annex 6a), Togoland and the Cameroons under French mandate (*ibid.*, p. 261, annex 9a), and Tanganyika and Togoland and the Cameroons under British mandate (*ibid.*, p. 283, annex 14a).

⁵⁷ The reference is to Clair Wilcox, Director of the Office of International Trade Policy in the Department and at this time Chairman of the United States Delegation to the Preparatory Committee for the International Trade and Employment Conference then meeting in London (for documentation regarding this subject, see pp. 1263 ff.). As a result of the Department's action there ensued an exchange of telegrams between the Department and Mr. Wilcox which extended over a period from November 8 to November 21 (telegram 7623, November 8, to London, File No. 560.AL/11-1346; telegram 9843, November 13, from London, File No. 560.AL/11-3446; telegram 7768, November 18, to London, File No. 560.AL/11-1346; and telegram 9653, November 21, from London, File No. 560.AL/11-2146).

The premise stated by the Department in initiating the exchange in telegram 7623, November 8, was that "British intransigence may be due to policy being shaped by Colonial Office. Latter appears unaffected by recent willingness other branches British Government including FonOff to subscribe to anti-monopoly principles." Mr. Wilcox was requested to discuss the matter "with such other officials", and in the same telegram was given a rather detailed background survey of the principal developments to date. (560.AL/11-1346)

The talks conducted by Mr. Wilcox in London in effect elicited no more than what was already known, namely that informally "no strong objections" to the United States position were entertained by the Foreign Office, but that formally the Foreign Office preferred to leave the question of the economic clauses of the trusteeship agreements "entirely" with the British Delegation to the General As-

890.0146/11-846 : Telegram

The Ambassador in Australia (Butler) to the Secretary of State

SECRET

CANBERRA, November 8, 1946—noon.
[Received, November 8—10: 38 a. m.]

264. ReDeptel 231, October 31⁵⁸ Australian Government's reasons for refusing to accept our suggested alterations to draft New Guinea trusteeship agreement were outlined in Embtel 235, October 11. Embassy is confidentially informed that Australian delegation to GA is now under instructions to refuse to accept any amendments to draft as submitted.⁵⁹

BUTLER

890.0146/11-1246 : Telegram

*The Chargé in the Soviet Union (Durbrow) to the Secretary of State*Moscow, November 12, 1946.
[Received November 12—10: 51 a. m.]

4108. *Pravda* November 11th devotes column and half to 2 Washington despatches concerning Truman's announcement of publication of American draft agreement for mandate over former Jap mandates, as well as full summary of draft agreement text.

Special Tass correspondent in New York dispatch comments on American plan as follows:

"Attention is given in political and journalistic circles to fact that Government of USA has made its announcement over head of allies on whom responsibility lies for peaceful settlement re Japan. Unusually broad scope of American plans likewise arouses surprise, as they include not only Pacific islands under Jap mandate but also any

sembly in New York "which includes expert on Tanganyika and which has been fully instructed." At the same time the Foreign Office took occasion to "point out that proposals for US trusteeship Japanese islands contain no economic clause similar to US proposals for Tanganyika but only for economic equality among UN with an exception in favor of US as administering authority. Foreign Office indicates that disparity must be taken into account by New York delegation." (Telegram 9653, November 21, from London, File No. 560.AL/11-2146)

⁵⁸ Telegram 231 read: "Australia's draft trusteeship agreement for New Guinea presented to General Assembly follows original draft and incorporates none of our suggested amendments. . . . Any information which you can obtain discreetly regarding Australian thinking on this question, particularly reasons for non-acceptance our suggestions and their probable attitude in General Assembly when question debated, would be helpful." (711.47/10-1546)

Repeated to New York for the United States Delegation as telegram 277, November 8, 7 p. m. (890.0146/11-846).

⁵⁹ In telegram 266, November 8, the Ambassador in Australia cabled further: "Evatt informed me yesterday he is anxious to clear up all matters pending between U.S. and Australia. He specifically mentioned Manus Island, New Guinea and whaling." (711.47/11-846)

other Jap island which US desires to possess. At same time various comments are aroused by attempt of USA to make considerable part of Pacific Ocean with vast number of islands its strategic zone, which may be connected with plans for preparing a future war . . .⁶⁰

"Exceedingly broad formula re objectives towards which USA intends to extend its mandate is disclosed in certain measure by *NY Herald Tribune* which wrote November 7 that satisfaction of American claims would turn Pacific Ocean into American lake from San Francisco to Philippines . . .

"This paper writes that American proposal consists on satisfying army and navy which insist on full preservation of exceptional and secret rights re strengthening of air and sea bases in this region . . .

"*NY Herald Tribune* in November 8 editorial writes: 'If any other great power does not like this draft, it can impose veto on agreement, but in this event occupied territories will simply be transferred to our ownership by right of conquest and therein question will end.'"

Pouched to London and Paris.

DURBROW

890.0146/11-1346: Telegram

The Ambassador in Australia (Butler) to the Secretary of State

SECRET

CANBERRA, November 13, 1946—9 a. m.

[Received 11:38 a. m.]

269. I was asked by Dr. Evatt to see him at his office yesterday. Counselor Russell accompanied me. Evatt discussed following matters:

(1). Manus Island. Evatt insisted that he discussed this question with Secretary Byrnes in presence of Messrs. Hickerson and Searls, though he does not say just when this occurred last July nor exactly what was agreed upon, if anything. He expressed desire for arrangements for mutual use of facilities there and for discussion as to financing same, saying that, to satisfy his Parliament, Australia must have arrangements for at least token right for mutual use of facilities in at least one American base.

(2). New Guinea trusteeship agreement. Evatt expressed feeling that suggested American revisions were altogether too elaborate, and, as such, would lead to future complications; that Australia could not agree to most of them. He desired agreement along broad lines. He felt that suggested revisions simply reiterate obligations in UN Charter which had already been accepted in letter and spirit by Australia and were therefore redundant and in one or two cases, notably anti-slavery clause, even insulting to Australia. He especially referred to desire of Australia to use discretion in applying matters of admission into

⁶⁰ Omissions appear here and in the following paragraphs in the source text.

mandate of certain races, and to govern same as a C mandate in the same way as part of Australia. He did not believe that the "open door" could apply to a C mandate. He said that Australia would prefer to go on under the old pre-charter arrangement rather than accept most of the suggested revisions to the New Guinea trusteeship agreement. He pointed out that the Australian attitude in the New Guinea trusteeship agreement was in line with recent US attitude re the Marshalls, Carolines and Marianas which Australia was prepared to support. As regards "states directly concerned" he said Australia did not oppose regarding USA as one such, mentioning inferentially that USA based its claim to be such on rights acquired in the Versailles and other treaties. He expressed formally his belief that all trusteeship agreements should be submitted to all states directly concerned, though in each case their special interests must be as certain *dand* [garble] weighed, and he said that as regards the New Guinea agreement Russia had not been consulted as not being considered a state directly concerned. He said it was fortunate that the agreement was not one for a strategic area but was an ordinary one going to the General Assembly "where the veto was not in force."⁶¹

[Here follows discussion of other subjects of interest in United States-Australian relations.]

BUTLER

890.0146/11-2146: Telegram

The Ambassador in the Soviet Union (Smith) to the Secretary of State

Moscow, November 21, 1946.

[Received November 21—1:27 p. m.]

4195. After reviewing American plans for construction of Pacific bases, *Red Fleet* November 19 major article by Ocherski "USA and

⁶¹ This telegram was repeated to Secretary Byrnes at New York (attending the Council of Foreign Ministers) in Secdel 1154, November 14, 1 p. m. In a memorandum dictated at New York on November 15 Secretary Byrnes said: "Dr. Evatt did discuss with me his idea as to Manus Island. Hickerson and Searls were present.

"It was Evatt's thought that an arrangement could be made for our use of facilities at Manus Island in exchange for the right of Australia to use the facilities at Guam. My recollection is that Hickerson and Searls agreed to the use by Australia of facilities at some islands in which Evatt was not interested. We took the position that we could not answer as to Guam until I had conferred with Bevin as to the mutual use of facilities because I had previously discussed such a proposal with Mr. Bevin.

"Evatt correctly states the view he expressed at that time, namely, that Australia must arrange for the use of facilities in at least one American base in exchange for our right to use the facilities at Manus Island. We did not enter into a discussion as to financing the maintenance of facilities at Manus. . . ." (811.24590/11-1546)

Japanese mandated islands" comments as follows on American draft agreement for trusteeship over former Japanese mandated islands.

"USA is striving to retain former Jap islands in Pacific to set up powerful bases to maintain very strong Pacific fleet. What has brought this about? American military circles explain it by necessity for national defense; only simpletons can believe that construction of bases thousands of kilometers from US frontiers can be dictated by interests of national defense.

Admiral Sherman revealed true idea of American measures. He recently stated 'if we control oceans our frontier will run along coasts of other countries . . . we can attack any target within radius of action of our air forces and other arms located on board our ships'. Thus Admiral Sherman openly admits US imperialist aspirations, and they are far from constituting interests of defense.

Above cited facts illuminate present US Pacific policy and reflect views of influential business and military circles, proponents of militarism and imperialism who prefer power politics to policy of international collaboration. Draft agreement now advanced by US for trusteeship over former Jap mandated islands is only part of general US policy in Pacific bases. This draft . . . is in flagrant contradiction with usages of international law and UN Charter. . . .

"Even conservative American press regards draft plan as direct annexation of 15,000 Pacific islands under guise of trusteeship. . . .

"American radio commentator Estelle Sternberger . . . opposes 'US utilization of Pacific islands as aggressive act aimed at Soviet Union'.

"American draft agreement . . . reflects policy of imperialistic elements which ignore international collaboration and seek to impose their will on others with aid of force".

Dept please repeat Tokyo, Nanking.

SMITH

IO Files: US/A/M (Chr.)/24

Minutes of the Twenty-Fourth Meeting of the United States Delegation, New York, Hotel Pennsylvania, November 21, 1946, 9:00 a. m.

SECRET

[Here follow list of names of persons (33) present, and discussion of other items on the Delegation's agenda.]

Trusteeship Agreements

Mr. Dulles continued that in Subcommittee I of Committee IV they were going through the draft trusteeship agreements in detail. The United States had a lot of fine suggestions but he had found that they were not included in the Pacific islands draft. He assumed that he should not press for inclusion in other trust agreements provisions that the United States would not accept in our agreements. Senator

Connally objected that this was exactly what he had had in mind when he had spoken earlier.⁶² Mr. Dulles gave as an example that the United States wished to introduce a statement that the administering authority was administering "on behalf of the United Nations". Also it was proposed to amend the statement that the trust territory could be administered "as an integral part of" the administering state to read "as if it were an integral part." However, this was not desired by other governments and the United States did not have this in its agreements because the Navy would not agree to it.

Mrs. Roosevelt said that if we thought certain things would improve matters for other nations and we thought that those things should be included in our agreements, then the Delegation had a responsibility to press its views. She said that she thought a significant remark had been made at a recent Delegation meeting when it was observed that we could disarm ourselves through our own people more quickly than any other way. She thought the way to do that was to give the impression that the military group in our own government was affecting policy decisions. She thought this impression would be given by United States action in this trusteeship matter. She thought that if the Delegation believed that it was right and good to have certain matters in other agreements, then it had an obligation to try to have those provisions agreed upon for ourselves. Mrs. Douglas said she wanted to support Mrs. Roosevelt because she was afraid that to hold back in this matter might wreck the United Nations.

Mr. Gerig thought that the difference between the strategic and non-strategic drafts was so great that a case could be made for presenting certain revisions in the non-strategic drafts. For example, we could press the case of a provision against monopolies, arguing against differential treatment and still not embarrass ourselves in regard to

⁶² The Delegation had just finished a discussion of the Fourth Committee's work regarding the proposal of the Government of South Africa to incorporate the mandated territory of South West Africa into the Union of South Africa. Describing opposition in the Committee to the South African proposal, Mr. Dulles indicated his desire to develop a moderate resolution under the sponsorship of the United States in order to head off the introduction of a resolution by India or Egypt "violently condemnatory" of South Africa, for in such a contingency "the United States would be in the position of having to vote for or against an extreme resolution". Mr. Dulles pointed out to the Delegation that "The United States' position was particularly delicate because the South Africans were taking the same position that the United States was taking in regard to the mandated Pacific islands, namely, that if the trusteeship proposal were turned down, the United States would hold on to them as a *de facto* matter. This was essentially what the Union of South Africa proposed." Shortly thereafter Senator Connally emphasized that "we must be very careful what was said in this connection because the United States potentially faced the same position." (US/A/M (Chr)/24) (For deliberations in the Fourth Committee on the question of South West Africa, see GA (I/2), *Fourth Committee, Pt. I.*, pp. 62-180, *passim*; the work of Sub-Committee 2 which handled the question may be found *ibid.*, *Pt. III*, pp. 41-82, *passim*.)

our strategic area draft. He thought that the provision for administration on behalf of the United Nations was of secondary importance and might be dropped.

Mr. Dulles said that he thought it was fundamental whether we administered the islands in our own right or on behalf of the United Nations, and also whether the territories should be administered as an integral part of the United States. On both points he understood that the Delegation's hands were tied because the Navy refused to make any agreements that contained such language.

Mrs. Roosevelt observed that the Navy was thinking only of the interests of the Navy in this matter. She thought the Delegation had to think of how the people of the country would feel.

Senator Austin asked Mr. Dulles whether he thought it would be helpful to bring out the fact that United States' policy was to keep the territories under strategic area agreements only until the security system of the United Nations was established.

Mr. Dulles said he would be delighted to be able to put forward such a statement for it would clear the air greatly. He said that he had planned to put forward a statement in connection with the Indian proposal⁶⁸ containing a delicate hint to the same effect and that he might now consider changing it. However, he was not sure, nor was Mr. Cohen, that such a statement would be cleared in Washington. He said he thought it would have a great beneficial effect if Senator Austin's suggestion could be put forward.

Senator Austin said he had had a talk with General Romulo about this question on the previous evening. He had found the Philippines violently opposed to the United States position on the Japanese islands. When he had told General Romulo, however, that the strategic aspects would last only until the security system of the United Nations was established, Romulo said that would make all the difference in the world. Senator Austin thought that this fresh and unselfish reaction was typical and important.

Mr. Dulles queried whether such a statement could be made. He said it was his understanding that the Navy had yielded on the trusteeship question with the understanding that there would be no further dilution of the United States' position. Senator Austin said he would make a special effort to get this position cleared.

Mr. Dulles pointed out that at present the situation was reversed from that in London where the United States was lined up against imperialism. Now the United States was lined up with the colonial

⁶⁸ For statements by the Indian representative on the Fourth Committee to the Committee on November 5 and 14, see GA (I/2), *Fourth Committee, Pt. I*, pp. 69-71, 109-111, and 115; actually the proposed Indian resolution was not introduced until November 27, in Sub-Committee 2 (*ibid.*, Pt. III, p. 47).

powers, the United Kingdom, France, Belgium and South Africa. He thought that on this side of the fence the United States would not carry abroad. Mrs. Douglas added that it would not carry at home either.

[Here follows discussion of other items on the agenda.]

800.014/11-2646

*Memorandum by Mr. Charles P. Noyes, Adviser on Security Council
Matters to the United States Delegation to the United Nations*

SECRET

[NEW YORK,] November 25, 1946.

MEETING ON TRUSTEESHIP
HELD IN MR. HERSCHEL JOHNSON'S OFFICE AT 10 A. M.

Present: Mr. Herschel V. Johnson, Charles P. Noyes, Gordon Knox, Joseph E. Johnson, Harding Bancroft, Hugh Borton and James Green ⁶⁴

The meeting examined the proposed trusteeship agreement for the Japanese Mandated Islands, article by article, in connection with the draft commentary ⁶⁵ supplied by the State Department.

Preamble. It was agreed that the questions raised by the preamble were very delicate and were likely to be questioned most seriously by the Security Council. Several problems arose:

(1) Under what authority is the United States proposing this trust agreement?

(2) Is it possible to contend that the United States is the only "state directly concerned"?

(3) What is the United States position to be if Russia, for example, insists that it is a state directly concerned and that its signature is necessary before any trust agreement may be submitted to the Security Council?

In regard to question (1) it was agreed that the United States position is that as military occupant it is entitled to propose to the Security

⁶⁴ Messrs. Knox, J. E. Johnson, Bancroft, Borton, and Green were, respectively, Assistant to the Acting United States Representative at the United Nations (Johnson), Chief of the Division of International Security Affairs, Associate Chief of the Division of International Security Affairs, Chief of the Division of Japanese Affairs, and Associate Chief of the Division of Dependent Area Affairs.

⁶⁵ Not found attached to file copy. The document before the group for discussion was one of several drafts prepared in the Department of State between November 20, 1946 and February 18, 1947 as a commentary on the United States draft trusteeship agreement for the Japanese mandated islands. This was for the use of the Acting United States Representative when the Security Council undertook consideration of the draft terms and provided an interpretation of each article of the draft agreement. For nonconfidential excerpts from the final version, see Department of State *Bulletin*, March 9, 1947, pp. 420 ff.

Council a trust agreement in regard to these Islands. It is recognized that the United States must in some way overcome the contention that until the Peace Conference recognizes United States legal rights to these territories, it is inappropriate for the United States to submit a trust agreement to the Security Council.

As to question (2), Mr. Green indicated that the Department's present position in the Assembly is that only "the mandatory power" should be considered a state directly concerned within the meaning of the Charter. This gives rise to real difficulties because the United States certainly cannot contend that it is in the same position as a mandatory power exercising its mandate under the authority of the League of Nations. It was agreed that this difficulty would be studied in the Department. Whatever the technical difficulties involved, it is clear that the best argument we have for obtaining the agreement of other states that the procedure we have followed is appropriate is that the Big Five already have a veto power in the Security Council and that they therefore should not insist on a separate and additional veto power in connection with being a state directly concerned. It was also indicated, however, that if the U.S.S.R. was anxious, as it probably would be, to use this trusteeship question as a bargaining weapon, they were quite likely to insist on their position as a state directly concerned. It was also agreed that while the question was still open in the Assembly, the U.S.S.R. would certainly insist on its technical position because of the precedent involved. It was hoped that the Assembly decision on this question would be reached before it was necessary to have consultations in regard to the Japanese Mandated Islands so that we would be in a position to be guided by the Assembly's decision.

As to question (3), it was felt that if the Russians took a firm position that they were a state directly concerned, we would have to go back to the Department for further instructions. In any case, we were in no hurry to have the Security Council accept our proposed agreement. Our main purpose was to make our intentions known that we would place these Islands under trusteeship rather than annex them. Now that that has been accomplished by the President's statement, our main purpose was to obtain the Security Council's agreement to a trusteeship agreement satisfactory to the United States. Our approach should not be "take it or leave it now"; our approach should be that if the Security Council is unwilling to agree to our proposal at this time we are entirely willing to postpone its consideration, if necessary until the Peace Treaty with Japan has settled the strategic problems of the Pacific.

Article 1. It was agreed that the territory under trust is limited to

the Islands with their territorial waters, presumably the three-mile limit, together with the column of air above this area.

Article 2. No problems.

Article 3. It was reported by the newspapers that Mr. Dulles had supported a proposal to take out of the trusteeship agreement for Western Samoa now before the Assembly the words in Article 3 "as an integral part of" New Zealand. Mr. Green indicated that Gerig had told him that Mr. Dulles had not supported this but had abstained from voting. In any case, the United States has taken the position in the case of other trusteeship agreements that the words should be "as if it were an integral part of". Therefore, we shall doubtless be confronted with this inconsistency. Mr. Borton indicated that the Navy had been requested to consider a possible revision to the "as if" language but up to date had insisted on the present language. He also indicated that the Navy would resist the deletion of the words "as an integral part". It was made clear, however, that it was not intended by these words to imply that sovereignty over the territory is vested in the United States.

Article 4. Mr. Green explained that it was the contention of the State Department that in the case of a strategic trust the objectives of the international trusteeship system were limited to "the people of the trust territory" in accordance with Article 83 (2) as contrasted with the territory itself in the case of nonstrategic trusts. The Department felt that this had been done intentionally with the purpose of limiting the obligations to paragraphs (76) *a. b. and c.* of the Charter and excluding *d.* He did not know whether there was any history at San Francisco to support this position. It was agreed that this matter would be looked into in the Department as it might be a difficult contention to make without some such support. This contention is important in connection with Article 8 of the agreement.

Article 5. It was pointed out that the last sentence of the Department's comment under this point had been carefully worded and took into consideration the Navy's views. Mr. Joseph Johnson did not like the second "if" clause in this sentence. It was pointed out that it might also be a good plan to state categorically that the United States does not propose to exclude consideration of the armed forces, assistance and facilities set forth in this article when the time comes for considering special agreements under Article 43 of the Charter. Mr. Borton indicated that he thought the Navy considered the proposed bases in the Japanese Mandated Islands as similar in all ways to its other bases insofar as Article 43 was concerned. It was generally felt that the more specific the United States could be on this point, giving general assurances, the better our position would be.

Article 6. It was pointed out that in the fourth line of paragraph (1) the word "self-government" was used without using in addition the word "independence". This might raise a question. Navy representatives agreed that independence was included within the meaning of the word "self-government". . . .

Article 7. No problems.

Article 8. This article was certain to raise serious questions. It was agreed that the basic reason for providing for most favored nation treatment instead of national treatment was the requirements of security and we should be quite frank in so stating. We should also argue that Article 76 (*d*) of the Charter is not applicable in the case of strategic trusts because of the exact wording of Article 83 (2).

Article 9. No problems.

Article 10. No problems.

Article 11. It was pointed out that the provision of the status of citizens in the trust territory does not exclude giving the inhabitants the status of American citizens or American nationals if that is desired. However, we should not emphasize this as it looks too much like annexation.

Article 12. No comment.

Article 13. It was pointed out that there is at least some doubt whether the provisions in Article 83 (1) of the Charter make it a requirement of a strategic trust that the administering authority undertake the responsibility to submit reports, allow petitions, and provide for periodic visits to the territory, as well as to agree to answer questionnaires. It would be advisable, therefore, for the United States to point out that it was voluntarily accepting the obligations contemplated in Articles 87 and 88 in connection with the Japanese Islands in any part of the Islands which were not closed for security reasons, even though it was not required by the Charter to do so. It was also suggested that Mr. Johnson, in his initial statement to the Council, should go as far as possible in explaining why the United States felt it necessary to have entire discretion in closing in part of the trust territory for security reasons and should give some general assurances that the United States would act in a reasonable manner in this regard. It should also be made clear if possible that even in the case of closed areas, the United States would restrict applications of Articles 87 and 88 only insofar as reasonably necessary to insure security. Such statements would be very helpful in allaying criticism and suspicion in connection with this Article.

Article 14. The question was raised whether the United States could bar the application of any particular international conventions to closed areas. It was felt that it probably could do so by reason of the clause "which may be appropriate to the particular circumstances of

the trust territory". It was apparently the view of the State Department representatives that this clause did not guarantee that the provisions of the inspection agreement in relation to disarmament or the atom bomb would be applied to the trust territory. It was, however, their intention to include in the initial statement of Mr. Johnson's the statement that this would be done.

Article 15. No comment.

Article 16. No comment.

General Questions. It was stated that Mr. Dulles' statement to the General Assembly over the weekend, which the papers had written up as a commitment by the United States to consider in the future turning the Japanese Mandates over to the United Nations as the administering authority, was entirely a New York affair and was not in any way authorized by Washington; in fact, the Department knew nothing about it.⁶⁶

It was reported that the Secretary had requested postponement of submission of this whole matter to the Security Council until at least December 1st. The Department was apparently in no hurry to submit the matter to the Council, but in any case the matter should go back to the Secretary before any action is taken.

In regard to the general strategy, Mr. Borton stated that the President had decided that there would be no annexation of any Japanese Islands or Mandates; that at a later date the United States would submit a trusteeship agreement along the lines of the present one covering the Bonins and Volcano Islands; that there would be no attempt at the present moment to make a decision with regard to the Ryukyu Islands. It was the position, however, of the Army and Navy that no commitment could be made that the United States should have to wait for the Japanese Peace Treaty before it could submit a proposed trusteeship agreement for either of the latter two categories of Japanese Islands.

Mr. Bancroft stated that a document was being prepared on the question whether special provisions should be included giving the International Court jurisdiction. He indicated that the United States would probably claim that many questions involved in this trust agreement would be questions of domestic jurisdiction and could then be kept from the Court under provisions of the United States agreement on compulsory jurisdiction.⁶⁷

CHARLES P. NOYES

⁶⁶ See excerpt from the United States Delegation Minutes, November 21, 9 a. m., *supra*. Mr. Dulles made his statement at the morning meeting of Sub-Committee 1 on November 24 (GA(I/2), *Fourth Committee, Pt. II*, p. 35). See also the despatch in the *New York Times*, November 24, 1946, p. 1; text of the statement is also printed on p. 3.

⁶⁷ For documentation on this subject, see pp. 53 ff.

IO Files: US/A/C.4/32

*Memorandum by Mr. John Foster Dulles of the United States Delegation*⁶⁸

SECRET

[NEW YORK,] November 30, 1946.

Mr. Gerig and I dined with Messrs. Gromyko and Novikov on November 28th. They said they wished to consider whether some formula could be found to permit the Trusteeship Council to be established. They said that the two big difficulties, and the only serious difficulties, were:

- (1) Which were the "states directly concerned"; and
- (2) Could trust areas be fortified without the approval of the Security Council.

They stated as to (1) that it was the Soviet view that the five Permanent Members need not necessarily be considered "states directly concerned" in relation to *all* trust territory; that there could be a prior agreement between them that some would be deemed to be "states directly concerned" with reference to certain trust territories and others be deemed to be "states directly concerned" with reference to other trust territories. They intimated that the Soviet Union was not particularly interested in being considered a "state directly concerned" so far as the African mandated territory was concerned, but that they stood absolutely on the proposition that they were a "state directly concerned" in so far as related to enemy territory, specifically the Italian colonies, any Japanese islands and the Japanese mandated islands. There was a slight suggestion that if that position was conceded, they might not even claim to be a "state directly concerned" in Western Samoa and New Guinea.

We said that if the Soviet Union would not claim to be a "state directly concerned" as regards the African mandated territory, its position would be the same as that of the United States as regards these territories. We suggested that the Trusteeship Council might be set up on the basis of trust agreements with Great Britain, France and Belgium for African mandated territory. They said that they would not be willing to agree not to be a "state directly concerned" as regards the African territories, except as part and parcel of an agreement that they were a "state directly concerned" as regards other areas, notably the Pacific islands.

We said that instead of discussing which were and which were not "states directly concerned" it might be useful to consider what practical consequences the Soviet might want to draw from being a "state

⁶⁸ Addressed to the Secretary of State and Senator Austin.

directly concerned" in Pacific islands. They said that their particular interest was in military fortifications. It was their view that under the Charter there was no right to fortify for *national* purposes. There was a right to local defense and the maintenance of order. Otherwise, the only right was for *international* peace and security and that the only body which could administer international peace and security was the Security Council. Therefore, there could be no fortification beyond the need of local defense except in accordance with special agreements negotiated by the Security Council under Article 43. They indicated that in this respect they saw no difference between strategic and non-strategic areas.

They also referred to a continuing right in the Security Council to inspect fortifications which might be authorized by the Security Council in trust territory.

We said that we could not agree at all with their legal construction of the Charter, but that it might be more profitable to consider the practical aspects of the matter. The concrete result of their theory was that the United States would not have the right to maintain bases in trustee Pacific islands except as might be specifically authorized in each case by the Security Council, i.e., by Russia, and subject to its supervision and inspection. I said that that result was not one which was acceptable to the United States and that they could take it as absolutely positive that the United States would not agree to any construction which would involve those consequences. We said that the United States preferred trusteeship to annexation or *de facto* possession because that would give the native inhabitants the benefit of the Charter provisions with respect to the inhabitants of trust territories. Also, trusteeship would make it easier to move toward internationalization of military establishments if and when the Security Council actually demonstrated that it could be relied upon to maintain the peace. However, that had not yet been demonstrated and until it was demonstrated, we would want in the Pacific Islands the same rights that the Soviet Union would presumably exercise in such islands as the Kuriles Islands. We said that the Soviet Union had shown no disposition to accept for the Kuriles Islands the regime which it was seeking to impose on us as regards Pacific islands which might come under our administration.

They said that this was different because it had been agreed between the United States and the Soviet Union that the latter could annex the Kuriles Islands. We said that that was an informal agreement which had not yet been ratified by peace treaty and that other nations than the United States were concerned in this matter, notably China.

I said that it was personally my strong hope that neither the United

States nor the Soviet Union would have advanced military bases or military zones which would menace each other or other friendly nations. But that the United States would not agree to a double standard under which the Soviet Union did not subject to Security Council control areas in its possession which it deemed vital; whereas the United States, as to comparable areas in its possession, would be subject to control and inspection by the Soviet Union.

Messrs. Gromyko and Novikov affirmed strongly that, if necessary, the Soviet would fight the issue through to the floor of the Assembly, and they expressed confidence that they could defeat approval of trusteeship agreements with provision for bases, etc.

While the discussion was extremely frank, the atmosphere throughout was friendly and cordial and it was agreed that we would each think the matter over to see whether there was any possible basis for agreement which would permit of going ahead harmoniously on the trusteeship matter.

SPA Files : Lot 54-D510, Box 20012

Memorandum of Telephone Conversation, by the Assistant Chief of the Division of Dependent Area Affairs (Bartlett)

[WASHINGTON,] December 1, 1946.

Mr. Gerig, who had just been talking with Mr. Cohen, stated that Mr. Cohen had had three suggestions to make regarding the method of presentation to the Security Council of the draft trusteeship agreement for the Japanese Mandated Islands. Mr. Gerig requested that Mr. Cohen's suggestions be brought to the attention of Mr. Green.

1. It was Mr. Cohen's recommendation that the formal presentation of the draft trusteeship agreement to the Security Council be postponed until after the General Assembly had acted upon the draft trusteeship agreements for non-strategic areas which are now being discussed in the Fourth Committee. He felt that to formally present the draft trusteeship agreement during the present discussion in Committee 4 would merely complicate its handling in the Security Council.

2. It was felt that Mr. Herschel Johnson's primary responsibility should be to explain and defend the detailed provisions of the draft trusteeship agreement and that the general introductory statement introducing it to the Security Council should preferably be made by the Secretary himself or, if that were not possible, should be prepared in a way which would indicate that it was being submitted on behalf of the Secretary.

3. Mr. Cohen indicated that perhaps consideration should be given to the desirability of this Government's acceptance in a certain degree

of the USSR interpretation of Articles 82, 84, and 43 of the Charter of the United Nations. This Government might be prepared both in non-strategic and in strategic trusteeship agreements to provide for referral to the Security Council of proposals for military facilities within the area. If the Security Council should then refuse to approve such proposals there would be in effect no agreement regarding them. The administering authority would, in such a case, be left however with the overriding power of taking measures for self-defense of the territory and, in lieu of international measures to maintain international peace and security, would be free, and indeed obligated to maintain the security of the trust territory as it saw fit.

501.BB/12-346

*Memorandum of Telephone Conversation, by the Director of the
Office of Special Political Affairs (Hiss)*

[WASHINGTON,] December 3, 1946.

Mr. Gerig called me this morning and said that the question of monopolies was coming up today before the subcommittee of Committee IV.⁶⁹ He said he thought it was clear that our present proposal (see telegram 255, October 29, 1946 to New York) cannot get sufficient votes in the subcommittee or in the full Committee to be adopted. Even if it were the British, of course, might very likely refuse to accept it in their trusteeship agreements and we would almost certainly not wish to have the entire trusteeship system held up for that reason alone.

Mr. Gerig went on to say that Mr. Thomas, the chief British representative on trusteeship matters, has expressed personal willingness to accept a revision of our proposal which Mr. Gerig feels is sufficiently close to our proposal to be acceptable under the circumstances. Mr. Gerig said he wanted to emphasize that Mr. Thomas has not been able to obtain governmental authority to accept the revision and Mr. Thomas' advisers are opposed to it.

Mr. Gerig then read to me the proposed revision. Under this revision

⁶⁹ Except for the November 21 meeting, the Sub-Committee had been preoccupied with an exhaustive article-by-article examination of the draft trusteeship agreement for Western Samoa from its first meeting on November 15 up to and including November 30. On November 30 Mr. Dulles withdrew a United States proposal for a new article in the agreement dealing with the monopolies question "in order to expedite the work of the Sub-Committee. . . ." (Ga(I/2), *Fourth Committee, Pt. II*, p. 102). The issue of the monopolies thus was not resolved in the Sub-Committee's work on the New Zealand agreement. On December 1 the Sub-Committee commenced a general and definitive consideration of the seven draft agreements for the six African territories and New Zealand together on the basis of the experience gained in the detailed examination of the terms for Western Samoa, and the problem of the monopolies came up for final settlement in this phase.

the last clause of the first sentence and the entire second sentence of our draft would be replaced by the following:

“and that the proposed grant of such monopoly rights shall be promptly reported to the Trusteeship Council and shall as a rule be made in such a manner as to enable the Trusteeship Council to give an effective opinion as to its compatibility with Article 76 of the Charter.”

Mr. Gerig said that Mr. Fowler has been over the proposed revision and thinks that it is the best we can hope to get. Mr. Fowler agrees with Mr. Gerig's estimate that the present draft will be defeated if forced to a vote. Moreover Mr. Gerig pointed out that since government monopolies will not in any case be permissible even if our draft were to be adopted, it would simply encourage the administering authorities to establish government monopolies even though they otherwise would not be so inclined.

I called Mr. Stinebower, who was just about to leave for New York, and he said he also felt that this was the best we could get under the circumstances and represented a pretty good formula in view particularly of the strength of the belief on the part of our own representatives in New York that the monopolies issue is not of anywhere near the same importance as the issue of getting the Trusteeship Council established.

I then called Mr. Nitze⁷⁰ who called me back after consulting members of his office. Mr. Nitze said that it was the feeling of ITP that the proposed revision was, under the circumstances, acceptable. Mr. Nitze said that it was the understanding of ITP that the language meant that despite the phrase “as a rule” a prompt report about each proposed grant of monopoly rights would have to be made in any event. ITP understood that the exceptions permitted under the words “as a rule” related simply to the timing and manner of reporting rather than to the fact of reporting itself. Mr. Nitze also thought that the redraft had improved the language covering the type of consideration the Trusteeship Council should give to proposals relating to monopolies in that it spoke of “an effective opinion” as to the “compatibility with Article 76” of proposed grants of monopoly rights.

I then sent word to Mr. Gerig in New York that the revised draft of Article 10(c) would be acceptable to the Department. I pointed out ITP's understanding of the meaning of the clause and said that I had the same understanding and had so informed ITP. I asked that Mr. Gerig let me know if there was any doubt as to this construction of the revised draft.⁷¹

⁷⁰ Paul H. Nitze, Deputy Director of the Office of International Trade Policy.

⁷¹ The new U.S. text, as proposed by Mr. Gerig and cleared in the Department by Mr. Hiss, came to a vote on December 4, the vote standing at 3 for, 7 against, and 7 abstaining. For statements made preceding the vote by the U.S. represent-

890.0146/10-2446

The Acting Secretary of State to the Director of the Bureau of the Budget (Webb)

WASHINGTON, December 3, 1946.

MY DEAR MR. WEBB: In your letter of October 24, 1946, you requested an expression of my views on H.R. 6605, a bill "to provide for the government and administration of certain islands in the Pacific Ocean by the Department of the Interior", in the light of observations made thereon by the War, Navy and Interior Departments in the enclosures which accompanied your letter.⁷²

As stated in Secretary Byrnes' letter of July 26 to Congressman Bell,⁷³ this Department is thoroughly in sympathy with the objective of placing United States administered islands with native populations under civilian administration.

In so far as H.R. 6605 relates to former Japanese controlled islands the Department of State is in agreement with the Secretary of War and the Secretary of Navy that it would be premature for action to be taken by this Government with respect to the determination of the form of administration which should be applied to such of these islands as we assume responsibility for as a result of the Second World War. However, the Department of State perceives no objection from the point of view of our foreign relations to consideration of the type of administration which should apply to Guam and American Samoa.

ative on the Sub-Committee, Mr. Gerig, and the U.K. representative, Mr. Thomas, see GA (I/2), *Fourth Committee, Pt. II*, pp. 165-167.

Certain declarations made by the Mandatory Powers during the work of the Sub-Committee regarding points at issue in the draft terms were included in the report of the Sub-Committee for the attention of the Fourth Committee, and in turn included in the Report of the Committee to the General Assembly (*ibid.*, pp. 298-300 and GA (I/2), *Plenary*, pp. 1543-1545). In connection with the monopolies question there is included in the two reports the following declaration of the intentions of the Governments of the United Kingdom and of Belgium:

"(a) The Governments of Belgium and the United Kingdom have no intention of using the grant of private monopolies in Trust Territories as a normal instrument of policy;

(b) Such private monopolies would be granted only when this was essential in order to enable a particular type of desirable economic development to be undertaken in the interest of the inhabitants;

(c) In those special cases where such private monopolies were granted they would be granted for limited periods, and would be promptly reported to the Trusteeship Council." (*Ibid.*, p. 1544)

⁷²None printed. For more than a year there had been a continuing discussion within the Executive Branch, which in due course had repercussions in the Legislative Branch, as to the type of government and administration of certain islands in the Pacific Ocean area in the possession of or controlled by the United States. Opposing views were held by the Department of the Interior on the one hand and the Departments of War and the Navy on the other. Documentation on this subject in the central indexed files of the Department of State may be found in File No. 890.0146.

⁷³Not printed. Representative C. Jasper Bell was Chairman of the Committee on Insular Affairs, House of Representatives.

Legislation providing for civilian administration of Guam and American Samoa would be in keeping with American traditions and with the declaration regarding non-self-governing territories set forth in Chapter XI of the Charter of the United Nations. Furthermore, it is recalled that the United States has yet to fulfill, with respect to Guam, the obligation set forth in Article IX of the Treaty of Paris of 1898, as follows: "The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress". Legislation providing for the form of government on Guam would contribute to the fulfillment of this treaty obligation.

In expressing this view the Department of State is not attempting to pass upon the effect of such a decision upon the security interests of the United States or upon the administrative and budgetary questions raised by the Secretary of Navy in his proposed report to Congressman Bell.

Sincerely yours,

DEAN ACHESON

501.BB/12-446 : Telegram

The Acting Secretary of State to Senator Austin

CONFIDENTIAL

WASHINGTON, December 4, 1946—8 p. m.

304. USdel. For Gadel. Urtel 912 Dec 4.⁷⁴ Dept gratified at Australian comprehensive additional article as indicating desirable spirit of compromise. Australian additional article is welcomed for its inclusion of certain explicit undertakings as to human rights, cooperation with Trusteeship Council, protection of indigenous land ownership, education, and participation of inhabitants in administrative services. Such partial inclusion of undertakings might, however, be interpreted later, when Australian agreement is compared with New Zealand agreement, to exclude such other "undertakings as to methods" contained in Western Samoa draft as social advancement, economic rights, and more complete expression of political development. Dept therefore recommends that Gadel should strongly urge Australian Delegation to accept such additional amendments as would bring New Guinea draft trusteeship agreement into substantial accord with Western Samoa agreement in so far as latter will receive approval Gadel.

ACHESON

⁷⁴ Not printed. The U.S. Delegation had reported that "Australian delegation in Subcommittee I of Committee IV tonight made statement accepting principle that certain explicit undertakings as to methods to be adopted in furtherance of charter objectives should be included in New Guinea trusteeship agreement and introduced comprehensive article (article 8), reading as follows. . . ." (501.BB/12-446)

501.BB/12-546

*Memorandum of Telephone Conversation, by the Director of the
Office of Special Political Affairs (Hiss)*

[WASHINGTON,] December 5, 1946.

Participants: John Foster Dulles—U.S. Delegation to the General
Assembly
Elizabeth Armstrong—U.S. Delegation to the General
Assembly
Alger Hiss—SPA

Miss Armstrong called me yesterday afternoon and read over the telephone the attached draft proposals which she said Mr. Dulles wished to introduce in the subcommittee of Committee IV considering trusteeship agreements.⁷⁵

After consulting Mr. Hickerson, Mr. Green and Captain Dennison, I called Miss Armstrong back and told her the following:

*With Respect to the Proposal Dealing with "States Directly Concerned"*⁷⁶

I assumed that in the third sentence of the second paragraph the word "permanently" had inadvertently been omitted from the phrase "no state has waived or prejudiced its right to claim", in as much as we have proposed waiver of claims for the purposes of approval of the agreements now before the Assembly. I said that as to the last two sentences we had serious doubts as to their wisdom. It seemed to us that they would simply keep alive the issue of "states directly concerned" whereas we hoped that the issue would die out at least for some time to come upon the completion of the current session of the General Assembly. These two sentences would require the Trusteeship Council to consider this problem and hence it would keep it alive. In addition, if the Trusteeship Council should not take our view and should list as "states directly concerned" some states which voted against the adoption of particular agreements, this might tend to cloud the title of the administering authorities named under such agreements. The last sentence in particular was disturbing as it would specifically require the Trusteeship Council to consider the explosive

⁷⁵ On December 4 Sub-Committee 1 completed for all practical purposes its examination of the eight draft trusteeship agreements (although the final formal decisions were not taken until December 6), and prepared to turn to the question of the preambles of the agreements all of which except the New Guinea draft contained either a reference to Article 79 or a specific statement that the states directly concerned had concurred in the terms of the draft agreements. For an analytical summary of the handling of the question of States directly concerned at this time by the committees and the General Assembly, see *Repertory of UN Practice*, pp. 175-191, *passim*.

⁷⁶ See Annex I.

question of "states directly concerned" if and when an agreement for Palestine or for the Italian colonies is submitted.

Miss Armstrong told me that the draft was also being taken up with Mr. Cohen. I said that I was glad to hear that and that the views which I had expressed should be regarded as tentative. I said that in the event Mr. Cohen and Mr. Dulles felt that the two sentences to which I had called particular attention were necessary in order to get by the problem of "states directly concerned" I thought the Department would be prepared to rely upon their judgment.

*With Respect to the Proposal on Military Establishments*⁷⁷

I said that our feelings were much stronger about this point. In particular, the proposed second paragraph seemed to us very inadvisable. I pointed out that we already had a tentative arrangement with New Zealand for the use of bases in Western Samoa and that also the paragraph would be inconsistent with our plans with respect to the mandated islands.

As to the first paragraph, we were worried about the phraseology as it might seem to give support to the Soviet interpretation of Article 43, namely, that military establishments in trust territories are only permissible if the Security Council specifically authorizes them. I said that I was working on a redraft of that paragraph along the lines of making it clear that, of course, any later agreement under Article 43 on the regulation of armaments would apply no less to trust territories than to the administering authority's own territory.

I said that I felt confident that the views I had expressed with respect to the military establishments proposal represented strongly held views of the State, War and Navy Departments.

This morning Mr. Dulles called me on the above subjects and said that Mr. Cohen was with him. He said that he had agreed to strike out the last two sentences of the proposal relating to "states directly concerned" and instead simply to add a general statement to the effect that the procedure now being followed by the Assembly on this point would not necessarily have to be followed in the future.

With respect to the proposal on military establishments, Mr. Dulles said that he had agreed to eliminate the second paragraph; however, he felt very strongly that it was necessary to have something along the lines of the first paragraph and that he thought the suggestion I had made to Miss Armstrong as to alternative language would not help meet the problem he was facing. He said that the other delegations and the public simply do not understand that closure of a mili-

⁷⁷ See Annex II.

tary area from Trusteeship Council inspection does not mean closure of that area for purposes of armament inspection. He said that Senator Vandenberg himself in the last day or so had said that he thought our position of urging the Soviets to agree to international inspection for disarmament was inconsistent with our position of insisting upon the right to established closed areas in trusteeship territories. Mr. Dulles said he had readily explained the matter to Senator Vandenberg, whereupon the Senator said "why in the world isn't that made clear publicly?"

I told Mr. Dulles that I would attempt to clear a revision of the first paragraph of the proposed statement on military establishments within the Department and with the War and Navy Departments and that I thought it should be possible to maintain the essence of his draft.

I then cleared with Mr. Hickerson, Mr. Vincent, Mr. Green, Captain Dennison and Colonel Parker (in Colonel Giffen's office) the following draft which I telephoned to New York for Mr. Dulles:

"The General Assembly in approving those terms of trusteeship which authorize military establishments calls attention to the fact that whenever any administering authority, as such, becomes a party to the special agreement or agreements to be negotiated on the initiative of the Security Council pursuant to Article 43 or a party to any agreement or agreements with reference to control or limitation of armaments providing for inspection or supervision of military establishments, such agreement or agreements will, of course, be controlling as to the matters covered by them and will govern the availability of such military establishments to the Security Council and their subjection to inspection or supervision for the purposes specified in such agreement or agreements."⁷⁸

⁷⁸ This statement was submitted by Mr. Dulles to the Fourth Committee on December 9 with the proposal that it be included in the Report of the Rapporteur to the General Assembly (GA (I/2), *Fourth Committee, Pt. I*, pp. 143 and 144). Mr. Dulles initiated this action in connection with the Committee's discussion of a series of amendments to the eight draft agreements proposed by the Soviet Union which restricted the administering authority's right to establish military bases, erect fortifications, and station and employ armed forces in the trust territory except on the basis of obligations to the Security Council assumed by the administering authority (*ibid.*, pp. 139-147, *passim*, and GA (I/2), *Fourth Committee, Pt. II*, pp. 236, 243 and 244, 252, 258, 259, 267 and 268, 269 and 270, and 271 and 272, annexes 4a, 5d, 6a, 7, 8, 10a, 11, and 12a, respectively). The Committee never gave formal consideration to the Dulles proposal; neither was the statement incorporated in the Rapporteur's Report. The Soviet amendments were not accepted by the Fourth Committee.

Actually the Committee's debate was a telescoped version of an earlier extensive consideration by Sub-Committee 1 of the question of whether the consent of the Security Council was required before naval, air, and military bases could be established in the trust territories (non-strategic). This had been in connection with the Sub-Committee's deliberations on the draft trusteeship agreement for Western Samoa, specifically Article X. For an analytical summary of the Sub-Committee's work on this question with copious references to the official record, see *Repertory of UN Practice*, vol. iv, pp. 253-262.

[Annex I]

The Subcommittee proposes that Committee IV, in recommending any terms of trusteeship to this session of the General Assembly for approval, should propose that approval thereof be on the following understanding with respect to "states directly concerned".

All members of the United Nations have had an opportunity to present their views with reference to the terms of trusteeship. There has, however, been no formal determination as to which of these nations are "states directly concerned" within the meaning of Article 79. Accordingly, the General Assembly in approving particular terms of trusteeship does not prejudge the question of what states are or are not "directly concerned" within the meaning of Article 79 and recognizes that no state has waived or prejudiced its right to claim to be or to be held to be such a "state directly concerned". The General Assembly instructs the Trusteeship Council promptly upon its constitution to consider what states are "directly concerned" in the terms of trusteeship now approved and to submit its opinion on the matter to the next session of the General Assembly. It further instructs the Trusteeship Council to submit its opinion as to "states directly concerned" in connection with any future submission to the General Assembly of terms of trusteeship.

DECEMBER 4, 1946.

[Annex II]

The General Assembly approves those terms of trusteeship which authorize military establishments on the understanding that as soon as any administering authority, as such, becomes a party to the special agreement or agreements to be negotiated on the initiative of the Security Council pursuant to Article 43 or a party to any other agreement or agreements with reference to control or limitations of armaments or inspection or supervision of military establishments, such agreement or agreements will be overriding and the administering authority cannot claim, under the present terms of trusteeship, any rights or privileges inconsistent therewith.

The General Assembly expresses the hope that administering authorities will not exercise their right to develop military establishments until the United Nations, through its Security Council, shall have had a further reasonable period of time in which to develop international agreements of the character referred to in furtherance of international peace and security.

DECEMBER 4, 1946.

501.BB/12-646

*Memorandum by the Director of the Office of Special Political Affairs
(Hiss) to the Under Secretary of State (Acheson)*

[WASHINGTON,] December 6, 1946.

Mr. Dulles called me this morning and told me that he and Novikov had been named as a committee of two by Committee IV⁷⁹ to attempt to resolve the remaining outstanding differences on the subject of "states directly concerned". Mr. Dulles said that he had met with Novikov and that he believes it may be possible to settle the issue on the basis of having the General Assembly direct those states submitting trusteeship agreements in the future to *consult* with the permanent members of the Trusteeship Council who will express an interest in the particular territory concerned and with other members of the United Nations especially interested in such territory. Mr. Dulles said that the Soviets do not wish a repetition of the procedure we followed with respect to our proposed agreement for the Japanese Mandates in which we published the agreement without prior consultation and announced our intention of presenting it promptly to the Council without inviting consultation in the interim. In particular they do not wish to have the United States propose a trusteeship for other Pacific Islands, such as Okinawa, without prior consultation. Mr. Dulles said that he has received express assurances the Soviets mean consultation when they say consultation and not a right of veto, i.e., they do not insist that we must reach agreement with them before submitting a trusteeship agreement in the future.

Mr. Dulles said that he had discussed this matter with the Secretary who had some anxieties as to whether the Navy might not feel that such a practice would commit us to discussions in which our ability to resist suggestions for revisions would be less than in a procedure where we first published our proposed text.

I told Mr. Dulles that his proposal seemed to me entirely consistent with the theory and practice which the Department itself had advo-

⁷⁹ Reference should be made here to the two meetings of Sub-Committee 1 on December 5 (GA(I/2), *Fourth Committee, Pt. II*, pp. 170-185) at which the issue was joined on the opposing viewpoints regarding interpretation of the phrase "states directly concerned". The Soviet Union was the principal spokesman for a group holding that the Charter required a determination of the states directly concerned in the negotiation of the trusteeship agreements and the concurrence of these states in the terms of the agreements. In the course of the discussion Mr. Dulles introduced a statement outlining the U.S. Delegation's position along the lines of the memorandum of December 5, *supra*, and proposed that a small drafting sub-committee be constituted "to find a formula acceptable to all" (*ibid.*, p. 176). As no consensus was forthcoming on either the terms of reference or the composition of such a drafting sub-committee, the Chairman requested the representatives of the United States and the Soviet Union "to consult informally on the question and to report back to the next meeting of the Sub-Committee. . . ." (*ibid.*, p. 185).

cated to the mandatory powers last Spring and Summer. We had urged the mandatories to refuse to enter into formal agreements with countries claiming to be "states directly concerned". Instead we urged them to consult any interested states. Mr. Dulles said that Mr. Cohen had expressed agreement with the proposal.

I talked with Captain Dennison who is the Navy's chief representative on trusteeship matters. Captain Dennison's offhand reaction was quite favorable. He said he thought that if we could get our basic principle agreed to that agreement of "states directly concerned" is not a condition precedent to submission of a trusteeship agreement we would be willing to commit ourselves to consultations prior to publication. He thought there were indeed some advantages to such consultation in as much as we would not "have to air our dirty linen in public", i.e., some controversial points might be settled in the course of consultations. He said he assumed that the consultations would not involve organized meetings in which there would be voting. I told him that the consultation would be by diplomatic means but that it was quite possible that group discussions with representatives of interested states might be held. In any event there would be no voting as the consultations would not constitute any organized meeting. He seemed satisfied on this point.

Later in the afternoon Mr. Dulles sent word that with the Secretary's approval he was taking up with Mr. Novikov a draft along the foregoing lines. Attached hereto is a copy of Mr. Dulles' draft proposal. The first paragraph represents a slight revision of a statement which he made to the Committee yesterday after clearing with Mr. Cohen and with the Department (I took it up with the War and Navy Departments and with Mr. Hickerson and Mr. Dulles accepted our suggestions). The second paragraph represents the new proposal which Mr. Dulles is discussing with Mr. Novikov.

[Annex]

SECRET

DRAFT MEMORANDUM WHICH MR. DULLES IS DISCUSSING WITH
MR. NOVIKOV

"All Members of the United Nations have had an opportunity in committee to present their views with reference to the terms of trusteeship now proposed to the General Assembly for approval. All member states which might be 'states directly concerned' within the meaning of Article 79 have either agreed in committee to the terms of trusteeship or have agreed to accept the terms approved by the General Assembly. There has, however, been no specification of 'states directly concerned'

in relation to the proposed trust territories. Accordingly, the General Assembly in approving the terms of trusteeship does not prejudice the question of which states are or are not 'directly concerned' within the meaning of Article 79. It recognizes that no state has waived or prejudiced its right hereafter to claim to be a 'state directly concerned' in relation to any alteration or amendment of the trusteeship agreements now approved or in relation to any trusteeship agreements which may be subsequently proposed.

"As regards the procedure to be followed hereafter the General Assembly calls on member states which may initiate trust agreements in relation to territories (a) now held under mandate or (b) which may be detached from enemy states as a result of the Second World War in advance of submission to the General Assembly to consult with such permanent members of the Trusteeship Council as assert an interest in relation to the proposed trust territory and also to consult with any other member state which has a substantial distinctive relationship to the proposed trust territory. But nothing herein contained shall be deemed to imply that prior agreement on the part of such other states is a condition precedent to the submission to or approval by the General Assembly of terms of trusteeship."

501.BB/12-746

*Memorandum of Conversation, by the Chief of the Division of
Dependent Area Affairs (Gerig)*

SECRET

[NEW YORK,] December 7, 1946.

Subject: Conversations regarding "states directly concerned".

Participants: Mr. Ivor Thomas (UK);
Mr. Dulles and Mr. Gerig (US).

Mr. Thomas, by request, came to see Mr. Dulles concerning the proposed draft statement prepared by Mr. Dulles and which had been given to Mr. Novikov yesterday with a view to serving as a basis for agreement on the question of "states directly concerned". (Draft attached hereto, the contents of which had been given to Mr. Thomas by Mr. Dulles yesterday.)

Mr. Thomas said that he had disclosed the essential features of the tentative draft to Mr. Bevin, whose first reaction was the following: Mr. Bevin felt strongly

(1) that the United Kingdom did not feel that it was wise to give any private assurances by letter or otherwise to the Soviet Delegation although they felt less concerned with the Japanese islands north of the Equator than with the Italian colonies in this respect;

(2) that the United Kingdom did not feel that it could agree to the important second paragraph of the tentative draft without permitting the Cabinet to examine it carefully which could probably not take place before Tuesday; and

(3) that Australia and the Union of South Africa were in particular very much concerned about a procedure which would require consultation in advance with the Soviet Union and China in regard to territories which are of special concern to them.

Mr. Thomas said that the Union of South Africa, he felt, might initiate a trusteeship agreement for South West Africa if it were not necessary to recognize a special position in relation thereto by the Soviet Union.

Mr. Dulles said that the second paragraph, as Mr. Thomas knew, was designed not to outline a procedure for determining "states directly concerned", but rather to avoid a precise attempt to define Article 79 by outlining a procedure for consultation only.

Mr. Thomas said his Delegation fully appreciated this point and felt that if the Soviet Union would find the proposal acceptable, it might go a long way toward breaking the deadlock on this question. He was mainly concerned about private assurances which might be given apart from this general statement.

Mr. Dulles then dictated the following memorandum addressed to Senator Austin giving a copy to Mr. Thomas which, in effect, states that we do not intend to give any private assurances to the relation of the Soviet Union to the Italian colonies:

"Mr. Ivor Thomas talked with me today regarding the conversations which I am having with Ambassador Novikov with respect to 'states directly concerned' and the establishment of a Trusteeship Council. I told him that he could feel assured that we would not, in the course of these conversations, give any private commitments or assurances to the Soviet Delegation that we would support a claim by the Soviet Union to be a 'state directly concerned' within the meaning of Article 79 in relation to Italian colonies."

Mr. Dulles said that in regard to the Japanese islands north of the Equator, which he felt was the main concern of the Soviet, in particular the question of the future of the Ryukyu Islands, he did not know what the attitude of the United States would be if a specific request were made by the Soviet Union in regard to the future of those islands. This was, of course, a most difficult question and would probably arise before or at the time of the Peace Conference on Japan. In any case it seemed clear that what the Soviet Union is trying to get is some understanding with the Great Powers and, in particular, with the United States as to the future of those islands.

Mr. Dulles said that the Soviet had indicated that China was very much concerned with possible claims on the Ryukyu Islands which

might be made by the Soviet Union. Mr. Thomas said he had the same information.

It was agreed that if the Soviet Union rejects the second paragraph of the tentative proposal, it might be best to return to the original paragraph which slightly revised the statement made by Mr. Dulles in Committee IV on December 5. It seemed now that at least the requisite votes could be secured for that statement even though the Soviet group will vote against it. However, Mr. Dulles thought it might be desirable to indicate in an oral statement the main lines of the proposal contained in the second paragraph in order to let other Members of the Assembly know about the efforts which had been made to reach agreement.⁸⁰

Lot M-88 : Box 2080, Folder "Conference of Foreign Ministers Minutes"⁸¹

Memorandum of Conversation

SECRET

New York, December 9, 1946—3 p. m.

Participants: *U.S.*

Secretary Byrnes

Mr. Bohlen

U.S.S.R.

Mr. Molotov

Mr. Pavlov

Place: The Waldorf-Astoria

- Subjects: 1. Moscow as meeting place of next session of CFM.
 2. Trusteeship.
 3. Greece.
 4. Appointment of Deputies to hear views of other countries on Germany.

⁸⁰ Also on December 7 a conversation along similar lines took place with Professor Kenneth H. Bailey, Solicitor-General of the Commonwealth of Australia and member of the Australian delegation. The gist of Professor Bailey's remarks was that he felt "the formula amounted, in fact, to recognizing the five great powers as automatically directly concerned almost everywhere"; particular concern was expressed at claims China and the Soviet Union might assert in this connection in respect of New Guinea and Nauru. At the end of the conversation "Mr. Dulles said that Mr. Novikov had not yet given any reaction to the proposal and if he did not do so in a day or two, we would, in any case, have to fall back on the original proposal contained in the first paragraph of the tentative draft. Mr. Bailey concluded by saying that that would certainly be their preference." (memorandum of conversation by Mr. Gerig, December 7, SPA Files, Lot 54-D510, Box 20012).

The two memoranda of conversation were forwarded by Mr. Gerig to the Department on the same date with the comment "You will see that a good deal of apprehension seems to be developing as to what might result from our talks with the Soviet." (memorandum from Mr. Gerig to Mr. Hiss, December 7, SPA Files, Lot 54-D510, Box 20012)

⁸¹ For documentation on the New York meeting of the Council of Foreign Ministers, November 4-December 12, 1946, see vol. II, pp. 965 ff.

[Here follow a brief reference to the trusteeship subject and an exchange regarding the proposal to hold the next session of the Conference of Foreign Ministers at Moscow.]

TRUSTEESHIP

MR. MOLOTOV, reverting to the question of Trusteeship, said he had wished to have a preliminary discussion with the Secretary in order to ascertain whether or not they could reach an agreement on the question of Trusteeship.

THE SECRETARY replied that up to their conversation on Saturday he had thought that as a result of the talks between Mr. Dulles and Ambassador Novikov, a satisfactory agreement was being reached; but he gathered from Mr. Molotov that these talks had not been satisfactory to him.

MR. MOLOTOV said that if only consultation was being offered this would not constitute a satisfactory solution to the Soviet Government since it would not be in conformity with the Charter which set up a special position for the five permanent members of the Trusteeship Council. The Soviet position was that these five because of their special position should be regarded as countries directly concerned even though in all cases this right was not exercised. He felt this was an indisputable principle. In individual cases he felt it would be possible to reach agreement as to what countries should be regarded as directly concerned, but he repeated that each one of the five countries should have the right to declare its direct interest.

He did not mean that only the five would be directly interested but that certain small countries under specific circumstances should also be so regarded in connection with one or another trusteeship area. The actual determining in specific cases could be done in the interim period between this General Assembly and the next session. He suggested that if three or four specific trusteeship agreements could be made before the close of the present General Assembly, the Trusteeship Council could be set up right away. He repeated, however, that in the meantime the five countries should confirm through an exchange of letters their understanding that the five permanent members of the Trusteeship Council are regarded as having the right to be regarded as countries directly concerned in all cases.

THE SECRETARY said he thought that it was reasonable to set up the Trusteeship Council during the present session and then use the interim to consider among themselves the question of the determination of countries directly concerned. He said he would talk over the subject with our representative on the Trusteeship Commission.

MR. MOLOTOV said that there was one difficulty which would have

to be settled and that was the question of military bases on trusteeship territories. The Soviet Delegation felt that in all cases involving military bases the Security Council would have to pass on the matter. He said if they could agree that any bases in trusteeship areas required Security Council approval and conclude three or four specific trusteeship agreements, the Trusteeship Council could be set up at this session. He said if there were other nonagreed questions in such trusteeship agreements, any country or countries could make a reservation on specific points without blocking the acceptance of the agreement.

THE SECRETARY repeated that he would communicate with Mr. Dulles, our representative, on this matter and communicate with Molotov later.

MR. MOLOTOV then said that he understood that there was no objection to an exchange of letters confirming the understanding that in principle all five permanent members had the right to be regarded as directly interested countries.

THE SECRETARY said that he had understood that this question was to be left open for further discussion and asked Mr. Molotov if he would outline his position once again so that he might communicate it to Mr. Dulles.

MR. MOLOTOV said he had in mind the conclusion of at least three trusteeship agreements during the present session of the General Assembly in order to permit the establishment of the Trusteeship Council; that they should agree on the principle of the right of the five permanent members of the Trusteeship Council to be regarded as directly interested countries; and an agreement on the question of Security Council approval on the question of military bases in trusteeship territories. He added that an exchange of letters would merely deal with the right of any one of the five to declare its interest in any trust area but that the actual determination of how this right would be applied in specific cases and what other countries could be regarded as directly interested, could be left for future consideration.

THE SECRETARY said again that he would talk to Mr. Dulles on the subject.⁸²

⁸² This ended the informal United States-Soviet talks and on December 10 Mr. Dulles wrote the following to Mr. Novikov :

"My dear Mr. Ambassador,

"On December 6 I handed you a tentative suggestion with reference to 'states directly concerned' in the hope that this would meet the point of view which you had put forward in Subcommittee I of Committee IV and permit us to make an agreed report to the Subcommittee.

"I understand that Mr. Molotov yesterday told Mr. Byrnes that this suggestion was not acceptable to your government and since in any event it was only a tentative proposal, it should of course be considered to be withdrawn." (IO Files, document US/A/C.4/33)

[Here follows discussion of other subjects, as noted on the agenda list.]

Editorial Note

Mr. Dulles opened the meeting of Sub-Committee 1 on December 9 by reporting "that he had held consultations with Mr. Novikov, in an attempt to reach a formula with respect to the question of the 'States directly concerned', as had been requested by the Chairman. Since the time limit had passed, he had to report that it had not been possible in the time available to achieve a solution, and that there was no alternative except to continue with the situation as it had been before the consultations took place." Therefore, Mr. Dulles asked "to re-submit the proposal of his delegation, which provided for approval of the draft agreements at the current session of the General Assembly, without prejudice to future determination of the 'States directly concerned.'" (GA(I/2), *Fourth Committee, Pt. II*, page 201)

After some discussion the Sub-Committee adopted the United States proposal, by thirteen votes for, three against, and one abstention, to the effect that the following recommendation be incorporated into the Report of the Rapporteur to the General Assembly:

"Approval of any terms of trusteeship by this session of the General Assembly should be on the following understanding with respect to 'States directly concerned':

"All Members of the United Nations have had an opportunity to present their views with reference to the terms of trusteeship now proposed to the General Assembly for approval. There has, however, been no specification by the General Assembly of 'States directly concerned' in relation to the proposed Trust Territories. Accordingly, the General Assembly, in approving the terms of trusteeship does not pre-judge the question of what States are or are not 'directly concerned' within the meaning of Article 79. It recognizes that no State has waived or prejudiced its right hereafter to claim to be such a 'State directly concerned' in relation to approval of subsequently proposed trusteeship agreements and any alteration or amendment of those now approved and that the procedure to be followed in the future with reference to such matters may be subject to later determination." (GA(I/2), *Plenary*, page 1546)

The United States statement was incorporated into the supplementary report of the Sub-Committee which dealt solely with the question of "States directly concerned" as raised in the preambles of the draft agreements (GA(I/2), *Fourth Committee, Pt. I*, pages 301-304, annex 22a). The plenary committee on December 11 approved the supplementary report *in toto* for inclusion in its own Report to the General Assembly (*ibid.*, pages 158 ff., and GA(I/2), *Plenary*, pages 1540-1557, annex 72).

The General Assembly debated the Report on December 13 (*ibid.*, pages 1264 ff.) and the proposed trusteeship agreements were approved (*ibid.*, pages 1287-1288). Texts of the eight trusteeship agreements (Western Samoa, Tanganyika, Ruanda-Urundi, The Cameroons under British Administration, The Cameroons under French Administration, Togoland under British Administration, Togoland under French Administration, and New Guinea) may be found in United Nations, *Official Records of the General Assembly, First Session, Second Part, Supplement No. 5, Text of Agreements for Trust Territories*. Text of the resolution on trusteeship agreements, adopted on December 13, is found in United Nations, *Official Records of the General Assembly, First Session, Second Part, Resolutions Adopted by the General Assembly during the Second Part of the First Session, 23 October-16 December*, pages 122 and 123; text of the resolution adopted by the General Assembly on December 14 regarding the organization of the Trusteeship Council may be found *ibid.*, page 123.

For documentation relating to the elections to membership in the Trusteeship Council, see pages 117 ff.

711.47/12-546 : Telegram

*The Acting Secretary of State to the Ambassador in Australia
(Butler)*

TOP SECRET

WASHINGTON, December 9, 1946—10 a. m.

273. From Hickerson. Reurtel 299, Dec. 5.⁸³ Delay informing you regarding Manus caused by shortage personnel resulting from CFM and UN activities and is regretted.

During Evatt's visit to Dept he did raise question of joint rights of use of Manus in exchange for similar Australian rights at Guam. This was and is unacceptable to both State and Navy Depts. However, we offered Evatt such rights at Canton and American Samoa in exchange for similar rights at Manus. On Mar 14 we handed Australian Embassy a preliminary draft of a suggested base agreement for Manus. Please inform Evatt that at any time convenient to Aust Gov we would be happy to enter into discussions here in Washington with a view to early agreement our use Manus and that we are prepared include in agreement provision for similar Aust use Canton and Samoa. A copy of our proposal was sent to Canberra under cover secret letter dated Mar 18.

You are informed in strictest secrecy that the Navy Dept plans to withdraw completely from Manus within a few months. The Navy

⁸³ Not printed.

does not consider maintenance of facilities in Manus of significant importance to US. Nevertheless we are still prepared to enter into agreement outlined above provided the US is not obligated financially at Manus.⁸⁴ [Hickerson.]

ACHESON

890.0146/12-746

Memorandum by the Under Secretary of State (Acheson) to President Truman

[WASHINGTON,] December 11, 1946.

I am forwarding herewith, for your information, the translation of a note from the Soviet Embassy dated December 7, 1946. The Soviet Government expresses the view in this note that the question of trusteeship over the islands formerly under Japanese mandate, as well as over any Japanese islands, must be considered by the Allied Powers in the peace settlement in regard to Japan.

DEAN ACHESON

[Annex—Translation]

The Chargé of the Soviet Union (Orekhov) to the Acting Secretary of State

WASHINGTON, December 7, 1946.

SIR: With reference to your note of November 6 last, in which it was communicated that the United States of America is ready to place under trusteeship the islands which are under Japanese mandate and for which the United States will be the administering authority, I have the honor to inform you of the following:

The Soviet Government considers it necessary to study the given question and the "Draft Trusteeship Agreement for the Japanese Mandated Islands" which was presented by the Government of the United States of America.

The Soviet Government is prepared to take into account the interests of the United States of America in connection with this question, but at the same time it considers it necessary to express its view that the question of trusteeship over the islands formerly under Japanese mandate, as well as over any Japanese islands, must be considered by the Allied Powers in the peace settlement in regard to Japan.

Accept, Sir, the assurance of my very high esteem for you.

F. OREKHOV

⁸⁴ The substance of this instruction was communicated to the Australian Department of External Affairs by the U.S. Embassy at Canberra in a third person note dated December 12 (811.24590/12-1246). The Department was so informed in telegram 305, December 12, from Canberra (711.47/12-1246).

890.0146/12-2446

*Memorandum of Telephone Conversation, by the Director of the Office
of Special Political Affairs (Hiss)*

[WASHINGTON,] December 24, 1946.

Subject: British Comments on Our Proposed Trusteeship Agreement for the Japanese Mandated Islands

Mr. Balfour called me and said that he had looked into the above subject since I called him yesterday. He found that the Embassy had been informed that as of December 12 the Foreign Office was urgently engaged in obtaining the informal views of the Australian and New Zealand Chiefs of Staff. He said that in view of the importance of the issues involved he thought it unlikely that British views could be formulated by the first of the year and that he hoped we could defer presenting the draft agreement to the Security Council until we had received a further communication from the Embassy.

I asked Mr. Balfour if he would be good enough to obtain from the Foreign Office an estimate of just when we could anticipate receiving their views, pointing out that we might find it undesirable to delay very long although I felt sure we would be glad to accommodate the Embassy by delaying for a few days after the first of the year if the British views were to be obtainable by that time. He agreed to find out immediately the date when the Embassy would be in a position to supply us with the British comments.

UNITED STATES POLICY AT THE UNITED NATIONS WITH RESPECT TO THE REGULATION OF ARMAMENTS AND COLLECTIVE SECURITY; THE INTERNATIONAL CONTROL OF ATOMIC ENERGY; REGULATION OF CONVENTIONAL ARMAMENTS; EFFORTS TOWARD AGREEMENTS PLACING ARMED FORCES AT THE DISPOSAL OF THE SECURITY COUNCIL; SOVIET RESOLUTIONS REGARDING THE PRESENCE OF THE ARMED FORCES OF THE UNITED NATIONS MEMBERS ON NON-ENEMY TERRITORY ¹

Policy Planning Staff Files ²

Memorandum Prepared in the Department of State ³

[Extract]

SECRET

[WASHINGTON,] December 1, 1945.

FOREIGN POLICY OF THE UNITED STATES

.
ATOMIC ENERGY

We recognize that the application of recent scientific discoveries to the methods and practice of war has placed at the disposal of mankind means of destruction hitherto unknown, against which there can be no adequate military defense, and in the employment of which no single nation can in fact have a monopoly.

We are aware that the only complete protection for the civilized world from the destructive use of scientific knowledge lies in the prevention of war. No system of safeguards that can be devised will of itself provide an effective guarantee against production of atomic weapons by a nation bent on aggression. Nor can we ignore the possi-

¹ Regarding United States policy with respect to atomic energy in 1945, see *Foreign Relations*, 1945, vol. II, pp. 1 ff. For extensive information on the formulation and execution of United States policy with respect to the international control of atomic energy, see Richard G. Hewlett and Oscar E. Anderson, Jr., *The New World, 1939-1946: A History of the United States Atomic Energy Commission*, vol. I. (University Park, Pennsylvania: The Pennsylvania State University Press, 1962). Chapters 15 and 16 are of special interest in connection with the present compilation. For documentation on aspects of United States policy with respect to atomic energy other than international control, see pp. 1197 ff. For documentation on United States national security policy, see pp. 1110 ff. For documentation on the attitude of the Soviet Union with respect to atomic energy, see vol. VI, pp. 691-817 *passim*.

² Lot 64D563, files of the Policy Planning Staff, Department of State, 1947-1953.

³ For other extracts from this memorandum and a description of it as a whole, see p. 1134.

bility of the development of other weapons, or of new methods of warfare, which may constitute as great a threat to civilization as the military use of atomic energy.

We believe that the fruits of scientific research should be made available to all nations, and that freedom of investigation and free interchange of ideas are essential to the progress of knowledge. In pursuance of this policy, the basic scientific information essential to the development of atomic energy for peaceful purposes has already been made available to the world. It is our intention that all further information of this character that may become available from time to time shall be similarly treated. We trust that other nations will adopt the same policy, thereby creating an atmosphere of reciprocal confidence in which political agreement and cooperation will flourish.

The military exploitation of atomic energy depends, in large part, upon the same methods and processes as would be required for industrial uses. We are not convinced that the spreading of the specialized information regarding the practical application of atomic energy, before it is possible to devise effective, reciprocal, and enforceable safeguards acceptable to all nations, would contribute to a constructive solution of the problems of the atomic bomb. On the contrary we think it might have the opposite effect. We are, however, prepared to share, on a reciprocal basis with others of the United Nations, detailed information concerning the practical industrial application of atomic energy just as soon as effective enforceable safeguards against its use for destructive purposes can be devised.

In order to attain the most effective means of entirely eliminating the use of atomic energy for destructive purposes and promoting its widest use for industrial and humanitarian purposes, we are of the opinion that at the earliest practicable date a Commission should be set up under the United Nations Organization to prepare recommendations for submission to the Organization. The Commission should be instructed to proceed with the utmost dispatch and should be authorized to submit recommendations from time to time dealing with separate phases of its work. In particular the Commission should make specific proposals: (*a*) For extending between all nations the exchange of basic scientific information for peaceful ends; (*b*) for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes; (*c*) for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction; and (*d*) for effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

Our declaration of willingness to exchange immediately the basic scientific information and our plans for the setting up of a Commis-

sion under United Nations sponsorship have been sent by the Secretary of State to members of the United Nations Organization.

INTERNATIONAL ORGANIZATION AND SECURITY

The United Nations. Faced with the terrible realities of the application of science to destruction, we realize more urgently than before the overwhelming need to maintain the rule of law among nations and to banish the scourge of war from the earth. This can only be brought about by giving wholehearted support to the United Nations Organization, and by consolidating and extending its authority, thus creating conditions of mutual trust in which all peoples will be free to devote themselves to the arts of peace. It is our firm resolve to work without reservation to achieve those ends.

Using the Dumbarton Oaks Proposals as a basis, the San Francisco Conference agreed upon the Charter of the United Nations and upon the Statute of the International Court of Justice which is annexed to the Charter.⁴ The Charter was presented to the Senate of the United States on July 2, 1945; the Senate, by an overwhelming vote, gave advice and consent to ratification on July 28. The President on August 8 signed the formal document by which he ratified the Charter. On that date the instrument of ratification was deposited in the archives of the Department of State and thereby the United States Government became the first to complete action necessary to bring the Charter into force. The Charter was proclaimed in force by the Secretary of State on October 24, 1945, after ratifications had been deposited by the required number of states. It thus became a part of the law of nations.

The objectives of the Charter are to maintain international peace—by force, if necessary; to settle international disputes by peaceful means and in conformity with the principles of justice and international law; to remove the economic and social causes of international conflict and unrest; to promote world-wide progress and better standards of living; and 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.

At the San Francisco Conference the United Nations agreed to establish a Preparatory Commission, consisting of one representative from each signatory to the Charter, 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. The functions

⁴ For documentation on the Dumbarton Oaks Conference, see *Foreign Relations*, 1944, vol. I, pp. 713 ff. For documentation on the San Francisco Conference, see *ibid.*, 1945, vol. I, pp. 1 ff.

and powers of the Preparatory Commission, when it is not in session, are exercised by an Executive Committee of fourteen members. The United States is represented on the Executive Committee.

The Executive Committee met in London from August 16 to October 27, 1945 and drew up a report covering the above-mentioned points. The report is now being considered by the United Nations Preparatory Commission, on which fifty-one nations are represented, which convened in London on November 24, 1945.⁵

The Preparatory Commission will not deal with the political and economic problems awaiting action by the United Nations. It will complete the preparatory planning that is required to enable the United Nations to organize itself in order to deal promptly with these problems. The Commission will review the recommendations of the Executive Committee, adopt its own report and then call into session the first Assembly of the United Nations. It is scheduled to complete its work in from three to four weeks. The Executive Committee has recommended that the Commission convene the first Assembly in London between January 2 and January 7, 1946, in order that the United Nations Organization may begin functioning with the least possible delay.

We believe that the Charter constitutes a solid structure upon which the United Nations can build a better world. With all our might we intend to back our obligations and commitments under the Charter. Our action thus far is indicative of our policy of wholehearted cooperation and leadership to make effective the new International Organization. By proposing that the United Nations Organization appoint a commission to consider the subject of atomic energy, we demonstrate our confidence in that Organization as an effective instrumentality for world cooperation and world peace.

Transitional Security Arrangements. The United Nations Organization will be unable to bring force to bear to maintain peace until the conclusion and ratification of special agreements between the Security Council and members of the Organization for the provision of armed forces, assistance, and facilities. The Security Council will determine when sufficient of these agreements have come into effect to enable it to act in enforcement matters. The Charter provides that, pending the coming into force of these agreements, the parties to the Moscow Four-Nation Declaration of October 30, 1943,⁶ and France shall, in accordance with the provisions 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 Or-

⁵ For documentation on the Executive Committee and the Preparatory Commission, see *Foreign Relations*, 1945, vol. 1, pp. 1433 ff.

⁶ For text, see *ibid.*, 1943, vol. 1, pp. 755-756.

ganization as may be necessary for the purpose of maintaining international peace and security.

It is the policy of this Government in accordance with the Charter, that action in relation to enemy states shall be taken or authorized by the governments having responsibility for such action, until those governments give the United Nations Organization responsibility in this respect and the Organization accepts that responsibility.

* * * * *

IO Files: ⁷ USGA/GEN/1 ⁸

Position Paper Prepared in the Division of International Security Affairs

SECRET

[WASHINGTON,] December 28, 1945.

1. TRAFFIC IN ARMS

THE PROBLEM

In view of the reported intention on the part of the British Delegation to urge consideration of controls for the international traffic in arms at the first part of the First Session of the General Assembly, what position should the United States be prepared to take?

DISCUSSION

Article 11 of the Charter permits the General Assembly to "consider . . . the principles governing disarmament and the regulation of armaments." This authority is believed to be broad enough to include such subjects as limitation, reduction of armaments, and establishment of a level for armaments, as well as controls for governing the international traffic in arms. The provisional agenda for the first part of the First Session is composed of organizational matters with provision made for introduction of substantive matters of urgent importance. Although the urgency of the arms traffic question is debatable in the light of the array of organizational details that must be disposed of at the first part, it is unquestionably a problem of immediate importance to the maintenance of international peace and security. The existence of huge stockpiles of arms in various parts of the world combined with the lack of an international agreement concerning their diversion or even a declaration of principles relating

⁷ "IO Files" is the short title for the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

⁸ The USGA series consists of twenty-nine position papers prepared in various divisions of the Office of Special Political Affairs on subjects with which the General Assembly was expected to concern itself.

to their use may well increase in number and complexity the political and military problems confronting the United Nations Organization when it completes its organizational work and can undertake the study of such problems. As the traffic in arms is a phase of the regulation of armaments of immediate interest to all members of the United Nations Organization, as exporters or importers of arms, it would be especially appropriate for the General Assembly to deal with this matter. The proposed committee structure of the General Assembly provides that the Political and Security Committee shall include within its province the regulation of armaments, and this Committee, when organized, could undoubtedly proceed to consider proposals for the regulation of the arms traffic. However, a directive from the General Assembly to this Committee, as possibly contemplated by the British, might serve the purpose of accelerating international action in this field.

THE UNITED STATES POSITION

The United States Delegation should lend sympathetic support to a proposal at an appropriate time during the first part for the study of the problems of peace and security arising out of the international traffic in arms so that general proposals might be submitted to the General Assembly for the regulation of this traffic.

In the event that it may be necessary to state the current views of the United States with respect to the supervision of arms manufacture and traffic, the Delegation should adopt, pending the formulation of definitive proposals by this Government, a tentative position along the lines of the attached draft.

[Annex]

[WASHINGTON, December 22, 1945.]

I. With respect to the supervision of arms manufacture and traffic.

A. The registering of manufacturers, importers, and exporters; the licensing of each shipment of arms and munitions in or out of a country; and the publishing of statistics comprise the minimum of what is involved in international agreement in this field. These matters are relatively non-controversial and, in view of existing American legislation, the position of this Government is already determined.

B. Recommendation V adopted at Mexico City states that "It is highly desirable that governments exercise a complete control over the production and distribution of armaments, thus eliminating the profit motive in the traffic in arms."⁹ This expresses a rather widely

⁹ For the full text of the resolution, see *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace, Mexico City, February 21-March 8, 1945*, Department of State Publication 2497 (Washington, 1946), p. 69.

held view. However it carried implications for relations between government and business which would be difficult for this Government to enact into legislation. Thought should be given, therefore, to the character of internal controls which might be both practicable and effective in the American case.

C. The circumstances in which exports of arms and munitions should be prohibited involve both national and international policy. We shall insist on remaining free in the future as in the past to impose prohibitions by virtue of our own unilateral action (e.g., the Joint Resolutions of January 31, 1922, November 4, 1939, and July 2, 1940) ; and, also we shall be under treaty obligations in old and new forms, to impose prohibitions in certain circumstances (e.g., the Cuban treaty, the peace treaties, the charter of the international organization). However, this issue arises most immediately in connection with the negotiation of international agreements other than one concerning supervision of arms manufacture and traffic. The only concern is that the machinery of control be sufficiently adaptable to be of use in the various circumstances in which it may be necessary to employ it and is more directly dependent on domestic legislation than it is on an international agreement for supervising arms manufacture and traffic.

IO Files : USGA/GEN/3

Position Paper Prepared in the Division of International Security Affairs

SECRET

[WASHINGTON, December 28, 1945.]

4. SPECIAL AGREEMENTS TO PROVIDE FORCES

STATEMENT OF THE PROBLEM

Is the United States willing to give real power of enforcement to the Security Council? If so, what is its attitude concerning the special agreements to provide forces?

DISCUSSION

The policy of the United States is to support full-heartedly the United Nations. To doubt that is to doubt the good faith of the United States. Therefore, as Mr. Truman further spelled out the policy, "We must fulfill the military obligations which we are undertaking as a member of the United Nations Organization." (Navy Day Speech, October 27, 1945).¹⁰

The priority which should be assigned to the agreements has always

¹⁰ For text, see *Public Papers of the Presidents of the United States: Harry S. Truman, 1945* (Washington, Government Printing Office, 1961), p. 431, or Department of State *Bulletin*, October 28, 1945, p. 653.

been recognized since, even prior to Dumbarton Oaks, the United States position has been that the Security Council, "as soon as it comes into existence, should initiate the formulation of plans for, and the negotiation of, such an agreement . . ." (ISO 55 of August 17, 1944).¹¹ SWNCC agreed that "An important problem immediately facing the Security Council and the Military Staff Committee will be the preparation and negotiation of agreements" (SWNCC 219 of November 8, 1945).¹² However, because of the far-reaching importance of the special agreements set forth in Article 43, the present feeling is that actual "negotiations regarding special agreements cannot be initiated until substantial preparations have been carried out." (Preco 115 of September 27, 1945).¹¹

An examination of the documents relating to the negotiation of the special agreements, under consideration in the Department since 1942, discloses that the Army and Navy have generally worked on the technical aspects of the agreements. For instance, the United States' present position against an international force results, in part, from the Joint Chiefs of Staff statement that "To maintain such a denationalized, integrated force as a military entity on an effective footing, would involve serious technical difficulty [*difficulties*]." (Admiral Leahy¹³ to the Secretary, ISO [to the Secretary of State] 18 of March 28, 1944).¹¹ It is understood, however, that the problem is now under further consideration in the Joint Chiefs of Staff.

PROPOSED U.S. POSITION

(Answering *ad seriatim* the questions raised in Mr. Notter's¹⁴ memorandum of November 29, 1945).¹¹

1. When and how should the Security Council initiate the negotiation on the special agreements?

There must be an early consideration of the negotiation of the special agreements since their conclusion is prerequisite to the effective functioning of the Security Council. A satisfactory procedure would be for the Security Council, upon the advice of the Military Staff Committee,

1. to decide what should be the total pool of forces,

¹¹ Not printed.

¹² Not printed. Regarding the role of the State-War-Navy Coordinating Committee in the formulation of United States policy with respect to United Nations forces, see footnote 73, p. 754.

¹³ Fleet Adm. William D. Leahy, Chief of Staff to the Commander in Chief of the United States Army and Navy; the President's Representative on the Joint Chiefs of Staff.

¹⁴ Harley A. Notter, Adviser, Office of Special Political Affairs.

2. to initiate the negotiations between itself and the Permanent Members,

3. to draw up the remaining special agreements including therein, in so far as possible, only those forces which the Member states had already indicated a willingness to contribute. Some small states may contribute no forces, but only facilities, a port or an airfield.

A satisfactory form for the agreements would be for each Member or group of Members to sign an identical general agreement with the Security Council, followed by an individual, separate Annex providing for the specific forces or facilities or both. The terms of each Annex would be dependent upon the overall strategic situation and upon the military capacity of the signatory Member or groups of Members.

2. Should the United States specify that the initiation of agreements should be among the Permanent Members of the Security Council first and then among all other states, or groups of other states?

Yes, the United States should support this procedure. While no special proviso to this effect need be included in the special agreements, there should be an informal understanding among the Permanent Members of the Security Council.

3. Should the agreements be negotiated directly between the Security Council and Members or groups of Members, or first among groups of Members and then between the Council and the groups of Members?

The United States takes no strong position in this connection. However, it does feel that the agreement should be signed with groups of Members only when those Members themselves suggest such a procedure. Furthermore, it should be remembered that, when a group of Members sign an agreement, an Amendment to the terms of that agreement with one Member may, constitutionally, require the assent of the other signatory Members.

4. Should the United States approve or disapprove inauguration of negotiation by a specified date, say July, 1946?

The United States should not support any specific target date, but should stress speed.

5. Should we insist upon negotiating full agreements covering all categories of forces and implements of war or should we favor making a series of agreements, the first, for example, to concern Air Forces?

The United States should support the initial negotiation of the full agreements, but with provisions therein for amendment.

6. Should we approve or disapprove preparations for the regulation of armaments concurrent with the foregoing negotiations?

Preparations for the regulation of armaments may be made concurrently with, but not dependent upon, the foregoing negotiations.

Although we strongly believe that armaments should be regulated, we do not believe that armaments can be effectively regulated until the special agreements, at least those between the Security Council and the Permanent Members, have been concluded and the security system is under way that is envisaged in the United Nations Charter.

IO Files : USGA/1a/AECom/29

United States Delegation Position Paper

SECRET

[LONDON,] January 2, 1946.

THE VOTING PROCEDURE OF THE ATOMIC ENERGY COMMISSION

The Moscow Resolution¹⁸ is silent on the ways in which the proposed atomic energy commission shall reach its decisions or take any action. Its powers are of course only advisory but there must be some established method of arriving at the reports and recommendations which it is required to make.

The "Suggested Manner of Reaching Decisions in the Commission" (Document No. 13 in the book for the Moscow discussions)¹⁹ provided that on procedural matters decision should be reached by a majority, but that on substantive recommendations no formal vote should be taken; if unanimous approval could not be obtained for them, full reports of the various views should be forwarded to the General Assembly. It is not revealed in the Moscow Resolution whether this was acceptable to the U.S.S.R.

The question is now raised whether the placing of the commission under the Security Council instead of the General Assembly calls for any reconsideration of the suggested method of handling this problem, or whether it is acceptable as it stands.

Having the commission report directly to the Security Council rather than to the General Assembly means that the permanent members of the Council are assured of a veto over any final action taken on the reports and recommendations of the commission. Hence, so far as these powers are concerned, it would not seem to matter very much

¹⁸ The resolution under reference is that on atomic energy contained in the Communiqué of the Moscow Tripartite Conference of Foreign Ministers, December, 1945; for text, see *Foreign Relations, 1945*, vol. II, p. 822. For additional documentation on that conference, see *ibid.*, pp. 560 ff. On January 6, 1946, Ernest Bevin, British Secretary of State for Foreign Affairs, transmitted the resolution to the Executive Secretary of the Preparatory Commission of the United Nations on behalf of the governments of the United States, the United Kingdom, the Soviet Union, France, China, and Canada. The sponsoring nations requested that it be placed upon the agenda of the General Assembly. (United Nations, *Official Records of the General Assembly, First Session, First Part, Plenary Meetings*, p. 257. Hereafter cited as GA (I/1), *Plenary*.)

¹⁹ Not printed.

how the commission arrived at its decisions. In fact it would seem advisable to keep the manner of action as informal as possible in order to allow wide freedom to the commission in exploring all aspects of the problem of atomic warfare.

The only new question that arises is concerned with the provision for making public the reports and recommendations of the commission. Paragraph II (A) of the Resolution provides that the commission "shall submit its reports and recommendations to the Security Council, and such reports and recommendations shall be made public unless the Security Council in the interests of peace and security, otherwise directs." This is a more generous provision than it appears at first sight since it means that the Security Council cannot prevent the reports and recommendations of the commission from being made public unless at least seven members including all five of the permanent members concur in such action. If any one of the five permanent members should not concur, then the Security Council cannot direct the commission to refrain from making its reports and recommendations public. In other words, so long as any single one of the five permanent members is willing to have the findings of the commission made public, the others cannot prevent it.

This is a very favorable provision from the standpoint of the work of the commission. It makes it possible for the commission to arrive at conclusions and make them public even though several great powers are in opposition. It removes the possibility that consideration of any one question can be blocked by a single great power. The Commission would be free to explore the pros and cons of all proposals and to make its findings public so long as it had the support of at least one permanent member of the Council. If the U.S.S.R. is prepared to accept this arrangement, the U.S. should also be willing to do so.

This means, of course, that the United States must be prepared to have the commission make public findings which are not in accord with the position of the United States on particular questions. For example, the commission might disagree with the position that the United States was entitled to an especially favorable position by reason of its present monopoly of the bomb. But the commission could do no more than make its findings public and it would not be likely to do so if the United States were antagonized thereby.

Some question might be raised as to whether the procedure for making public the reports and recommendations of the commission might lead to the unwanted disclosure of secret information entrusted to the commission. Under the arrangement suggested in Document no. 13, all different viewpoints on each question dealt with by the commission would be reported on, and if a single one of the five permanent mem-

bers of the Security Council should be interested in having such reports made public, there would be no way of stopping it, even though it involved the disclosure of information bearing on the security of a member state. If this danger were a real one, it might deter nations from making information available to the commission and thus obstruct its work.

As a matter of fact, if a state is willing to disclose information to the commission, it would probably not object to having it made public to non-member states. Generally speaking, all the states which could make use of such information in any important way would be represented on the commission and would thus come into possession of it through their representatives. So far as the United States is concerned, any information which it would be willing to make available to the U.S.S.R. and other members of the commission would hardly be of a kind that it would want to keep from non-member states. Hence the danger of unwanted disclosure is really very slight.

On the whole, the procedure for making public the reports and recommendations of the commission as contained in the Moscow Resolution seems both liberal and forward-looking and should receive the whole-hearted support of the United States.

IO Files : USGA/1a/AECom/30

United States Delegation Position Paper

SECRET

[LONDON, January 1946.]

TERMS OF REFERENCE OF THE COMMISSION ²⁰

The general purpose is to give the Commission the greatest possible freedom in investigating all aspects of the problem and in making such recommendations as it deems advisable. There are no limits on the subject matter of its inquiries, save as the Security Council may direct in matters affecting security. Aside from this the Commission itself determines its own program and decides what is relevant to the questions arising from the discovery of atomic energy.

There is an implied obligation on the part of all the United Nations to provide such information and give such other assistance as may be necessary to enable the Commission to carry on its work. The success of its efforts will depend in large measure on the degree of cooperation of the various member states in supplying such assistance.

The listing of the four subjects on which the Commission is to make

²⁰ This paper concerns itself with the resolution on Atomic Energy (Section VII) contained in the Communiqué of the Moscow Tripartite Conference of Foreign Ministers, December, 1945; for full text of the Communiqué, see *Foreign Relations*, 1945, vol. II, p. 815; for Section VII, see *ibid.*, p. 822.

specific proposals does not exclude others, nor does it require the Commission to take these subjects up first or in the order mentioned. It is for the Commission to decide the best method of handling each problem.

The first specific objective—that of “extending between all nations the exchange of basic scientific information for peaceful ends”—is broad enough to include the normal interchange of scientists and scientific knowledge in all fields. The term “basic” is not intended to cover the mechanical or technical knowledge concerning the manufacture of the bomb. While this subject is not directly excluded from the scope of the Commission’s work, it must be assumed that the United States is not prepared to reveal such knowledge until adequate safeguards have been erected against its misuse. The general purpose underlying this first provision is to bring about a resumption of normal intercourse among scholars to the fullest extent possible without endangering the security of any state.

The second specific objective—the “control of atomic energy to the extent necessary to ensure its use only for peaceful purposes”—is concerned with the ways whereby the fullest possible advantage can be taken of the peacetime uses of atomic energy without at the same time increasing the likelihood of its use for destructive purposes. The problem here arises out of the relative ease with which plants and materials for peacetime use of atomic energy can be converted into war uses. The Commission is asked to make proposals as to how such conversion can be subjected to effective control. The general purpose is to retain the widest potential employment of atomic energy in peace while removing the threat of atomic warfare.

The third objective—the “elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction”—approaches the problem of international control through the method of limiting or eliminating the weapons themselves. The major questions here raised are whether elimination or limitation of existing weapons and plants would remove the threat of atomic warfare, and whether some stockpiles and plants must be kept in existence in order to provide adequate means of sanction against a state violating the terms of international control.

The fourth objective is to find “effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions”. Such safeguards are made necessary by the exceptional risks which any nation would take in refraining from building up to its full capacity to conduct atomic warfare. Because of this risk, any international limitation agreement would have to include adequate means of reassuring the states complying with

the agreement that they would not be at the mercy of any violator of it. Such safeguards might take the form of an inspection system designed to give adequate warning in advance of any steps toward violation, as well as of sanctions of sufficient force to deter any potential violator. Because of the possibilities of surreptitious evasions, the success of any system of safeguards would seem to depend to a large extent on the creation of conditions under which all states would have a strong interest in making the system work.

The paragraph proposing that the Commission should proceed by "separate stages" does not mean that the four objectives previously specified are to be treated as separate stages and each one taken up and completed before the next one is considered. This provision takes account of the fact that the setting up of the essential conditions for a workable system of control cannot be accomplished in one stroke, but must be undertaken gradually, as confidence develops. It recognizes that successful international action with respect to any phase of the problem is not necessarily a prerequisite for undertaking affirmative action with respect to other phases.

The final provision takes note of the fact that the subject of atomic energy necessarily extends into fields already assigned to other organs of the United Nations. Where this is so, the Commission is directed not to infringe upon the responsibilities of such organs but to make recommendations which can be considered by them in the performance of their tasks. In line with paragraph II(a) dealing with the relations of the Commission with the organs of the United Nations, such recommendations would be transmitted through the Security Council.

IO Files : USGA/1a/AECom/31

United States Delegation Position Paper

SECRET

[LONDON, January 1946.]

THE QUESTION OF "SEPARATE STAGES"

There has been considerable confusion about the meaning of the provision in the Moscow Resolution stipulating that the work of the commission shall proceed by "separate stages." This provision comes immediately after the list of four subjects on which the commission was directed to make specific proposals, and it has been assumed by many people, including Senator Vandenberg,²¹ that the four subjects were the separate stages, "the successful completion of each of which will develop the necessary confidence of the world before the next

²¹ Arthur H. Vandenberg, United States Senator from Michigan; Representative to the General Assembly.

stage is undertaken". The result of this would be that the important subject of safeguards would not be reached until the other three, dealing with exchange of information, control of atomic energy, and elimination of atomic weapons and other means of mass destruction, has been acted upon. It was thus foreseen with some uneasiness by Senator Vandenberg that an exchange of information might be proposed before full security had been achieved for the United States through the establishment of an effective inspection system.

As a matter of fact, the term "separate stages" was not intended to correspond to the four subjects on which the commission was specifically directed to make proposals. This is clear from the text of the Agreed Declaration,²² from which the provisions of the Moscow Resolution were taken verbatim. In the Agreed Declaration the provision about separate stages is followed by another sentence to the effect that "specifically it is considered that the commission might well devote its attention first to the wide exchange of scientists and of scientific information, and as a second stage to the development of full knowledge concerning natural resources of raw materials." This second stage obviously does not correspond with the second of the four subjects mentioned above. Hence it can be assumed that there was no intention to direct the commission to deal with these four subjects separately, completing one before the next was undertaken. The commission is left quite free to consider each subject in relation to the others, and in whatever order it sees fit. Senator Vandenberg was so assured by the Department of State.

There is another more serious issue bearing on the order of the work of the commission. Many people take the position that no step toward international control of atomic weapons should be taken until a system of safeguards satisfactory to the United States has been accepted by the rest of the world. This view holds that not even the normal exchange of general scientific information should be considered until an effective inspection system has been assured in all countries having any capacity to produce bombs. It suggests that the only kind of an international control system which the commission can consider is one which springs full-blown into existence all at once and does not grow by gradual stages.

This position is not supported by any statement of the United States, and would in fact interfere seriously with the commission's work. It is based on the erroneous assumption that our present ad-

²² The reference is to the Agreed Declaration by President Truman, Prime Minister Attlee of the United Kingdom, and Prime Minister King of Canada, signed at Washington, November 15, 1945; for text, see Department of State Treaties and Other International Acts Series (TIAS) No. 1504, or 60 Stat. (pt. 2) 1479.

vantage in possessing bombs will continue indefinitely and that the problem of international control is merely that of inducing other states to accept our terms. As a matter of fact, our advantage is only a temporary one. Other states might well prefer to wait until they had developed their own capacity to make bombs in order to be assured of entering into any scheme of international control on a basis of equality with the United States.

The problem of finding effective safeguards is essentially one of creating conditions under which all states will have a strong interest in making a system of international control work. It has been pointed out in the Agreed Declaration and elsewhere that no system of safeguards can be certain to work against a nation bent on defeating it. The process of setting up the necessary conditions will very likely have to be done in stages, and it was this fact which was foreseen in the "separate stages" provision of the Agreed Declaration and the Moscow Resolution. It would be most unfortunate if the impression were given that this position had now been abandoned, and that the commission could not consider any system of international control that called for gradual steps of development. If that body should be restricted to the consideration of schemes which would provide all nations with full safeguards right from the start, it might well have been given an impossible task.

501.BC/1-1146

The Department of State to the Soviet Embassy

SECRET

WASHINGTON, January 11, 1946.²³

The Acting Secretary of State notes that the United Nations Preparatory Commission in London has endorsed the recommendation of the Executive Committee whereby Item 8 on the provisional agenda of the first meetings of the Security Council will be "the adoption of a directive to the Military Staff Committee to meet at a given place and date", and that the Preparatory Commission has also approved the language of the directive itself. Based upon the present plan to hold the inaugural meeting of the General Assembly on January 10, 1946, it may be assumed that the Security Council will be constituted about January 15, and shortly thereafter the Military Staff Committee item on the agenda should be reached. It may therefore be expected that the Military Staff Committee will be duly established and should be holding its first meeting sometime between January 15 and January 20.

²³ Drafted in the Division of International Security Affairs on January 3, 1946.

Anticipating that one of the first tasks of the Military Staff Committee will be the determination of its functions and initial organization, this Government has prepared a paper entitled *The Functions and Organization of the Military Staff Committee of the United Nations*,²⁴ which sets forth the United States views on this subject, and which is presented by this Government in the expectation that it should prove a useful basis for discussion in the early, organizational days of the Committee. This paper, a copy of which is enclosed, is now being circulated through military channels to the Chiefs of Staff of the permanent members of the Security Council.

This Government has expressed its complete agreement with the proposal of the British Government to hold informal conversations in London, some days prior to the establishment of the Military Staff Committee, among the five initial representations to the Committee.²⁵ With this in mind, it is planned to have the United States military and naval representatives arrive in London in ample time to participate in the suggested talks.

In regard to the form which the permanent representation of the five member nations on the Military Staff Committee should take, it is the view of this Government that this matter can be decided subsequently. In so far as the United States representation is concerned, the Chiefs of Staff propose to appoint representatives from each of the services who will hold rank equivalent to the grade of General or Lieutenant General. The United States Chiefs of Staff feel that they are unable to attend in person the first meeting or meetings of the Military Staff Committee, principally due to the recent changes among the Chiefs of Staff in this country.

A similar memorandum has been addressed to the French and Chinese Governments.

501.BB/1-1146 : Telegram

The Acting Secretary of State to the United States Representative at the United Nations (Stettinius)

SECRET

WASHINGTON, January 11, 1946—7 p. m.

351. Undel. 1. In personal letter British Embassy has transmitted to us communication from ForOf, which reports that Soviet Government has declined British invitation to take part in preliminary con-

²⁴ This paper was later submitted to the Military Staff Committee; see footnote 46, p. 734.

²⁵ The British proposal was contained in a memorandum delivered to the Department of State on December 13, 1945. The United States informed the United Kingdom of its agreement in a memorandum of December 29. (501.BC/12-1345)

versations among Five Power representatives to MSC prior to Committee's establishment. ForOf telegram follows:

"Molotov has just written to inform us that under United Nations Charter, Article 47, the MSC is a body whose activity is controlled by the Security Council. The Government of the USSR accordingly is of the opinion that it would be premature to take up now practical questions concerning the Committee's activity, prior to the establishment of the Security Council within whose province matters of this type fall. It is the Soviet Government's view that discussion of subjects referred to in Sir Archibald Clark Kerr's letter²⁶ should be inaugurated after the Security Council has been set up at prospective General Assembly session and after the Council has arrived at a decision on item 8 of its agenda regarding the date and place of the first meeting of the Committee, not to mention additional subjects, which may come up in the SC when this question is before it.

It is the view of the Soviet Government, therefore, that both for reasons of procedure and substance the correct method would be to await the consideration of the question of the MSC's establishment in the Security Council before drawing up regulations of the Committee."

2. In addition, British Embassy has addressed to us an *aide-mémoire* dated January 9²⁷ in which hope is expressed that we will request from the Soviet Government through our Ambassador, Moscow, the identity of the Soviet representatives to the MSC, and that we will inquire whether the Soviet Government will agree to have these representatives arrive in the UK by January 20. As a result we have cabled our Ambassador, Moscow, as follows:²⁸

"1. Memorandum has just been transmitted to Soviet Embassy here,²⁹ informing latter that US representatives to the Military Staff Committee of the United Nations will hold rank equivalent to General or Lieutenant General, that Chiefs of Staff will not attend in person the initial meetings, and that, based on present time-table, it appears likely that the Military Staff Committee might be established in period between January 15 and January 20.

2. Please inform ForOf that chief members of permanent US representation to Military Staff Committee will be General George C. Kenney, Lieutenant General Matthew B. Ridgeway, and Admiral R. C. [K.] Turner, all of whom are now in London. Also, request names and ranks of Soviet representatives to Military Staff Committee, and, if possible, ascertain if these representatives can arrive in London about January 20, in order that Military Staff Committee, an organ of importance under Charter which we would like to see

²⁶ Clark Kerr was British Ambassador in the Soviet Union. The letter under reference was presumably identical with or similar to the British *aide-mémoire* presented to the Department of State on December 13, 1945; the latter is described in the United States note to the Soviet Embassy, *supra*, and footnote 25 thereto.

²⁷ Not printed.

²⁸ Telegram 66, January 12, to Moscow.

²⁹ *Supra*.

established as soon as possible after the Security Council has come into being, may be set up without delay.”³⁰

ACHESON

SWNCC Files³¹

*Memorandum by the Joint Chiefs of Staff to the State-War-Navy Coordinating Committee*³²

SECRET

WASHINGTON, January 15, 1946.

SWNCC 219/4

Subject: U.S. Position on Traffic in Arms Phase of the Regulation of Armaments.

The Joint Chiefs of Staff have considered the paper on U.S. position on the traffic in arms phase of the regulation of armaments (Appendix),³³ approved by the Department of State for the guidance of the United States Delegation at the forthcoming meeting of the United Nations Organization, and submit the following comments and recommendations:

It is believed that the discussion in the Appendix does not emphasize that Article 11 of the Charter provides that the General Assembly may only “consider . . . 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” whereas Article 26 charges the Security Council with the responsibility of “formulating, with the assistance of the Military Staff Committee . . . , plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.” From the military point of view, it is highly desirable that the United States should clearly maintain the position that while principles may be discussed and recommended by the General Assembly, the actual formulation of specific plans and proposals is the function of the Security Council acting with the assistance of the Military Staff Committee.

In paragraph C of the Annex to Appendix it is proposed that the

³⁰ In telegram 128 of January 13, repeated to London as telegram 23, the Embassy in Moscow reported that a letter had been addressed to Molotov in accordance with the instructions contained in the present telegram. The Embassy in Moscow further reported, in telegram 167 of January 18, repeated to London as telegram 31, that Molotov had stated that the Soviet Government would send representatives of the General Staff of the Red Army to a conference on the establishment of the Military Staff Committee as soon as the Security Council adopted a resolution concerning the MSC. (501.BC/1-1346, 1-1846)

³¹ Lot 52M45, the Files of the State-War-Navy Coordinating Committee which are located in the National Archives under the administration of the Department of State.

³² Regarding the organization and functions of the State-War-Navy Coordinating Committee, see footnote 73, p. 754, and footnote 3, p. 1112.

³³ Document USGA/GEN/1, December 28, 1945, p. 716.

United States "shall insist on remaining free in the future as in the past to impose prohibitions . . ." on the export of arms and munitions. In addition, it is highly desirable from a military point of view that the United States maintain freedom as to our rights to export arms and munitions to those nations with which we may reach agreement in this respect. It is recommended that such a statement be included, as this point is of particular importance to the United States in view of our current plans to provide arms and munitions to other nations of the Western Hemisphere, the Philippine Commonwealth and to China. It should, however, be provided to the Delegation as supplementary guidance with the understanding that it is not to be advanced in connection with a discussion on private traffic in arms unless the developments of such discussion clearly require.

It is desirable further, that the basic paper be amended to indicate clearly that the position defined therein is applicable to the limited question of private traffic in arms.

For the Joint Chiefs of Staff :

A. J. MCFARLAND

Brigadier General, U.S.A.

Secretary

SWNCC Files

*Memorandum by the Acting State Member of the State-War-Navy Coordinating Committee (Hickerson) to the Committee*³⁴

SECRET

[WASHINGTON,] January 18, 1946.

SWNCC 219/5/D

U.S. POSITION ON TRAFFIC IN ARMS PHASE OF THE REGULATION OF
ARMAMENTS

A memorandum of the Joint Chiefs of Staff, dated January 14, 1946 (SM 4717), which was circulated with a note by the Secretaries of the State-War-Navy Coordinating Committee (SWNCC 219/4),³⁵ relates to a position paper, *Traffic in Arms* (USGA/Gen/1),³⁶ prepared in this office for the United States Delegation to the United Nations meeting at London. Below are the comments of this Office together with the reasons which make it unable to approve in full the recommendations of the Joint Chiefs of Staff :

1. This Office concurs in the desirability of emphasizing in this paper the responsibility of the Security Council under Article 26 of

³⁴ Prepared in the Division of International Security Affairs of the Office of Special Political Affairs.

³⁵ *Supra.*

³⁶ *Ante*, p. 716.

the Charter in contradistinction to the General Assembly's functions under Article 11 relating to the regulation of armaments. Accordingly, it is proposed to amend the position paper by adding to the second paragraph of the section, "The United States Position", a sentence as follows:

"However, in consideration of these subjects by the General Assembly, it should be borne in mind that the Assembly's jurisdiction is limited to 'principles' whereas it is the responsibility of the Security Council, with the advice and assistance of the Military Staff Committee, to formulate plans in this field (See Article 26)."

2. This Office cannot concur in the recommendation that a statement be included to the effect that this country "maintain freedom as to our rights to export arms and munitions to those nations with which we may reach agreement in this respect," as it is felt that the addition of such a statement would not be necessary to protect such rights in the General Assembly, but might serve as an impediment to the drafting of the desired proposals.

3. Considering that the manufacture of arms and munitions in some states, notably the Soviet Union and Mexico, is a government monopoly, this Office cannot concur in the suggestion that the arms traffic discussions be limited to the private traffic in arms. The tentative position proposed in this paper indicates the advantage of establishing in the various governments a definite responsibility for supervising arms manufacturing activities, and controlling arms exports and imports, and that an approach to the various problems of international regulation could be achieved through uniform domestic legislation enacted by the various states.³⁷

IO Files: USGA/PS DelMin 2

Minutes of the Meeting of the United States Delegation Members Assigned to the Political and Security Committee of the General Assembly, London, January 18, 1946

SECRET

A draft statement of the United States position with regard to the resolution proposing the establishment of an Atomic Energy Commission was circulated to the meeting.³⁸

³⁷ The international traffic in arms was not considered by the General Assembly at its first session. Efforts to formulate a unified United States policy on the subject fell into abeyance thereafter. Regarding the status of policy at mid-year, see document PCA D-5, June 7, p. 840.

³⁸ The draft has not been found in Department of State files. For the text of the statement delivered by Senator Connally at the 2nd Meeting of the First Committee of the General Assembly, January 21, see United Nations, *Official*

After some discussion it was decided that a drafting committee consisting of Messrs. Cohen,³⁹ Pasvolsky⁴⁰ and McRae⁴¹ should revise the statement to a form suitable for introduction to Committee I and submit it to Senator Connally⁴² for his approval. The purpose of the revision would be (1) to eliminate those parts of the draft statement which seemed directed to the American public rather than to an international body; and (2) to give emphasis to the U.S. conception as to how the proposed Commission would operate. Senator Connally also stated that in his opinion the statement should be compressed.

Mr. Pasvolsky pointed out that one of the principal questions that would be raised in the deliberations of Committee I would be as to how the Commission could establish effective safeguards against atomic disclosures without knowing more about the details of the matters involved. It was agreed that this question could not be answered in an entirely satisfactory manner. Mr. McRae pointed out that certain safeguards could be agreed upon based on hypothetical cases and Mr. Cohen added that on the basis of the testimony of scientists the Commission could make recommendations as to the adequacy of proposed safeguards. He pointed out further that under the Charter the Commission has no coercive power to compel disclosures from any nations or from any witnesses.

Admiral Turner raised the question of the meaning of the phrase "other major weapons adapted to mass destruction" and pointed out that this made the work of the Commission assume the proportions of a disarmament conference. Mr. Cohen stated that the reason this phrase was inserted in the proposed resolution was to enable the Commission to produce well balanced recommendations as atomic weapons were only one part of a larger problem. If the Commission made recommendations concerning the control of the atomic bomb alone, such recommendations would be lop-sided if in fact there were other important weapons on which similar controls should be placed.

Records of the General Assembly, First Session, First Part, First Committee, p. 7. Hereafter cited as GA (I/1), *First Committee*.

The First Committee recommended, without opposition, that the proposed resolution be adopted. At its 17th Meeting, January 24, the General Assembly unanimously approved the resolution. For text, see United Nations, *Official Records of the General Assembly, First Session, First Part, Resolutions Adopted by the General Assembly during the First Part of the First Session*, p. 9. Hereafter cited as GA (I/1), *Resolutions*.

³⁹ Benjamin V. Cohen, Counselor, Department of State; Adviser, United States Delegation to the General Assembly.

⁴⁰ Leo Pasvolsky, Adviser, United States Delegation to the General Assembly.

⁴¹ William A. McRae, Adviser, United States Delegation to the General Assembly.

⁴² Tom Connally, United States Senator from Texas; Chairman, Senate Foreign Relations Committee; Representative to the General Assembly.

Mr. Pasvolsky suggested that it would be advisable to have a preliminary meeting of the nations sponsoring the atomic resolution prior to its discussion in Committee 1. Senator Connally stated that he would take this matter up with Mr. Byrnes.

[Here follows a brief discussion of another subject.]

Mr. Johnson⁴³ pointed out that the Secretariat in drawing up the business for Committee 1 had put consideration of the atomic resolution as the first order of business. Senator Connally stated that Mr. Byrnes was anxious to have the work on the atomic resolution given priority.

501.BB/1-1246 : Telegram

The Acting Secretary of State to the United States Representative at the United Nations (Stettinius)

SECRET

WASHINGTON, January 19, 1946—8 p. m.

631. Delun 49, paragraph 7.⁴⁴ Undel 92. We suggest decision not to propose specific date for convening of representatives of members of MSC be reconsidered. With UK having failed in efforts for discussions pre-MSD meeting; with Soviet linking the despatch of their representatives to adoption of a decision re MSD by SC (Moscow's 31, January 18);⁴⁵ with France and China unlikely to take initiative, there remains only US to make a proposal. Would it be unrealistic to propose sometime within next 10 days, say, January 25 or 28? Unless we are willing to propose a specific date we lose the value thereof in spurring action on other matters as well as render open to doubt our earlier assertions of desire to see MSD meet and organize without delay.⁴⁶

ACHESON

⁴³ Joseph E. Johnson, Chief of the Division of International Security Affairs; Adviser, United States Delegation to the General Assembly.

⁴⁴ Not printed.

⁴⁵ See footnote 30, p. 730.

⁴⁶ At its 2nd Meeting in London, January 25, the Security Council adopted without objection the draft directive which the Preparatory Commission had recommended that the Council issue to the Military Staff Committee; for text, see *United Nations, Official Records of the Security Council, First Year, First Series, Supplement No. 1, Annex 1, Section 3, p. 2*. The date for the convening of the MSD was not specified in the directive. At the suggestion of the United States, the date was set at February 1. The MSD actually first met on February 4 at which time the United States representatives presented a proposal "Views on the Functions and Organization of the Military Staff Committee of the United Nations." That document had been approved by the State-War-Navy Coordinating Committee as Appendix A of document SWNCC 219/3 on December 12, 1945. The United States draft served as the basis for discussion in the drafting of MSD rules of procedure; the rules adopted by the MSD on February 14 and under which the MSD was directed to operate provisionally by the Security Council on February 16 drew heavily upon the United States proposal.

The files of the Bureau of International Organization Affairs, Department of

Department of State Atomic Energy Files ⁴⁷

The British Secretary of State for Foreign Affairs (Bevin) to the Secretary of State

SECRET AND PERSONAL

LONDON, 20 January, 1946.

DEAR JAMES: The Prime Minister has asked me to let you know that he proposes making an announcement in the House of Commons next Tuesday, January 22nd, about the establishment in this country of an organisation for the production of fissile material required in connexion with the development of our programme for the use of atomic energy.⁴⁸

The final text of the announcement is not yet available, but I will send a copy round to you as soon as possible. General Groves⁴⁹ will also be notified in advance in Washington of the terms of Mr. Attlee's statement.

I would be grateful if you would treat this information as personal until Mr. Attlee speaks on Tuesday.

Yours sincerely,

ERNEST BEVIN

Department of State Atomic Energy Files

The Secretary of State to the British Secretary of State for Foreign Affairs (Bevin)

SECRET AND PERSONAL

LONDON, January 21, 1946.

DEAR ERNEST: Referring to your letter of the 20th advising me that the Prime Minister expects to make an announcement in the House of Commons tomorrow, January 22 about the establishment in this country of an organization for the production of fissile material required in your program for the use of atomic energy:

I do not want to seem presumptuous but I wish that the Prime Minister could see his way clear to delay his announcement until the Assembly has passed the Resolution as to atomic energy which is sponsored by our governments. The subject is not well understood

State, contain a set of the records of the Military Staff Committee which include records of the proceedings of the Committee and its subcommittees and the documentation produced thereby.

⁴⁷ Lot 57D688, the consolidated lot file on atomic energy 1942-1962 located in the Department of State, including the records of the Special Assistant to the Secretary of State on Atomic Energy and the records of the office of the United States Representative on the United Nations Atomic Energy Commission.

⁴⁸ For documentation on negotiations between the United States and the United Kingdom with respect to the continuation of cooperation in the development of atomic energy, see pp. 1197-1259, *passim*.

⁴⁹ Maj. Gen. Leslie R. Groves, Commanding General, Manhattan Engineer District, the United States atomic energy development program.

and I fear that this announcement on the day that the Resolution is reported to the Assembly will provoke discussion.

It is expected that the Resolution will be considered in Committee today and should be acted upon by the Assembly this week.⁵⁰

Sincerely yours,

[File copy not signed]

811.002/1-2446

*Minutes of the Meeting of the Secretaries of State, War, and Navy,
Washington, January 24, 1946*⁵¹

TOP SECRET

[Here follows discussion of various subjects.]

ATOMIC ENERGY COMMISSION

MR. ROYALL⁵² asked what was the exact function of the recently appointed Atomic Energy Commission.⁵³ MR. ACHESON⁵⁴ said that before Secretary Byrnes left he had been talking to him about what the American member on the United Nations Atomic Commission would say when and if that Commission is set up, and he is asked by his colleagues what he can tell them. Mr. Byrnes talked to the President about this problem and then appointed the Commission composed of Mr. Acheson, Mr. McCloy,⁵⁵ Dr. Bush,⁵⁶ Dr. Conant⁵⁷ and General Groves. The Commission has had two meetings and its function as stated in the announcement is to study the question of safeguards and control of atomic energy so that the American member on the Commission may be told what to say. The Commission was appointed to advise the Secretary of State and not Congress. The Commission decided to get some of the men who have been working with General Groves to assemble the facts. The men selected are Dr. Oppenheimer,⁵⁸

⁵⁰ In a letter to Mr. Byrnes on January 23, Mr. Bevin stated that Mr. Attlee had agreed to defer his statement (Department of State Atomic Energy Files).

⁵¹ The Secretaries of the State, War, and Navy Departments or their representatives met on an almost weekly basis in 1946. Mr. Acheson usually represented the Department of State due to the frequent absence from Washington of Secretary Byrnes. Records of these meetings exist in the Central Files of the Department of State under enclosure number 811.002/1-2446.

⁵² Kenneth C. Royall, the Under Secretary of War.

⁵³ The body under reference was the Secretary of State's Committee on Atomic Energy. This Committee, of which the Under Secretary of State was chairman, had been appointed on January 7 and had met on January 14 and 23; draft minutes of these meetings exist in the Atomic Energy Lot File, Department of State. For a detailed account of the work of the Committee, and its Board of Consultants, see Hewlett and Anderson, Chapter 15.

⁵⁴ Dean Acheson, Under Secretary of State.

⁵⁵ John J. McCloy, former Assistant Secretary of War (1941-1945).

⁵⁶ Vannevar Bush, Director of the Office of Scientific Research and Development.

⁵⁷ James B. Conant, Chairman of the National Defense Research Committee, 1941-1946; President of Harvard University.

⁵⁸ J. Robert Oppenheimer, Director of the Los Alamos Laboratories of Manhattan Engineer District, 1943-1945.

Mr. Thomas of the Monsanto Chemical Co.,⁵⁹ Mr. Barnard of the Bell Telephone Co. of New Jersey⁶⁰—electronics expert—Mr. Winne of the General Electric Co.⁶¹ and Mr. David Lillenthal of T.V.A.⁶² They are to meet with General Groves and in two weeks' time give the background which the Commission must have in order to advise the American representative on the United Nations Commission. There are many questions the answers to which the Commission should know, such as: (1) Raw materials. Are they scattered and in large quantities over the face of the earth, or are they concentrated in a few areas and in small quantities? (2) Technical trends. Will the bomb be produced in small and decentralized plants or must there be a large plant? (3) Cost factors. Is it the poor man's weapon or the rich man's weapon? MR. ROYALL said that he had been urging the War Department to take steps in the direction of compiling this information which he felt should have been done long ago. He spoke of the existing confusion in Congress and at the White House, etc., and said he was glad such a Commission has been set up. MR. FORRESTAL⁶³ agreed. MR. ACHESON said that after yesterday's meeting of the Commission he had talked with Senator McMahon⁶⁴ and told him that he will go over with him whatever conclusions are reached. He said that Senator McMahon had agreed not to call the people working with this Commission to testify.

MR. PETERSEN asked how the Commission could be coordinated with the Joint Chiefs of Staff who are responsible for instructions to our military staff people on the United Nations. MR. ACHESON said that for the time being the Commission will rely on General Groves to tell it if it is going in the wrong direction. When Mr. McCloy returns they will talk to General Eisenhower,⁶⁵ Admiral Nimitz,⁶⁶ and General Groves. He reiterated that the purpose of the Commission is to keep our delegates advised of possible pitfalls to be avoided. MR. ROYALL inquired whether the State Department had been asked for its views

⁵⁹ Charles A. Thomas, Vice President, Monsanto Chemical Company.

⁶⁰ Chester I. Barnard, President, New Jersey Bell Telephone Company.

⁶¹ Harry A. Winne, Vice President, General Electric Company.

⁶² David E. Lillenthal, Chairman of the Board of Directors of the Tennessee Valley Authority.

The Lillenthal group constituted the Committee's Board of Consultants which met frequently in January, February, and March. The Department of State Atomic Energy Files contain handwritten notes on the meetings of the Board of Consultants taken by Carroll Wilson of the Office of Scientific Research and Development, the Board's secretary.

⁶³ James Forrestal, Secretary of the Navy.

⁶⁴ Brien McMahon, United States Senator from Connecticut; Chairman of the Senate Committee on Atomic Energy.

⁶⁵ General of the Army Dwight D. Eisenhower, Chief of Staff, United States Army.

⁶⁶ Fleet Adm. Chester W. Nimitz, Chief of Naval Operations.

on legislation pending before Congress.⁶⁷ Mr. ACHESON said that the Secretary had received a letter just prior to his departure and had said that he would talk to the interested Senators on his return. Mr. ROYALL said that he was somewhat in doubt as to the present White House views on the legislation.

811.2423/2-146

Memorandum by the Joint Chiefs of Staff to the State-War-Navy Coordinating Committee^{67a}

TOP SECRET

[WASHINGTON,] January 23, 1946.

SM-4810

GUIDANCE AS TO THE MILITARY IMPLICATIONS OF A UNITED NATIONS
COMMISSION ON ATOMIC ENERGY

REPORT BY THE JOINT STRATEGIC SURVEY COMMITTEE IN COLLABORATION
WITH THE JOINT STAFF PLANNERS AFTER CONSULTATION WITH THE
COMMANDING GENERAL, MANHATTAN DISTRICT⁶⁸

THE PROBLEM

1. To develop conclusions as to the military implications of the creation of a United Nations Commission on Atomic Energy.
2. To provide guidance to the representatives of the United States Chiefs of Staff on the Military Staff Committee of the United Nations as to the military advice to be given the United States representative on the Commission on Atomic Energy.
3. J.C.S. 1567/25⁶⁹ was considered by the Joint Strategic Survey Committee and the Joint Staff Planners in connection with this study.

FACTS BEARING ON THE PROBLEM AND DISCUSSION

4. See Appendix "A" (page 131).

⁶⁷ In regard to Congressional legislation on atomic energy in 1946, see Hewlett and Anderson, Chapter 14.

^{67a} Reproduced in SWNCC 253, January 24, 1946.

⁶⁸ The Joint Strategic Survey Committee, a wartime inter-service body established on November 7, 1942, made recommendations to the Joint Chiefs of Staff on global and theatre policy. The JSSC continued to concern itself with national policy and world strategy in 1946. It frequently drafted JCS positions on matters pending before the State-War-Navy Coordinating Committee; its members sat on SWNCC's *Ad Hoc* Committee on United Nations Security Functions. With respect to SWNCC and its *Ad Hoc* Committee, see footnote 73, p. 754. The Joint Staff Planners was similarly an inter-service group created in 1942 which continued to advise the JCS on strategic matters. Manhattan District was the wartime code name for the atomic bomb development program commanded by Maj. Gen. Leslie R. Groves; the designation continued to be employed after the nature of the project became public knowledge.

⁶⁹ Not printed.

RECOMMENDATIONS

5. It is recommended that the Joint Chiefs of Staff agree that:

a. Rapid resolution by the Congress of the United States as to the governmental machinery for handling matters connected with atomic energy and the security thereof is desirable in the interest of sound action in the international field.

b. The production of atomic energy for industrial and scientific use by any nation will place that nation within a short step of the immediate capability of production of the atom bomb. Information essential to such use of atomic energy must be therefore regarded as in the same category as the "know how" of the atomic bomb itself.

c. No realistic system of inspection and control is as yet apparent which will ensure against the production of atomic bombs for military use in a nation which possesses such capability. However, in view of the certain alternative that failure of international regulation and control will result in an atomic armament race, every effort must continue to be made to develop and establish such a system.

d. Atomic weapons can be most effectively used against highly developed nations having centralized industries. The United States is such a nation. Consequently it is to the interest of the United States to assume active leadership in establishing international means to control atomic weapons. So long as the United States is the sole nation actually having atomic bombs and is furthest advanced in the field of atomic energy, it holds a preeminent position for the exercise of such leadership. This preeminence will wane with the passage of time. Therefore, all possible action should be taken under United States leadership before other nations develop their own atomic weapons.

e. The United States is committed to the establishment of a Commission on Atomic Energy under the United Nations in accordance with and for the purposes defined in the declaration on atomic energy of 15 November 1945, issued by President Truman and Prime Ministers Attlee and King and in the communique of 27 December 1945 from Moscow following the meeting of the Foreign Ministers of the United States, the Union of Soviet Socialist Republics and the United Kingdom.

f. The work of the Commission is of vital interest to the United States from the standpoint of its national security.

6. It is not possible to state categorically in specific and comprehensive terms the military implications of the creation of a United Nations Commission on Atomic Energy, and the consequent opening of this matter to consideration and action by that Commission. While it is not possible to furnish a firm and complete list of objectives to be sought by the U.S. representative, it is apparent that any revelation of atomic information now held alone by the United States accelerates the rate at which other nations reach equality in respect to atomic weapons. The degree of agreed safeguards must thus be the criterion of the amount of information disclosed.

7. Much reliance will have to be placed on step by step analysis of

problems as they arise in committee. The representatives of the United States Chiefs of Staff on the Military Staff Committee of the United Nations should be given a position advisory to the United States Representative on the Commission. Furthermore, there should be available, both as an assistant to the United States Member on the Commission and as one of the United States Military Staff Committee organization, an individual cognizant of matters of atomic energy and with a broad military background.

8. As a statement of implicit limitations on the functions of the Committee, the Representatives of the Joint Chiefs of Staff on the Military Staff Committee should be guided by the following principles:

a. It is essential that any action contemplated in the Commission be not prejudicial to the security of the United States.

b. Progress should not be hurried. Painstaking examination and thorough coordination of each step within the United States Government are required.

c. A satisfactory solution from the United States' point of view of the problem of effective controls and safeguards must be arrived at before any disclosure or exchange of specialized technological information is agreed.

d. Normal reciprocal peacetime interchange of basic scientific information and the restricted interchange of scientists and students is acceptable only under the limitations imposed in paragraph 17 of Appendix "A" and in subparagraphs *a* and *b* above.

e. Exchange of information on raw materials should not be undertaken at the present.

9. A copy of this paper be transmitted to the State-War-Navy Coordinating Committee for consideration in formulating the State Department's instructions to the United States Delegation to the United Nations Organization.

10. This paper be transmitted by the Joint Chiefs of Staff to their representatives on the Military Staff Committee of the United Nations for their interim information with the caution that it is a highly classified document and should be discussed only with United States personnel authorized to deal with matters concerning atomic energy.

Appendix "A"

FACTS BEARING ON THE PROBLEM AND DISCUSSION

1. On 15 August 1945, the President issued the following memorandum . . . to the Secretaries of State, War and the Navy, the Joint Chiefs of Staff and the Director of the Office of Scientific Research and Development:

“Appropriate departments of the Government and the Joint Chiefs of Staff are hereby directed to take such steps as are necessary to prevent the release of any information in regard to the development, design or production of the atomic bomb; or in regard to its employment in military or naval warfare, except with the specific approval of the President in each instance.”

2. On 30 August 1945, the President modified his memorandum of 15 August 1945, . . . to permit:

“*a.* Identification of individuals and organizations now or formerly associated with the project together with disclosure of the general nature of their project activities, subject to rules already laid down by the War Department. These rules prohibit the release of any information of value to any foreign government which that government could not easily obtain without recourse to espionage.

“*b.* Release by the War Department of information of general interest which in the opinion of the Department will not jeopardize national security.”

3. The question as to how matters related to atomic energy will be controlled within the United States has not yet been settled. There are several bills before Congress now under consideration by the Special Committee on Atomic Energy of the U.S. Senate. It appears probable that a commission on the Cabinet level will be established to oversee all matters related to atomic energy and that the legislation establishing this commission will impose definite security regulations and some measure of Congressional control upon the commission.

4. On 15 November 1945, the President of the United States and the Prime Ministers of the United Kingdom and Canada jointly issued a declaration on atomic energy which suggested the establishment of a Commission on Atomic Energy under the United Nations. The full text of this declaration is attached as Appendix “B” (page 144).⁷⁰

5. On 27 December 1945, the Foreign Ministers of the United States, Union of Soviet Socialist Republics, and the United Kingdom jointly issued a communiqué outlining the agreements reached by them at their meeting in Moscow. In Section VII of this communiqué, the Foreign Ministers agreed to recommend to the General Assembly of the United Nations at its first session, that a commission be established to consider problems arising from the discovery of atomic energy and related matters. The full text of Section VII of the communiqué is attached as Appendix “C” (page 148).⁷¹

6. The above mentioned declaration and communiqué established

⁷⁰ For text, see Department of State Treaties and Other International Acts Series (TIAS) No. 1504, or 60 Stat. (pt. 2) 1479.

⁷¹ For the full text of the Communiqué, see *Foreign Relations, 1945*, vol. II, p. 815; for Section VII, see *ibid.*, p. 822.

as major missions of the proposed commission the preparation of recommendations for control of atomic energy to ensure its use only for peaceful purposes; for the elimination of atomic weapons and all other major weapons of mass destruction; and the provision of adequate safeguards against use of atomic weapons. Atomic weapons as presently known consist primarily of the atomic bomb. Radio-active by-products of the manufacture of atomic bombs also have a potential military use. "Other weapons of mass destruction" such as gas and biological warfare are not discussed herein since it is considered that their elimination is a somewhat separate problem.

7. The precise military characteristics and effects of atomic weapons have not as yet been fully developed, but the following general points may be assumed as factual :

a. The explosive effect of the present atomic bomb is roughly equal to that of 20,000 tons of TNT. As the development of the new weapon progresses, it is reasonable to expect that its effectiveness will increase.

b. The explosion of the bomb is accompanied by heat of solar proportions and the creation of radio-active material which, if the bomb explodes on or very near the surface of the ground or water, impregnates a limited area of that surface to such an extent that lethal effects may for sometime result to humans moving through the area affected.

c. The bomb is presently best transported by aircraft but could in anticipation of its future use be transported piecemeal to the target in secret, assembled on the spot, and exploded by remote control. In the future, it might be delivered by rockets and guided missiles, launched alone or from subsidiary airborne, surface or sub-surface carriers.

d. There are no defensive measures now envisaged which will guarantee protection of vital points from atomic weapon attack.

e. The elements presently utilizable for manufacture of the bomb are uranium and possibly thorium. All major powers have access in some degree to the necessary raw materials, but control of areas of rich deposits and assured communications thereto will assume increasing strategic importance.

f. Radio-active materials can be produced as a by-product to either production of atomic bombs or power in an atomic energy plant. Consideration has been given to the utilization of such radio-active materials to force the evacuation of vital points or to deny sizeable areas of terrain to any enemy armed force. Present indications are that such use would not be of extreme military importance because of difficulties attendant to their proper utilization and to the fact that they probably are no more effective than existing known gases under many conditions. Moreover, such utilization of radio-active materials probably would be considered to be in the same category as gas warfare and therefore barred by existing agreements.

8. The "secret" of the atomic bomb is not so much a scientific secret as it is one of scientific, industrial and engineering "know how" and

particularly "top notch" American management and the ability to produce in quantity the intricate instruments, equipment and machinery required.

9. The manufacture of fissionable elements for use in atomic explosives is a gigantic undertaking. Any great power, starting from scratch with presently available information and determined to produce atomic explosives, can be expected to do so within five to seven years, if it received assistance in the procurement and use of specialized equipment and machinery from nations best able to produce them, and within fifteen to twenty years without such outside assistance.

10. Atomic weapons increase the incentive to aggression by enhancing the advantage of surprise. They can most easily be used in such fashion by authoritarian or totalitarian nations. They would be most effective against highly developed nations where industries are centralized, the national mode of life would not easily accept the cost and disruption of decentralization, and where complete military preparedness is difficult to maintain. The United States falls in this latter category of nations, and, consequently, it is highly to its advantage to take the lead in establishing means to control atomic weapons. To this end, it is most desirable that the proposed commission on a Cabinet level, mentioned in paragraph 3 on page 131, be established at an early date so that international negotiations may be adequately directed.

11. Enemy states in possession of atomic weapons can deliver destructive force thousands of times more effective than previously possible. A nation attacked with such weapons must be highly courageous and disciplined to withstand the mass killings that would result, and still be able to continue to fight. Its most effective use would be against cities and industrial concentrations, and a relatively few bombs successfully delivered could kill millions of people and destroy a large percentage of the total critical industrial capacity. The implications of atomic warfare, so long as no effective international safeguards exist, emphasize the necessity for the United States to maintain:

a. Forward bases from which aircraft could intercept attacks against the United States and in counter-attacks could deliver bombs against possible enemies.

b. Balanced armed forces, including highly perfected air forces, in a state of readiness, capable of: holding these bases; maintaining sea and air communications to them; retaining control of the land, air and sea spaces around the United States; providing instantaneous defense against air attack or sea forays against the United States; delivering offensive action by a striking force to the limit feasible.

c. Additional forces capable of very rapid mobilization to provide full defensive organization against atomic weapon attack and to provide further augmentation to offensive or holding forces in the field.

d. Adequate plans for complete mobilization of the country, including the civilian population, in order to carry on production in the face of great destruction, to prevent sabotage and secret delivery of atomic weapons, and to avoid hysteria and panic.

12. Future peacetime uses of atomic energy are considered possible, but the threat of military use will overshadow them until a system of effective world-wide control of military use is established. Highly important in this connection is the fact that materials used in atomic-energy plants as presently envisaged could rapidly and comparatively easily be converted into bombs. Furthermore, atomic-energy plants could produce fissionable materials as a by-product of producing controlled energy. Any system of inspection for the purpose of controlling war-like use of atomic energy will be greatly complicated should industrial use be authorized and in practice. Therefore, international disclosure of technological information even for peaceful use should be withheld until effective inspections, controls and safeguards against military use are established.

13. Effective international control to guarantee that atomic weapons could not be used by an aggressor nation is virtually impossible under the present concept of a world divided into nations maintaining their full sovereignty. No system of inspection can be expected to be one hundred per cent effective in such a world, and ninety-nine per cent effectiveness is no guarantee. The best possible system of inspection is a necessary adjunct to any effort at control but effective sanctions, should inspection uncover violations, are equally vital. Since such sanctions probably cannot be applied by the United Nations, at present, because of the veto provision, immediate consultation and agreement of nations other than the offending state will be necessary. Obviously the United Nations system will then have broken down as such. The final solution, as yet apparently unattainable, is the creation of a world state in which all nations surrender sufficient of their sovereignty to assure the rule of law and the prevention, if not of war itself, of illicit means of waging war.

14. The prospective negotiation of atomic energy matters by representatives of the United States must be done with the nicest balance between the requirements for international cooperation on the one hand and an enlightened understanding of the demands of national interest and national security on the other. In this regard, the probable intent of Congress to hold close control over atomic energy matters must be kept in mind. The United States is in fact the sole power which holds the necessary scientific knowledge and has existing manufacturing plants which permit the production of atomic weapons. The United States thus holds a position of pre-eminence in the field and by virtue of this position and the part played in developing the

weapon has a great responsibility to the world to maintain enlightened leadership in formulating the international controls and safeguards required.

15. The declaration by President Truman and Prime Ministers Attlee and King, issued on 15 November 1945 (Appendix "B") states that they are of the opinion that a commission under the United Nations should be established to prepare recommendations on how to attain the most effective means for entirely eliminating the use of atomic energy for destructive purposes and promoting its widest use for industrial and humanitarian purposes. The commission should, according to the declaration, make specific recommendations:

"(a) For extending between all nations the exchange of basic scientific information for peaceful ends.

"(b) For control of atomic energy to the extent necessary to insure its use only for peaceful purposes.

"(c) For the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction.

"(d) For effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions."

The declaration goes on to say that the work of the commission should proceed by separate stages, the successful completion of each one of which will develop the necessary confidence of the world before the next stage is undertaken. Work by separate stages is interpreted to mean that affirmative action along any fruitful lines is permissible so long as effective safeguards are in force before information contributing to the production of atomic weapons is revealed.

16. The communiqué from Moscow (Appendix "C") repeats almost verbatim the above missions for the commission and, in addition, clarifies its composition and competence and proposes to place it, for matters affecting international peace, under the Security Council of the United Nations. Neither in the declaration nor in the communiqué is it clearly stated in which order the separate stages shall be considered, except perhaps by implication.

17. The matter of the exchange of basic scientific information for peaceful ends as a possible first step, has raised considerable controversy, particularly if it is envisaged to mean completely free exchange visits of scientists. As stated above, the "secret" of the atomic bomb is less a matter of restricting the dissemination of knowledge related to nuclear physics than it is in retaining information as to the application of this knowledge to the mass production of essential ingredients and their assembly in the bomb. Pure science is international in times of peace and complete control of atomic research is virtually impossible. The interchange of scientific information and advances in scien-

tific thought existed before World War II through the medium of technical journals and through conventions of scientists and their normal travel and study. Any restriction on such an interchange would meet great resistance and might slow down appreciably advance in peaceful fields. However, the interests of national and world security are jeopardized when scientists holding either the theoretical or the practical knowledge of production are given authority to exchange this knowledge with others who may, through lack of effective controls and safeguards, be free to apply the knowledge gained towards selfish individual or national aims not in consonance with the world effort to abolish all use of atomic weapons. In paragraphs 5 and 6 of Appendix "B" this problem is discussed and the answer there suggested appears sound, i.e., that detailed information concerning the practical application of atomic energy can be shared only so soon as effective, enforceable safeguards against its use for destructive purposes can be devised. Therefore, no interchange of information other than basic theory and no interchange of numbers of scientists holding detailed information regarding production and application of fissionable materials should be permitted until definite progress has been made in the field of safeguards and controls.

18. As for the control of atomic energy to the extent necessary to insure its use only for peaceful purposes, this is inevitably only a phase of the elimination from national armaments of atomic weapons and the provision of adequate safeguards to protect complying states from the hazards of violation. As stated above, the materials used for the peaceful industrial applications of atomic energy are precisely those which are used in atomic weapons, and the problem of their production is more difficult than their final adaptation to form the bomb. Once produced, they can be relatively rapidly, easily, and secretly diverted from peaceful use and made into atomic weapons. Even the most extensive and effective inspectional machinery might find it impossible to detect on all occasions such a diversion, particularly if it were done bit by bit over an extended period of time. The surest guarantee against such action could only come from the basic conviction by all individuals and all nations concerned that atomic energy should not be used in weapons. This conviction must be recognized as impossible of attainment, certainly, at any rate, under the present world order.

19. Inspection can be relatively effective only if the inspecting teams are fully cognizant of the processes for manufacturing and applying atomic energy to warlike use. No great power is likely to trust the reports of inspectors of other nationalities. Furthermore, to admit inspectors of alien allegiance into U.S. industrial installations, let

alone into U.S. plants producing fissionable materials, would be to violate all present day concepts of patent rights and the rights to secret commercial processes. To apply the concept of completely free inspection in all other nations of the world would be equally revolutionary and equally unlikely to be accepted. Therefore, to establish an even partially effective inspection system will be an unprecedented and most difficult task. One variation of the inspectional scheme envisages dependence on national inspection forces, each inspecting within its own country and being inspected in turn by an international inspection force. This is comparable to the present international system of controlling narcotic drugs and has, in that field, been relatively successful. However, it is a well-known fact that quantities of narcotic drugs are still sold in all parts of the world to those willing to pay the price demanded. Therefore, in view of the potentialities of the atomic energy, it is believed that such a system of control would be entirely unacceptable.

20. The provision of rapid and effective counter-action, including war, against any nation using or taking steps to use atomic weapons might be easier to attain. Under this concept the violation of the atomic agreement by any nations would be considered by all others as a *prima facie* act of war and all possible effective action against the aggressor would be enforced. The application of such measures would, it is true, be an admission of failure and would most probably mean the plunging of the world into atomic warfare. Nevertheless, such a system seems vital. The danger of any one nation electing to use atomic weapons should be measurably lessened if it were realized that all others capable of using atomic weapons or any other means of force would effectively apply these means against the aggressor. This is an extension of the present basis for the enforcement of world peace as set forth in the Charter of the United Nations, with one notable difference, i.e., no offending nation, whether it be one of the five permanent members of the Security Council or not, would be free from the threat of the use of force by all others. The whole concept of effective action against a great power intent on violating its agreement is a highly theoretical and controversial matter which can only be resolved, nationally and internationally, after much discussion and negotiation.

21. The United States already has available atomic weapons in some quantity, has used them, and is making more of them. Consequently, it would be logically difficult to forbid other powers from developing and making ready atomic weapons unless the United States ceases production and destroys all its bombs or unless all other nations agreed to make the United States the trustee of the weapons;

agreed further that no others should manufacture them and that if any attempted to do so, it would be proper that U.S. atomic bombs, in conjunction with the forces of the balance of the United Nations, should be used to destroy the unauthorized manufacturing plants. The United States should not destroy its bombs, and as to the second alternative, it seems unlikely that other major powers, as for instance the USSR, would agree. However, appointment of the United States as a trustee of the bomb might profitably be explored, since, if universally accepted, it would provide an interim means for enforcing the safe development of atomic energy.

22. Whether or not such an interim step be feasible or even desirable, the important situation to plan upon is the ultimate one where some or all nations are using atomic energy for peaceful purposes. This implies that they have then readily available the basic materials for conversion to atomic weapons. Under this hypothesis and by that time the necessity for agreement on effective action to be taken against a violator is apparent, and the United States should take the lead in establishing provision for such action. It is not to be envisaged that the United States would ever use the atomic bomb except against an aggressor state. Therefore, the national interest of the United States would coincide with that of other non-offender nations and the threat of the use of the atomic bomb would be a great deterrent to any aggressor which might be considering embarking on an atomic war. A pool of atomic weapons under the Security Council, with provisions prohibiting the existence of any other atomic weapons, has been proposed. Were it not for the veto power this procedure might be of value, but, with the failure of the Security Council to operate, no legal means of using this pool against a major aggressor appears available. Again, the location and trusteeship of the pool present difficulties. The Council has no inviolate territory of its own; agreement as to custodianship of all weapons by any one nation seems impracticable to achieve. Division of them among several, or many, nations will be simply furnishing those trustee nations with ready-made surprise weapons. The realistic working out of a scheme whereby such a pool could be established is therefore exceedingly difficult since the location of the pool, the means of using the pool, and its protection against capture by an unscrupulous power are matters hard to resolve.

23. A system of inspection should not be considered as a completely reliable solution to the problems raised by the development of atomic energy. Correlative with the establishment of such a system, the United States should support, realistically and vigorously, development of education throughout the world, to push towards the establishment of the regime of world law and order wherein lies the only hope for a

more permanent removal of the dangers inherent in atomic weapons.

24. The great complexity of the problems discussed above leads to the conclusion that progress can be expected to be slow. The United Nations in the first days of the existence of their organization will be hard put to solve the problems involved. Close integration of action proposed by the United States representatives on the Atomic Commission with the views of the Joint Chiefs of Staff, the State-War-Navy Coordinating Committee, appropriate Congressional leaders, and finally with the President, is essential.

Department of State Atomic Energy Files

*Memorandum by Dr. J. Robert Oppenheimer*⁷²

[WASHINGTON, February 2, 1946.]

In these notes I shall write down some of the non-technical things that have seemed to me relevant to the establishment of effective international control of atomic energy, and make, in rather broad terms, proposals on the basis of which a sound solution can in my opinion be sought. I shall write these notes against the background of our discussions in the past days, and with the thought in mind that the technical basis of many of the judgments will be provided in a separate report.

1. It is probable that the main desire of our Government is the achievement of safety and protection against the threat of atomic warfare. Even if it were possible to achieve this without considering such positive features as the extension of knowledge and its application to constructive purposes, it might be argued that such a course should not be followed. It is my belief that quite apart from its desirability, the provision for constructive development of the field of atomic energy will turn out to be essential for the operation of any system of safeguards. You have seen in the last days evidence of the enthusiasm, inventiveness, and intelligence that has gone into the development of the field in this country, and that has manifested itself even in such relatively peripheral matters as the exploration of raw material resources. I believe that just these elements must be brought to bear on the problem of control if there is to be any chance for a real solution. In particular, it has become clear to us that not only politically, but scientifically and technically as well, the field of atomic energy has

⁷² This document was a component part of a workbook of papers prepared by members of the Board of Consultants. The Board first considered this workbook on February 12 and subsequently prepared its preliminary report to the Acheson Committee by means of combining several of the workbook papers, including the present document, into an integrated argument.

witnessed very rapid change and very rapid progress. I believe that this will be the case in the future, too, and that no organization and no proposal can be effective which does not have a flexibility adequate to these changes. I further believe that any proposed organization must itself reflect the changing character of the problem and the constructive purposes which are a complement to control. It is clear that quite apart from any organizational details, the objectives here outlined will require a genuine cooperation and not a mere acquiescence on the part of the participating powers and agencies. As I understand it, the primary function of the United Nations Atomic Energy Commission must be to lay the basis for such cooperative approach to the problem.

2. The position of the three powers, the United States, the United Kingdom, and Canada, that have in the past collaborated in the development of atomic energy, is a rather special one, and that of the United States perhaps the most special of all. There are two parts to this: our technical advantage put us in a position to exercise disproportionate influence in shaping the proposals made, and our greater scientific and technical mastery of the problem should give us greater insight into the implications of a proposed solution and the character of the steps necessary to achieve it.

It has from the first, seemed important to balance our technical superiority insofar as possible by allowing the proposals to be formulated as a result of multilateral discussion, rather than through acceptance of a plan elaborated unilaterally by us. It would seem to be inevitable that differences of opinion similar to those which appeared in the Panel, but far more profound, would be expressed in approaching the organizational problems of control. Here again it would seem to me neither desirable, nor in any long term practical, to avoid a discussion of these issues in an attempt at their constructive reconciliation. Just this possibility is in fact my ground for believing that the negotiations we are now discussing may provide a prototype for more difficult future problems.

I have a somewhat different view of the situation arising from our sole possession of the technical and scientific insight necessary to sound judgments. This problem is in part technical, since many of the facts at our disposal, but not now generally known, are indeed relevant to questions of feasibility, adequacy, and safety. It is also in part a psychological problem in that insight depends not only on having facts available, but on having a sense of assurance that the relevant facts have not been withheld. I believe that it is premature to discuss the precise extent to which basic scientific information should be made available to the Atomic Energy Commission. It is clear, on the one

hand, that such information neither must, nor with propriety should, include detailed engineering specifications for plants and for weapons; on the other hand, our experience would indicate that the Smyth Report ^{72a} as it stands is probably far from sufficient. We shall be in a better position to judge this at our next meeting.

3. In order to evaluate the proposals that I should like to make, it may be well to consider extreme examples, which have been suggested from time to time, of proposals that I regard as unworkable. Almost everyone has, at one stage or another in his acquaintance with this problem, considered prohibiting further work on atomic energy, and devising a system of inspection adequate to insure that this prohibition is carried out. It is not only that this proposal would make impossible the application of existing knowledge to constructive ends; it would be so contrary to the human patterns of exploration and exploitation that no agreement entered into by heads of state could command the interest or the cooperation of the people of the world.

An apparently less radical solution would be the separation of the functions of development and of control according to which the only responsibility of an international authority would be the inspection of work carried out under a purely national or private initiative, and the possible prohibition of some of this work. The negative approach to the problem of control would leave the inspecting agency with inadequate insight, both into the technical state of the subject, and into its motivation and the organic characteristics of its growth. It would provide inspectors who are less informed and less enlightened than those whose evasions they were trying to prevent; it would provide inspectors with a motive pathetically inadequate to the immense and dreary task which such inspection would involve, and who would no doubt be in a poor position to apply to their work the technical ingenuity and inventiveness which alone can make it an undertaking of finite dimensions and some prospect of success. One sees these difficulties most clearly if the problem is considered as it may appear in the almost immediate future. On the one hand, I believe that no one would be willing to wait for the institution of a system of controls until such time as many nations had a flourishing atomic energy industry, and no doubt a flourishing atomic armaments program; on the other hand, it is probably true that at the present time there is pitifully little to inspect in any countries but the United States, the

^{72a} Henry D. Smyth, "A General Account of the Development of Methods of Using Atomic Energy for Military Purposes," the official report on the development of the atomic bomb by the United States, 1940-1945, prepared by the Chairman of the Department of Physics of Princeton University, a consultant for Manhattan District; released by the War Department on August 12, 1945, and published as *Atomic Energy for Military Purposes* (Princeton, N.J., Princeton University Press, 1945).

United Kingdom, and Canada. It is unclear what primary deposits would be exploited in the future, what plans would be made for the production of fissionable materials, and what laboratories and scientists will in the end be chosen to carry out this work. It is just this circumstance which would make the task of inspection so unenlightened and so vast as to be prohibitive. It is also clear that this approach to the problem would sacrifice almost wholly whatever advantages there are in the fact that atomic energy developments are nowhere else in the world an established and flourishing activity, representing a vested interest and a living organization.

4. Against this background of the difficulties of control as an isolated and negative function, I have thought it essential at least to consider combining the functions of development and of control in a single agency. It is fairly certain that there are now, and will increasingly be, activities having to do with atomic energy which are not vital to control and which, for human, or organizational, or political, reasons should not be included among the functions of the controlling authority; but there are certainly several such functions which, as matters now appear, should be so included among them: the development of raw materials, the exploration of atomic weapons, and the application, in its more dangerous forms, of atomic energy to power and technology.

a. I thus propose that the international authority have a monopoly on the study, development, and exploitation of uranium: That this could be an interesting activity some of our discussions of last week clearly showed, and apart from considerations of security a coordinated attack on a worldwide scale is the more appropriate way of exploiting the raw materials. An agency which was well informed about the location of deposits and the most highly developed means of working them, and their relation to each other, would be in a strong position to detect and discourage illegal enterprises of a more private nature. It would also be in a position to provide the basic accounting and material control for an ingredient which is at present, and probably will remain for a long time to come, uniquely necessary. Technical arguments suggest that the same machinery should be applied to the exploitation of thorium.

b. A second activity of the international authority, which is doubtless far less urgent, but for which provision must ultimately be made, is research and study of atomic explosives. You will remember from our discussion that this is a field in which we are by no means confident of the facts; it is, of course, possible that such atomic explosives may be useful to the peacetime economy of the world, but quite apart from this it is only by their exploration that any agency can have a reasonable chance of insuring that developments beyond its control are not of great danger to the world.

c. It would be an essential function of the international authority to develop atomic energy for industrial purposes and as a source of

power, and to carry out the technical advances necessary to make these developments practical, and to extend their range. In conducting this program, it is clear that economic, technological, and even sociological considerations will be as important as purely scientific ones, and it is further clear that the solution of the resulting conflicts will involve compromise and good will which only an agency with authority and adequate technical competence can bring to the problem.

d. As we pointed out, there are a number of potential applications of atomic energy which can be made relatively safe, either by denaturing procedures, or because plants are involved which destroy, rather than create, atomic explosives; or because the scale of the operations is small enough to be immaterial for atomic weapons. There may be strong arguments (and there probably are) for conducting these developments under a license system, with nations or with more private organizations, but the line between safe and dangerous activities should not remain fixed where we would draw it today, so that I should be reluctant to make a final *a priori* definition at this time.

e. It would seem to me desirable and, in fact, essential, that the international authority cooperate with scientists, engineers, industrialists, and others who are not members of their organization but who have an interest in, or a contribution to make toward, the work of the authority. This openness would contribute in an important way to making the authority subject to enlightened criticism and to making its findings available for more private exploitation wherever this could be done effectively and safely.

5. There are a number of questions which probably should be discussed in connection with the above proposals, although I do not feel qualified to discuss them. In particular, the organizational structure of the international authority, whether it be a commission or a corporation (or take another form), will have to be settled in the light of conflicting views as to the best methods of providing initiative, responsibility, and integrity. The machinery set up for providing a reasonable, forward-looking allocation of atomic power and atomic products, the machinery required for financing undertakings, many of which in the earlier times may not be economically profitable, and the contributions that might be expected in the form of labor, technical competence, and raw materials, all would need a fairly prompt discussion. Other questions on which there will be differences of opinion are the appropriate scale of development and the priorities that should attach to various phases of the work. In all of these matters one will have to draw both on the technical ingenuity of those familiar with the field of atomic energy, and on all useful precedents of effective organization.

6. There are a few questions which it seems to me not very profitable to discuss at present. One has to do with the complex of problems that would arise should there be abrogation of agreements by a nation or a group of nations, or activities in serious violation of these agree-

ments. Such discussions will inevitably bring one to the problem of sanctions, which seems to me essentially separable from the questions we have been asked to consider. Related to these questions is the provision of an adequate physical security for installations operated by the international authority but susceptible to diversion for military use, and the question of whether any useful purpose can be achieved by stockpiling atomic weapons to facilitate the application of sanctions. It is inevitable that all these questions will be asked; in my opinion their discussion cannot contribute in a constructive way to the solution of our primary problem.

501.BB/1-2546 : Telegram

The Secretary of State to the United States Representative at the United Nations (Stettinius)

CONFIDENTIAL URGENT WASHINGTON, February 14, 1946—6 p. m.

1526. Undel 212. 1. State-War-Navy Ad Hoc Subcommittee on Security Functions of the UN ⁷³ has considered JCS paper (1567/28) on armed forces to be made available to SC and has recommended SWNCC approval subject to minor amendments, including a new text of a proposed standard agreement. SWNCC will consider this at an early date.⁷⁴ It is understood US members MSC already have JCS 1567/28.

⁷³ The State-War-Navy Coordinating Committee (SWNCC) was the principal interdepartmental body concerned with the coordination of foreign and military policies in 1946. For a description of the organization and functions of SWNCC, see footnote 3, p. 1112. SWNCC made provision for planning with respect to United Nations political-military matters in 1945 by establishing the *Ad Hoc* Committee to Effect Collaboration Between the State, War, and Navy Departments on Security Functions of the United Nations Organization (subsequently known as the *Ad Hoc* Committee on Security Functions of the United Nations). Such a body had been suggested by Joseph E. Johnson, Chief of the Division of International Security Affairs, in a memorandum to John D. Hickerson, the Department of State Member and Acting Chairman of SWNCC, on July 20, 1945. The *Ad Hoc* Committee, which became the principal formal machinery for formulating and recommending unified United States policy on UN security matters, first met on August 18, 1945, and subsequently concerned itself with matters before the United Nations Preparatory Commission and the Executive Committee at London. The Department of State was represented on the *Ad Hoc* Committee by personnel from the Office of Special Political Affairs; Alger Hiss, Director of SPA was the Chairman of the *Ad Hoc* Committee in 1946. The Military Establishment was represented by members of the Joint Strategic Survey Committee of the Joint Chiefs of Staff; regarding the functions of that body, see footnote 68, p. 738.

The Joint Chiefs of Staff took into account recommendations of the *Ad Hoc* Committee and its parent body in instructing their deputies, the United States Representatives on the Military Staff Committee, regarding UN forces and other matters. (SWNCC Files)

⁷⁴ The State-War-Navy Coordinating Committee approved the recommendation of the JCS paper on February 27 as SWNCC 219/8; with respect to that document, see USMS/12/Rev. 1 (the text of the principles later extracted from it) and Blaisdell's memorandum of April 1, pp. 759 and 769, respectively.

2. Subcommittee also considered relation between discussion of armed forces in MSC and discussion of same subject in SC, with specific reference to Item 10 of SC agenda⁷⁵ (reported deferred in Delun 148).⁷⁶ State Dept members presented political desirability of having MSC consider question of armed forces in pursuance to directive from SC. Service members pointed out that SC would need advice of MSC in preparing such directive and that informal discussion on military level may have already occurred.

3. Dept does not know what were intentions of SC in deferring Item 10 (Delun 148). Possibly SC intended to return to Item 10 after arrival of remaining members of MSC and after organization of latter committee had been completed. If this is the case, it is of interest that the *Ad Hoc* Subcommittee agreed that a satisfactory procedure would be for the SC, in returning to Item 10 to request the MSC to prepare recommendations as to the best means of arriving at the conclusion of the special agreements referred to in Article 43 of the Charter. At the same time, it was recognized that you and the US members of the MSC might wish to work this out by consultation in the light of the existing situation.⁷⁷

BYRNES

SPA Files⁷⁸

Memorandum by Mr. Howard C. Johnson of the Division of International Security Affairs to the Director of the Office of Special Political Affairs (Hiss)

CONFIDENTIAL

[WASHINGTON,] February 25, 1946.

Subject: Consideration of the Regulation of Armaments by the SWNCC *Ad Hoc* Subcommittee on Security Functions of the United Nations

In December 1945 the Joint Strategic Survey Committee prepared a paper for the approval of the Joint Chiefs of Staff on the regulation of armaments,⁷⁶ a paper designed to serve as guidance for the U.S. members of the Military Staff Committee. JCS considered the paper unsatisfactory and referred it back to JSSC for further study

⁷⁵ Item 10 on the Security Council agenda read as follows: "Item 10. Discussion of the Best Means of Arriving at the Conclusion of the Special Agreements Referred to in Article 43 of the Charter."

⁷⁶ Not printed.

⁷⁷ At its 23rd Meeting, February 16, the Security Council decided that the Military Staff Committee need not meet again at London. For the text of the resolution adopted at the same meeting concerning the future work of the MSC, see Blaisdell's memorandum of April 1, p. 769.

⁷⁸ Lot 55D323, certain files of the Office of Special Political Affairs and its successor offices, 1946-1951.

in the light of additional factors suggested by JCS. JCS also forwarded the attached memorandum to SWNCC, suggesting that the SWNCC *Ad Hoc* Subcommittee on Security Functions of the United Nations undertake a preliminary study of the matter.

On December 28, 1945 SWNCC referred this memorandum to the *Ad Hoc* Subcommittee for necessary action. No action has been taken as yet in the Subcommittee. It has not been pushed by the State Department since it was considered desirable that the Department have its own position somewhat clarified before entering discussions with the service departments; it was understood informally that War Department staff officers also believed that some initial guidance from the State Department would be essential.

IS expects to complete next week a paper which might be used as a basis for discussion;⁸⁰ it will not set forth a definitive position on the regulation of armaments. We believe that there would be substantial advantage in bringing together a State-War-Navy working group as early as practicable for further work on the subject.

It is recommended that you, as chairman of the Subcommittee now charged with action on the development of the U.S. position on the regulation of armaments, raise informally with the other members of the Subcommittee the desirability of setting up a working group to draft papers on the subject for the consideration of the Subcommittee. It would be desirable to have at least two members from each Department on the working group. IS considers it essential that IS be represented on the working group, and suggests that it would be desirable to have EUR represented if possible.

[Annex]

*The Joint Chiefs of Staff to the State-War-Navy Coordinating Committee*⁸¹

CONFIDENTIAL
SM-4531

WASHINGTON, 21 December 1945.

Subject: U.S. Guidance as to Disarmament and the Regulation of Armaments.

It is the understanding of the United States Chiefs of Staff that the subject of the regulation of armaments, and possible disarmament, may be raised for discussion in early meetings of the General Assembly, the Security Council and the Military Staff Committee of the

⁸⁰ Presumably an antecedent draft of SWNCC/MS UNO Doc. 28, June 5, prepared in the Division of International Security Affairs; for partial text of that document, see p. 833.

⁸¹ Circulated as SWNCC 240/D, December 28, 1945.

United Nations. The United States Chiefs of Staff will wish to furnish adequate guidance on this subject to their representatives on the Military Staff Committee and to insure that such guidance is carefully coordinated with the views expressed by the United States representative in the Security Council.

For the present, the United States Chiefs of Staff propose to instruct their representatives not to discuss the regulation of armaments, and possible disarmament, in the Military Staff Committee until the Security Council calls upon the Committee for advice and assistance with respect thereto.

In order that U.S. views might be ready when needed, it would appear to be most desirable for a preliminary study of the problems involved in the regulation of armaments, and possible disarmament, to be undertaken as early as practicable. It would appear that this a proper function for the State-War-Navy *Ad Hoc* Subcommittee on Military and Security Functions of the United Nations Organization, on which the armed forces are represented by the members of the Joint Strategic Survey Committee.

For the Joint Chiefs of Staff:

A. J. McFARLAND
Brigadier General, U.S.A.,
Secretary

Department of State Atomic Energy Files

*Mr. Bernard M. Baruch*⁸² to the Secretary of State

[NEW YORK,] March 13, 1946.

MY DEAR JIM: I have just been able to get the atomic energy resolution⁸³ which I read over very carefully.

Section 5, paragraphs B, C, and D are the crux. Any proposal will have to be based upon a better observance of promises. In the present circumstances that would be worth very little judging by your notes to Russia.

There is no reason why Section A should not be undertaken, although this immediately raises the question of patents in connection with all scientific processes, particularly those of peace, which are being indus-

⁸² Civic leader and investment banker; chairman of the War Industries Board during World War I; government consultant during World War II. In late February, Byrnes had asked Mr. Baruch to be United States Representative on the United Nations Atomic Energy Commission.

⁸³ The resolution on atomic energy adopted by the United Nations General Assembly, London, January 24, 1946; for text, see GA (I/1), *Resolutions*, p. 9.

trialized and which help to raise the standard of living of everyone. In war one can seize those patents, but in peace they must be protected.

When it comes to the others, I do not see how we can proceed at present. If Russia will not permit entree of news men or others, can we believe they will permit any inspection? That would immediately stop the discussion regarding atomic energy.

Unless we get a better working UNO which is the only hope of the world, we will be unable to discuss the elimination of the atomic bomb from armaments because we will be the only ones who will have them.

I must confess that paragraph B is a puzzler to me. Indeed, I feel I should like to have you expatiate a little more on the terms of reference of the commission. I understand it had to be more or less indefinite but I would like to know more about what exactly lies in your mind.

Another thing, I can only work between the hours of 10 and 12 in the morning and from 2:30 to 4:30 in the afternoon. I cannot go to any night sessions.

I feel very strongly we ought to work everything through the UNO and try to uphold that, but I do not see any point in our discussing any of the questions this will bring up unless a better understanding—a two-way street—is had with other countries, particularly Russia and that all contracts and promises should be lived up to. There is no good making new ones unless we live up to the old ones.

I understand also that this will not stop me from expressing my views on any other questions. It will stop me from making any statement regarding atomic energy which will be the work of the commission. Anything I will have to say will have to be said to the commission. I then become a part of the machinery as long as I remain a member of it.

This is a very important matter and I do not want to say No, but I should like to have an alternate or assistant—a man like Eberstadt,⁸⁴ Hancock,⁸⁵ Searls⁸⁶ or Swope,⁸⁷ besides the scientific advisers.

In view of all this, if you still want me to serve I will accept.

Sincerely yours,

[File copy not signed]

⁸⁴ Ferdinand Eberstadt, banker, served on the War Production Board during World War II.

⁸⁵ John M. Hancock, investment banker, served with the War Resources Board during World War II.

⁸⁶ Fred Searls, Jr., mining corporation executive, served with the Office of War Mobilization during World War II.

⁸⁷ Herbert Bayard Swope, former editor of the *New York World* and head of the New York State Racing Commission; served with the War Industries Board during World War I.

IO Files : USMS/12/Rev. 1⁸⁸

Memorandum by the United States Representatives on the Military Staff Committee

SECRET

[NEW YORK,] 15 March 1946.

PRINCIPLES TO BE ADVOCATED BY U.S. IN PREPARING MILITARY AGREEMENTS BETWEEN SECURITY COUNCIL AND MEMBER NATIONS OF U.N.O.⁸⁹ (INCLUDES U.S. DELEGATION'S COMMENTS)

1. The Security Council of the United Nations shall establish a pool of armed forces which shall be maintained by the respective contributing member nations at operational strength and in readiness for combat in order that units may be drawn upon promptly under conditions recognized by the Security Council as requiring the use of forces under the United Nations Charter.

2. The pool shall include land, sea and air force units so organized and distributed geographically as to enable the United Nations to bring military pressure to bear in any part of the world in so far as practicable. In particular, national air force contingents would be held immediately available to enable the United Nations to take urgent military measures as stated in Article 45 of the United Nations Charter.

3. Armed forces contributed by member nations shall habitually be based within the respective borders or territorial waters of each contributing nation, or its possessions, or within areas occupied by them under international agreements except at such times as such forces are acting under the direction of the Security Council. (Submit to J.C.S.)

4. The permanent members of the Security Council shall provide the major portion of the security forces initially with the contributions of smaller nations being integrated into the pool of forces as they become available.

5. The permanent members of the Security Council shall agree to contribute forces of comparable over-all strength but which may differ widely as to the strength of separate components, land, sea or air. Other member nations will be given an opportunity to offer contributions in the form of armed forces and/or installations, services, transportation, rights of passage or items of common military supply. The Military Staff Committee will be prepared to confer with military repre-

⁸⁸ Documentation produced by the United States Representatives on the Military Staff Committee bears the designation "USMS".

⁸⁹ The principles contained in this document were extracted, after consultation with representatives of the Department of State, from State-War-Navy Coordinating Committee document SWNCC 219/8; in regard to that document, and for information on subsequent developments with respect to the present document, see Mr. Blaisdell's memorandum of April 1, p. 769.

representatives of nations not permanently represented on the Security Council as to what appropriate contributions might include.

6. Forces, or any part thereof, contributed by member nations shall come under the control of the Security Council at the time and place designated by the Security Council.

7. United Nations forces, when operating under direction of the Security Council, shall serve under the over-all commander designated by the Security Council. The over-all commander shall act under the strategic direction of the Military Staff Committee. Except when required for use by the Security Council, armed forces listed as available to the United Nations shall remain under the exclusive command of the respective contributing nations.

8. The Security Council and any member or group of members of the United Nations shall have the right to reopen negotiations for an increase or decrease of the contribution of that member or group.

9. Each member nation shall be responsible for the supply and maintenance, including replacement personnel, of the forces it contributes to the United Nations forces. Each member nation shall also provide transportation for its forces acting under the Security Council to the extent of its capabilities.

10. In case of inability of any member nation to provide the required transportation to move its contingent of the United Nations forces operating under the Security Council, the transportation shall be obtained from other member nations as part of such other nations' agreed contribution to the support of the enforcement powers of the Security Council, or it shall be found and chartered by the Security Council.

11. In general, agreements between the Security Council and member nations shall include general guarantees providing for rights of passage and for the furnishing of services and facilities required by forces acting under the Security Council, within the limits of each nation's capacity, rather than including a detailed determination of them. Such services and facilities shall be provided at the request of the Security Council, and the expenses therefor shall be borne as the appropriate authorities may determine.

12. No member nation shall be urged to increase its military strength or create a particular component thereof for the purpose of providing a contingent to the United Nations forces.

13. The United Nations forces should be established with the least practicable delay.

14. Separate agreements shall be prepared for negotiation between the Security Council and each member nation. If practicable, these agreements shall be on a standard form.

S11.2423/3-1746

*The Secretary of State's Committee on Atomic Energy to the
Secretary of State*

WASHINGTON, March 17, 1946.

DEAR MR. SECRETARY: Your committee was appointed on January 7, 1946, with the following terms of reference:

"Anticipating favorable action by the United Nations Organization on the proposal for the establishment of a commission to consider the problems arising as to the control of atomic energy and other weapons of possible mass destruction, the Secretary of State has appointed a Committee of five members to study the subject of controls and safeguards necessary to protect this Government so that the persons hereafter selected to represent the United States on the Commission can have the benefit of the study."

At our first meeting on January 14, the Committee concluded that the consideration of controls and safeguards would be inseparable from a plan of which they were a part and that the Commission would look to the American representative to put forward a plan. At that meeting we also agreed that it was first essential to have a report prepared analyzing and appraising all the relevant facts and formulating proposals. In order that the work should be useful, it was necessary to designate men of recognized attainments and varied background, who would be prepared to devote the major part of their time to the matter.

On January 23, 1946, we appointed as a Board of Consultants for this purpose:

Mr. David E. Lilienthal, Chairman of the Tennessee Valley Authority, who acted as Chairman of the consulting Board,

Mr. Chester I. Barnard, President of the New Jersey Bell Telephone Company,

Dr. J. Robert Oppenheimer, of the California Institute of Technology and the University of California,

Dr. Charles Allen Thomas, Vice President and Technical Director, Monsanto Chemical Company, and

Mr. Harry A. Winne, Vice-President in Charge of Engineering Policy, General Electric Company.

The Board of Consultants has spent virtually its entire time, since the date of appointment, in an intensive study of the problems, and has now completed its report, which is transmitted herewith.⁹⁰

A preliminary draft of this report was first presented to your Committee ten days ago. Extensive discussion between the Committee and

⁹⁰ A Report on the International Control of Atomic Energy, March 16, 1946, Department of State Publication 2498 (Washington, 1946). The report, formally released on March 23, is often referred to as "The Acheson-Lilienthal Report."

the Board led to the development of further considerations embodied in a subsequent draft. Still further discussion resulted in the report now transmitted.⁹¹

We lay the report before you as the Board has submitted it to us "not as a final plan, but as a place to begin, a foundation on which to build." In our opinion it furnishes the most constructive analysis of the question of international control we have seen and a definitely hopeful approach to a solution of the entire problem. We recommend it for your consideration as representing the framework within which the best prospects for both security and development of atomic energy for peaceful purposes may be found.

In particular, we are impressed by the great advantages of an international agency with affirmative powers and functions coupled with powers of inspection and supervision in contrast to any agency with merely police-like powers attempting to cope with national agencies otherwise restrained only by a commitment to "outlaw" the use of atomic energy for war. In our judgment the latter type of organization offers little hope of achieving the security and safeguards we are seeking.

We are impressed also by the aspect of the plan which concentrates in the hands of the international agency only the activities which it is essential to control because they are dangerous to international security, leaving as much freedom as possible to national and private research and other activity.

We wish to stress two matters brought out in the Board's report—matters of importance in considering the report's proposals as they affect the security of the United States both during the period of any international discussion of them and during the period required to put the plan into full effect.

The first matter concerns the disclosure of information not now generally known. The report points out that the plan necessitates the disclosure of information but permits of the disclosure of such information by progressive stages. In our opinion various stages may upon further study be suggested. It is enough to point out now that there could be at least four general points in this progression. Certain information, generally described as that required for an understanding of the workability of proposals, would have to be made available at the time of the discussions of the proposals in the United Nations Atomic Energy Commission, of the report of the Commission in the Security

⁹¹ The Secretary of State's Committee on Atomic Energy and its Board of Consultants held joint meetings at Dumbarton Oaks, Washington, D.C., on March 7 and 8, and March 16 and 17. Handwritten notes of those sessions by Carroll Wilson, and Miss Anne Wilson's shorthand stenographic notes, exist in the Atomic Energy Lot File, Department of State. For an account of the meetings, see Hewlett and Anderson, pp. 540-553.

Council and General Assembly of the United Nations and in the national legislatures which would be called upon to act upon any recommendations of the United Nations. We have carefully considered the content of this information, and in our discussions with the Board have defined it within satisfactory limits. We estimate the degree of its importance and the effect of its disclosure to be as follows: If made known to a nation otherwise equipped by industrial development, scientific resources and possessing the necessary raw materials to develop atomic armament within five years, such disclosure might shorten that period by as much as a year. Whether any nation—we are excluding Great Britain and Canada—could achieve such an intensive program is a matter of serious doubt. If the program were spread over a considerably longer period, the disclosure referred to would not shorten the effort appreciably.

The next stage of disclosure might occur when the proposed international organization was actually established by the action of the various governments upon the report of the United Nations. At this time the organization would require most of the remaining scientific knowledge but would not require the so-called technical know-how or the knowledge of the construction of the bomb.

By the time the organization was ready to assume its functions in the field of industrial production it would, of course, require the technological information and know-how necessary to carry out its task. The information regarding the construction of the bomb would not be essential to the plan until the last stage when the organization was prepared to assume responsibility for research in the field of explosives as an adjunct to its regulatory and operational duties.

The second matter relates to the assumption or transfer of authority over physical things. Here also the plan permits of progress by stages beginning in the field of raw material production, progressing to that of industrial production, and going on to the control of explosives.

The development of detailed proposals for such scheduling will require further study and much technical competence and staff. It will be guided, of course, by basic decisions of high policy. One of these decisions will be for what period of time the United States will continue the manufacture of bombs. The plan does not require that the United States shall discontinue such manufacture either upon the proposal of the plan or upon the inauguration of the international agency. At some stage in the development of the plan this is required. But neither the plan nor our transmittal of it should be construed as meaning that this should or should not be done at the outset or at any specific time. That decision, whenever made, will involve considerations of the highest policy affecting our security, and must be made by our

government under its constitutional processes and in the light of all the facts of the world situation.

Your Committee, Mr. Secretary, awaits your further instructions as to whether you believe it has performed the task you assigned to it and may now be discharged or whether you wish it to go further in this field under your guidance.

Respectfully submitted,

DEAN ACHESON
Chairman
 VANNEVAR BUSH
 JAMES B. CONANT
 LESLIE R. GROVES
Major General, USA
 JOHN J. McCLOY

501.BC/3-2046

*Memorandum Prepared in the Division of International
 Security Affairs*⁹²

[WASHINGTON,] March 19, 1946.

PRELIMINARY VIEWS OF THE U.S. SECURITY COUNCIL GROUP⁹³ (POLITICAL) ON THE NEXT STEPS IN THE PREPARATION AND NEGOTIATION OF THE AGREEMENTS REFERRED TO IN ARTICLE 43

1. On February 16, 1946, the Security Council directed the Military Staff Committee substantially as follows: (a) to meet at the temporary headquarters simultaneously with the Security Council, and (b) as its first task, to examine from the military point of view the provisions in

⁹² The present document accompanied a memorandum of March 20 from Dean Rusk of the Division of International Security Affairs to Alger Hiss, Director of the Office of Special Political Affairs.

The Division of International Security Affairs (IS) of the Office of Special Political Affairs was the area within the Department of State directly concerned with the subject of United Nations security matters. Primary responsibility for the formulation of Department of State positions on this subject in the State-War-Navy Coordinating Committee and its *Ad Hoc* Committee on Security Functions of the United Nations, and for drafting instructions for the United States Delegation at the United Nations on the matter rested with IS.

⁹³ The United States Security Council Group consisted of Department of State and military officials concerned with the question of placing armed forces at the disposal of the Security Council. Department of State representation included political officers from IS, SPA, and other areas. Military membership included the United States Representatives on the Military Staff Committee. The Security Council Group met in London and Washington prior to the establishment of the United States Permanent Delegation office at the United Nations in New York on March 19. It does not appear that the body as such met thereafter. However, the office of the United States Representative on the Security Council (the Permanent Delegation) maintained close contact with the United States Representatives on the Military Staff Committee and provided them with guidance on the political aspects of their work.

Article 43 of the Charter and submit the results of the study and any recommendations to the Security Council in due course. The Military Staff Committee now plans to meet in New York on March 25.

2. It is understood informally that the U.S. Representatives on the Military Staff Committee plan to propose to the Committee at its first meeting that, in order to proceed to comply with the above directive, the Military Staff Committee deal with problems arising in connection with the special agreements of Article 43 in the following four phases :

(a) Formulation of general principles applicable to the special agreements ;

(b) Estimation of the total pool of forces which the Security Council might require ;

(c) Contributions which the permanent members of the Security Council might make by way of armed forces, assistance and facilities ; and

(d) Similar contributions which other Members of the United Nations might make.

3. It is also understood that the U.S. Representatives will, if the above phasing is acceptable to the Military Staff Committee, recommend that a sub-committee be appointed immediately to consider general principles. The U.S. member of this sub-committee would then introduce a paper setting forth broad principles which he will propose be adopted. This paper has already been prepared and consists of broad principles extracted from SWNCC 219/8.

4. At an informal meeting of the staff of the U.S. Representative on the Security Council, held on March 15, it was concluded that the next steps toward preparing and negotiating the agreements referred to in Article 43 should be :

(a) The U.S. Representatives on the Military Staff Committee should propose to the Committee that it proceed along the lines indicated in par. 2, above.

(b) If the Military Staff Committee agrees and appoints a sub-committee to consider general principles, the U.S. member of the subcommittee should introduce U.S. views to the general principles involved, basing such views on SWNCC 219/8.

(c) As soon as the Military Staff Committee has arrived at a formulation of general principles, these should be forwarded to the Security Council for approval, prior to the consideration by the Military Staff Committee of the application of these principles to the quota forces.

(d) If the above procedure is halted by disagreement in the Military Staff Committee, the U.S. Security Council Group (political and military) should meet at once to determine the next step.

(e) Close liaison between the political and military members of the U.S. Council Group will be required at all times.

SPA Files

Memorandum by the Assistant Chief of the Division of International Security Affairs (Rusk)

SECRET

[WASHINGTON,] March 22, 1946.

VIEWS OF THE U.S. SECURITY COUNCIL GROUP (POLITICAL) ON THE PREPARATION AND NEGOTIATION OF THE SPECIAL AGREEMENTS REFERRED TO IN ARTICLE 43

The U.S. Security Council Group agreed that it would be desirable for the U.S. Representatives on the Military Staff Committee to introduce the following memorandum at the next meeting of the Military Staff Committee:⁹⁴

PROCEDURE FOR COMPLYING WITH SECURITY COUNCIL DIRECTIVE OF 16 FEBRUARY 1946 REGARDING THE PREPARATION OF MILITARY AGREEMENTS

Memorandum From the U.S. Delegation on the Military Staff Committee

1. At its meeting of 16 February 1946, the Security Council decided that the next meetings of the Military Staff Committee should be devoted to the study of Article 43 of the United Nations Charter.

2. As a method of accomplishing this task, the United States Delegation proposes the following procedure be carried out in the sequence given:

a. Formulate recommendations to the Security Council as to the basic principles which should govern the organization of the United Nations forces. (A subcommittee should be appointed at once to study this question and submit its recommendations to the Military Staff Committee as a whole).

b. Formulate recommendations to the Security Council as to the contribution of forces to be made by each of the five permanent members of the Security Council.

c. Formulate recommendations to the Security Council as to the contribution of forces which should be made by each member nation which is not a permanent member of the Security Council.

It was also agreed that it would be desirable for the Military Staff Committee to forward its recommendations as to general principles (under *a*, above) to the Security Council for approval before using such principles as a basis for examining the contributions of forces to be made by Members of the United Nations.

⁹⁴ The Military Staff Committee convened in New York on March 25, at which time the United States Representatives submitted as document MS/20 the proposal printed here. It was agreed to establish a subcommittee on basic principles. (10 Files)

Department of State Atomic Energy Files

*Mr. Bernard M. Baruch to President Truman*⁹⁵

WASHINGTON, March 26, 1946.

MY DEAR MR. PRESIDENT: I was, of course, very much gratified that you should have expressed such great confidence in me as to appoint me the United States representative on the United Nations Atomic Energy Commission.⁹⁶ I do not underestimate either the honor or the responsibility but, as I have become more familiar with the situation, there are certain elements of it which are causing me concern, and which I, therefore, want to discuss with you. As I understand my duties and authority, they consist presently solely of the obligation of representing United States policy on atomic energy, as communicated to me by you directly or through the Secretary of State, before the United Nations Organization. I see nowhere any duty or responsibility on me to participate in the formation of that policy.

This situation has been brought very forcibly to my attention by the press announcements of the report rendered by Mr. Acheson's Committee. I do not underestimate the effect of this publication in the United States or in the world at large, and while I have not had an opportunity to examine the report with care and cannot state my own definite views with respect to it, the letter from Secretary Byrnes to me transmitting the report⁹⁷ states that it was unanimously recommended by a Committee headed by the Under Secretary of State. This brings the report pretty close to the category of the United States Government policy.

I have no doubt that the public feels that I am going to have an important relation to the determination of our atomic energy policy. There is no legal basis for this view and now that the Under Secretary of State's Committee Report has been published, the determination of policy will be greatly affected by the contents of this report. Even the superficial and incomplete examination of the subject that I have been able to make in the last few days convinces me that this report is likely to be the subject of considerable and rather violent differences of opinion. Its publication, which I understand to have been unauthorized, does not render the situation any less difficult.⁹⁸

⁹⁵ Presented in person at the White House, March 26; for an account of this Truman-Baruch meeting, see Hewlett and Anderson, pp. 557-558.

⁹⁶ The appointment had been announced on March 18. In regard to the circumstances of the appointment, the selection and functions of Baruch's staff, and the establishment of liaison between Baruch's office and the Department of State, see Hewlett and Anderson, pp. 554-576.

⁹⁷ Letter of March 21, not printed.

⁹⁸ Accounts of the report had appeared in the press on March 25 although the document was not formally released by the Department of State until March 28.

These are the things that have been bothering me, and I wanted to talk them over with you before coming to a final conclusion myself as to whether, in the circumstances, I can be useful to you. I will need a little more time to reflect. As it presently stands, I think that embarrassment all around would be avoided if you would ask Chairman Connally of the Foreign Relations Committee to postpone any action on confirmation of my appointment until I have had a little more time to think things over.

Respectfully yours,

[File copy not signed]

501.BC Atomic/3-2946

Memorandum of Conversation, by the Acting Secretary of State

[WASHINGTON,] March 29, 1946.

At the end of Mr. Makins' ⁹⁹ call upon me, the principal subjects of which have been described in other memoranda, he told me that he was reading with very great interest the report of the Consultants on the international control of atomic energy which was released last night. While he had not finished it he was finding it a most thoughtful paper. He believed that it was not very far from ideas which were developing in London. He mentioned specifically that part of the report which dealt with the control of raw materials. He did not express himself on the international control of primary producing plants or of the production of explosives. I stressed to Mr. Makins that the report was, of course, only a working paper and did not reflect established Government policy. He said that he understood this. He asked when I expected the United Nations Atomic Energy Commission to meet and when I thought the United States Government policy would be crystallized. I told him that I could not offer an opinion on these subjects beyond saying that a great deal of work remained to be done. He said that Sir Alexander Cadogan ¹ had expressed a desire to come to Washington to discuss these matters with me. I replied that I should be delighted to see Cadogan and would be most happy to discuss with him the ideas expressed in the report. I could not, however, as of the present time be very helpful to him on the other matters he mentioned.

DEAN ACHESON

⁹⁹ Roger Makins, British Minister in the United States.

¹ British Representative on the Security Council and Atomic Energy Commission.

SPA Files

Memorandum by the Associate Chief of the Division of International Security Affairs (Blaisdell)

[WASHINGTON,] April 1, 1946.

NOTES REGARDING STATUS OF SWNCC 219/8 "U.S. GUIDANCE AS TO THE ARMED FORCES TO BE MADE AVAILABLE TO THE SECURITY COUNCIL OF THE UNITED NATIONS"²

1. Development of SWNCC 219/8; the paper originated with the Joint Chiefs of Staff and was revised in collaboration with the State Department. In its present form it has the approval of the State-War-Navy Coordinating Committee which means the approval among other things of the Secretary of State. It has also been discussed in-

² SWNCC 219/8 was a basic interdepartmental statement of United States policy with respect to Security Council armed forces. It was a revision of SWNCC 219/6/D, a document circulated within the State-War-Navy Coordinating Committee by the Joint Chiefs of Staff on February 1. SWNCC referred SWNCC 219/6/D to the Ad Hoc Committee to Effect Collaboration Between the State, War, and Navy Departments on the Security Functions of the United Nations Organization which considered it on February 8 and recommended changes which were incorporated into SWNCC 219/7. SWNCC 219/8 represents the Ad Hoc Committee's recommended text slightly revised and approved by the parent body on February 27.

SWNCC 219/8 contained the following conclusions:

"That the agreements establishing the numbers and types of forces, their degree of readiness and general location and the nature of the facilities and assistance to be provided should preferably be concluded between the Security Council and each individual member nation, although negotiations leading to individual agreements may be facilitated by dealing simultaneously with groups of nations in generally similar circumstances."

"That a standard form of agreement along the lines of the annexed draft agreement may be used as found convenient by the Security Council as a basis for negotiations with member nations." A draft standard form of agreement was included; that draft was submitted to the Military Staff Committee as MS/58, May 18.

The United States should provide one corps comprising two divisions, a balanced task force of 5 wings, one carrier task group, amphibious and sea transport lift for the above forces to the extent available, plus adequate surface support.

"The contribution by any member and especially by smaller nations should not exceed their military capability of maintenance and should be based on the ability and willingness of each member nation to make available such force."

"No fixed limit should be set for the entire Security Force at this time. Therefore, the size and composition of the entire force cannot now be determined."

Transportation and other assistance and facilities should be provided for.

"The permanent members of the Security Council should agree upon and announce their respective quotas initially."

"No reduction should be made in their quotas merely to maintain the total Security Force at a fixed over-all strength; any reductions in their quotas should be based on developments in the world situation and the ability and willingness of member nations to contribute."

"The Security Council should set the earliest practicable target date for the availability of the pool of forces to be furnished. Subject to legislative processes, it is now estimated that U.S. forces as far as military preparations are concerned might be ready by 1 January 1947." (SWNCC Files)

formally by Mr. Acheson with the President, who has indicated his agreement.³

2. Document 219/8 contains proposals which are political in character as well as military. For example, the proposal that the governments of the five permanent members of the Security Council provide the major portion of the security forces initially. The Security Council to which the Military Staff Committee reports is composed of representatives of six other members as well as of the five permanent members.

3. In view of paragraph 2 above, it has been felt that the Military Staff Committee should operate with respect to Article 43 under a Security Council directive setting out the principles to be followed in negotiating the agreements.

4. The Security Council adopted a directive at its last meeting in London on February 16, 1946. There follows an excerpt from the Journal of the Security Council for its meeting of this date. Sir Alexander Cadogan, the United Kingdom, proposed: ". . . 'that the Security Council should request the Military Staff Committee to meet at the temporary headquarters of United Nations simultaneously with the first meeting of the Security Council at the temporary headquarters in New York and that the Council should direct the Military Staff Committee as its first task to examine from the military point of view the provisions in article 43 of the Charter and submit the results of the study and any recommendations to the Council in due course.' . . ."

This was agreed to without objection.

5. After discussion among the Security Council group of the United States Department of State, a suggested procedure was developed for complying with this directive (see Mr. Rusk's paper of March 22, 1946,⁴ particularly paragraph 2, *a*). The recommended principles, which it is felt the United States should advocate, have been extracted from SWNCC 219/8 and have been set out in a separate paper.⁵

6. The Military Staff Committee has adopted the procedure suggested by the United States representative, the subcommittee has been set up, and it was agreed in the Military Staff Committee to have the subcommittee receive draft principles from each of the members repre-

³ Mr. Acheson described his discussion with President Truman on March 27 in a memorandum of the same day. The President approved transmitting SWNCC 219/8 to Stettinius and to the United States Representatives on the Military Staff Committee as a tentative basis of discussion. During the same conversation, President Truman suggested that the views of Senators Connally, Vandenberg, and Thomas (of Utah), on SWNCC 219/8 be solicited. (501.BC/3-2646)

⁴ *Ante*, p. 766.

⁵ *Ante*, p. 769.

sented. The principles extracted from SWNCC 219/8 are being presented to the subcommittee as the United States proposal.⁶

SPA Files

Memorandum of Conversation, by the Associate Chief of the Division of International Security Affairs (Blaisdell)

[WASHINGTON,] April 1, 1946.

NOTES OF A CONFERENCE BETWEEN STATE DEPARTMENT OFFICIALS AND CERTAIN SENATORS, APRIL 1, 1946, 2:30 p. m., SENATE FOREIGN RELATIONS COMMITTEE ROOM IN THE CAPITOL

At the suggestion of the President and on the instructions of the Under Secretary, Messrs. Hiss and Blaisdell conferred today with Senators Connally, Thomas of Utah,⁷ Vandenberg and Austin⁸ regarding SWNCC 219/8 and the statement of principles to be advocated by the United States in the negotiating of agreements under Article 43 of the Charter. Senator George was invited but was unable to attend because of illness. There were also present Mr. R. V. Shirley, Clerk of the Senate Foreign Relations Committee, and Mr. Francis Wilcox, Head International Relations Analyst in the Library of Congress Legislative Reference Service.

At the beginning of the conference, copies of SWNCC 219/8, "U.S. Guidance as to the Armed Forces to be Made Available to Security Council of the United Nations," and the paper, "Principles to be Advocated by U.S. in Preparing Military Agreements between Security Council and Member Nations of U.N.," dated March 29, 1946,⁹ were distributed. Most of the discussion was focused on the latter paper; there was no attempt made to read through the former paper, the principal reference being to the suggested quota for the United States (pages 84 and 86).

The questions raised by the Senators and their comments relate principally to the following four matters: 1) the responsibility for meeting the expenses of operations engaged in by contingents under the authority of the Security Council; 2) the size of the proposed U.S. contingent; 3) regional use of earmarked forces; and 4) the atomic bomb.

⁶ The United States Representatives presented the principles under reference to the Military Staff Committee as MS/28, April 1.

⁷ Elbert D. Thomas, United States Senator from Utah.

⁸ Warren R. Austin, United States Senator from Vermont; United States Representative-Designate at the Seat of the United Nations.

⁹ Printed as USMS/12/Rev. 1, p. 759.

1. *Cost.*—Senator Vandenberg queried the suggested principles in paragraphs 9, 10 and 11 for meeting the expenses of operations engaged in by earmarked United States forces. As a general principle, he thought that the cost of such operations, exclusive of pay of troops, should be borne by the organization. Senator Austin agreed. Mr. Hiss and Mr. Blaisdell agreed to have these paragraphs examined in the light of this suggestion.

2. *Size of Proposed U.S. Contingent.*—Senator Vandenberg thought that an aggregate of earmarked forces numbering in the neighborhood of a million from the five permanent members was too large, in as much as the forces cannot be used against them but only against other powers. Following a discussion of paragraph 2 (see below), Senator Vandenberg said that total contingents in this number from the five permanent members would probably be all right if the concept of regional use were taken care of adequately. He wondered how many men would be involved in the proposed U.S. contingent of one corps comprising two divisions and of a balanced task force of five air wings. Senator Vandenberg said he did not believe that the forces would ever be used, but that in any event they would only be used on the “little fellow.” He was apprehensive over the possible effect on American public opinion of a U.S. contingent of the size suggested. He wishes to have it made as small as possible so as to avoid “soapbox” attacks. Instead of one corps comprising two divisions, he would prefer a single division, a proposal with which Senator Thomas agreed. Senator Vandenberg emphasized that a great progress had been made in getting the United Nations accepted by the American people; the objective now should be to get them to remain tied to the United Nations. Senator Thomas suggested listing the air and naval forces in that order followed by ground forces.

3. *Use of Forces Regionally.*—With reference to paragraph 2, both Senator Vandenberg and Senator Austin expressed a dislike of the paragraph in its present form, particularly the phrase “in any part of the world.” Senator Austin would like to exclude non-American forces from the Western Hemisphere in order to show that the Monroe Doctrine is unaffected. He would not want Soviet forces brought into Latin America. Senator Vandenberg said that paragraph 2 at present makes no specific reference to the purposes of the Charter. Several amendments to the present text of paragraph 2 were proposed to have it read as follows:

The pool shall include land, sea and air force units so organized and distributed geographically as to enable the United Nations to bring prompt and appropriate military pressure to bear in the particular part of the world where a threat to the peace may occur.

In addition, Senator Vandenberg would insert a sentence following the present text of paragraph 3, to read as follows:

Armed forces, in the first instance, so far as practicable, shall be drawn for use from the geographic or regional areas involved.

4. *The Atomic Bomb*.—Senator Vandenberg asked whether the atom bomb was included in the weapons of the proposed U.S. Contingent. When Mr. Hiss answered in the negative, Senator Vandenberg said that this question was sure to be raised on the floor of the Senate. He urged that if no specific reference is to be made in the agreement, the reasons why should be at hand. Mr. Hiss stated what he felt to be the real reason, with which Senator Vandenberg concurred, namely, that until the United Nations Atomic Energy Commission has made proposals for international control, it would be premature to take any definite position regarding the use of the bomb. Incidentally, Senator Vandenberg stated he thought that sooner or later the United Nations would acquire the bomb for its use.

Several amendments to the text of other paragraphs were suggested. Senator Vandenberg felt that the text of paragraph 4 indicated that other members, Canada, for example, does not have as emphatic an obligation to provide forces as the five permanent members. He felt that the statement of the principle in paragraph 4 should not leave the impression that there were primary and secondary obligations, the first attaching to the five permanent members and the second to the other members.

The word "contribution" to describe the earmarked forces and facilities was questioned by Senator Vandenberg, Senator Austin and Senator Thomas on the ground that it does not connote an obligation. The word "participation" was suggested as a possible substitute.

There is attached a copy of those paragraphs to which amendments were proposed, the original matter being stricken and the new matter being underlined.¹⁰

Department of State Atomic Energy Files

*The Director of the Office of Special Political Affairs (Hiss) to the
Under Secretary of State (Acheson)*

[WASHINGTON,] April 11, 1946.

JOINT CHIEFS VIEWS CONCERNING MILITARY IMPLICATIONS OF
ATOMIC ENERGY COMMISSION

You will recall that on the 25th of January last a Joint Chiefs of Staff paper (JCS 1567/26) entitled "Guidance as to the Military Implications of the United Nations Commission on Atomic Energy" was

¹⁰ The attachment is not printed.

distributed to the members of the State, War and Navy Coordinating Committee (SWNCC 253).¹¹ Mr. Blaisdell prepared under date of January 25 a brief commentary on the Joint Chiefs' paper¹² which was sent forward to you together with a supplementary memorandum dated January 29 from Mr. Ross.¹³ Copies of the papers referred to are attached for convenient reference.

In Mr. Ross' memorandum the question was raised of the attitude the Department should take with regard to this paper when it came up for consideration in SWNCC the following afternoon. It was suggested that this paper might be referred to the SWNCC Committee on Security Arrangements for further consideration with a view to concerting the views of the three Departments.

If my understanding is correct you discussed this matter with Mr. Matthews¹⁴ and Mr. Ross and authorized Mr. Matthews, as the State Department Representative on SWNCC, to inform the Committee that you were keeping the Secretaries of War and Navy currently informed on the progress of work of your Committee on Atomic Energy and that it would seem, therefore, for the time being no further action on the Joint Chiefs' paper would be required. This was in effect the decision of the Committee.

An officer of the War Department General Staff and Joint Staff Planners has told Mr. Blaisdell informally that the Joint Chiefs are considering revision of the paper under reference and its resubmission to SWNCC. Also Mr. Baruch is scheduled next Monday to discuss with General Eisenhower and Admiral Nimitz the question of his relations with the two Services with regard to atomic energy matters. It is understood that the General and the Admiral have under consideration recommending that the United States Representatives on the Military Staff Committee serve as advisers to Mr. Baruch with regard to military implications of the work of the Atomic Energy Commission. This would be consistent with the Joint Chiefs' paper under reference which states one of its objectives as being "to provide guidance to the Representatives of the United States Chiefs of Staff on the Military Staff Committee of the United Nations as to military advice to be given to the United States Representative on the Commission on Atomic Energy".

In view of this information it would seem essential for the Department to take the initiative to the end of assuring civilian clearance among the three Departments of any material to be sent to our Mili-

¹¹ *Ante*, p. 738.

¹² Not printed.

¹³ Not printed; John C. Ross, Deputy Director of the Office of Special Political Affairs.

¹⁴ H. Freeman Matthews, Director of the Office of European Affairs.

tary Staff Committee Representatives and, in turn, used by them in advising Mr. Baruch.

It is recommended that this initiative be taken in two ways: first, Mr. Blaisdell should be authorized to discuss informally with officers of the Joint Chiefs with whom he is in more or less constant contact, any current revisions which may be contemplated of the Joint Chiefs' paper under reference; second, it is recommended that if the Joint Chiefs of Staff decide to resubmit a revised paper to SWNCC the Department's view should be to refer this paper to the SWNCC Committee on Security Arrangements.

The subject of this memorandum is closely related to the question of organizing the Department's work in regard to atomic energy matters both generally and with particular reference to Mr. Baruch's plans. A separate memorandum on this subject is being sent forward to you.¹⁵ I think a very useful purpose would be served if we might discuss this entire subject with you on the basis of these memoranda at your early convenience.

SPA Files

Memorandum by Mr. George H. Haselton of the Division of International Security Affairs to the Associate Chief of the Division (Blaisdell)

[WASHINGTON,] April 12, 1946.

Subject: Comment on memoranda from the Chinese and United Kingdom Delegations.¹⁶

THE CHINESE MEMORANDUM

1. The basic principles governing the organization of the United Nations forces proposed by the Chinese Delegation follow closely the line of reasoning laid down in the United States proposal, and although it does not enter into quite so much detail, no new points are raised therein which are not already covered in the United States paper. In short, it seems adequate and conservative, with little in it which might arouse controversy.

¹⁵ Not printed.

¹⁶ The Subcommittee on Basic Principles of the Military Staff Committee first met on March 28 and adopted at that time a United States resolution which required each delegation to furnish the other delegations with a statement of principles which should govern the organization of United Nations forces not later than April 3. The principles submitted by the United States Representatives on April 1 are printed in document USMS/12/Rev. 1, p. 759. The United Kingdom, Chinese, and French statements, not printed, were submitted on April 2, and 8, respectively. In answer to a letter from the Principal Secretary of the Military Staff Committee of April 22 requesting the time when the Soviet statement could be expected, the Soviet Delegation indicated that study and examination of the question was continuing. (IO Files)

THE BRITISH MEMORANDUM

2. Several principles are proposed in the United Kingdom memorandum which do not appear in that of the United States Delegation.

The statement is made in paragraph 2 "that it [the United Nations Force] will only be employed against any Nation or combination of Nations other than the five permanent Members." This thought is contained in SWNCC 219/8 but it does not appear in the United States statement of principles.

In paragraph 4 the memorandum states "the force will have behind it the whole weight of the available resources of the United Nations. Its size should be governed by this principle." Although this principle may have been assumed, or implied, in the United States paper, it nevertheless is not mentioned therein and it does raise some interesting conjectures. The implication is that although a nation may contribute only a small fraction of its military establishment to the United Nations Force, there will be behind this fraction the entire logistical organization and resources of that state. This principle, if accepted, would indeed affect the size of the total United Nations Force.

Although the United States paper states that the five permanent powers will *initially* provide the United Nations Force the British memorandum, in paragraph 5, makes a stronger case for this transitional condition. The first sentence of this paragraph reads "until such time as experience has been gained in the control and operation of an integrated international force, the greater the number of national contingents, the greater will be the practical difficulties, in its organization and operation". The result of this principle, if accepted, might be that the five powers would be the sole custodians and providers of the United Nations Force for a very considerable time, to the dissatisfaction perhaps, of some of the smaller nations. Here again, I think, the implications should be carefully considered.

In paragraph 7 the memorandum states that "there should be no delegation of sovereignty over bases, which would continue to be manned and operated by the nation to whom they belong unless such nation wished otherwise". This may be an obvious rule but the United States statement of principles makes no mention of the subject and it may be that it should be incorporated into our paper.

In its treatment of command, paragraph 10 of the British memorandum says that "the Security Council will appoint a Commander or Commanders, on the recommendations of the Military Staff Committee". The important point here is, I believe, that the nomination of a Commander will originate, according to the British version, with the Military Staff Committee, a subject again which the United States paper has not approached so specifically.

501.BC Atomic/4-1946

The Secretary of State to the United States Representative on the United Nations Atomic Energy Commission (Baruch)

WASHINGTON, April 19, 1946.

DEAR B. M. B.: Summarizing for the record our discussion of April 18 in which Mr. Hancock¹⁷ and Mr. Searls¹⁸ participated, I have asked you to give me the benefit of your advice when, with the President, I attempt to determine the policy of the United States which is to guide you in your representation of the United States on the United Nations Atomic Energy Commission.

You have pointed out that under the statute you are not called upon to determine policy. The fact is that under the law the President determines the policy and transmits such policy through me to the United States representative on the Commission. However, as a practical matter, I know that the President will ask for my views in determining the policy and I, in turn, will ask for your views. That is why I had asked you to be good enough to fully explore the subject.

I have advised you that I am favorably impressed by the report which has come to be called the State Department report and which was prepared under the direction of Mr. Acheson. I have, however, advised you that I am not of the opinion that it is the last word on the subject and, on the contrary, that I shall give careful consideration to any views that may be presented by you after you consider the problem.

I have suggested that submission of your advice should be informal. I hope that you will give me the benefit of your advice from time to time as your study progresses. I suggest this because from time to time I may be called upon to discuss the matter with the President. I would want to give to him, or have you join me in giving to him, any views we thought might be helpful to him in his consideration of the subject.

There is to be no formal report. The decision as to policy is the President's. You and I will advise him just as I advise him on many other matters. While it is the duty of the President to determine the policy, it is my thought that when determined it should not be made public by him but should be transmitted to you and you, as the representative of the United States, should announce at the meeting of the Commission what is the policy of this Government. However, this will be for the President to decide.

¹⁷ John M. Hancock, Associate United States Representative on the Atomic Energy Commission.

¹⁸ Fred Searls, Jr., Associate United States Representative on the Atomic Energy Commission.

Once the Commission is in operation, there must be close cooperation between you and the Secretary of State. Matters will arise which cannot be foreseen and you must be given discretion to exercise your own judgment as to all such matters, only avoiding positions that would be in conflict with the President's policy.

I do not believe that you will have any difficulty about these matters. You will be acting toward me just as I act toward the President. I know what his basic policies are. Knowing that, I do not hesitate to take positions as to matters which could not be anticipated. If they are matters of great importance I try to communicate with him. We have never had any difference in views that was not quickly reconciled. I am sure that will be your experience.

If you need any help from the State Department I am sure it will be granted without question. Should there ever be a question this letter is your authority to call upon the officials of the Department of State for assistance.

I expect to leave Washington Tuesday morning.¹⁹ Good luck to you!
Sincerely yours, JAMES F. BYRNES

Department of State Atomic Energy Files

*Memorandum of Conversation, by Mr. John M. Hancock of the United States Delegation to the Atomic Energy Commission*²⁰

[Extract]

[NEW YORK,] April 19, 1946.

. . . . In going over the substance of the report²¹ he [Dr. Oppenheimer] added some points which I thought worth noting:

First, that Western Europe is very much concerned about atomic energy and atomic bombs.

Second, he recognizes the difficulty of developing tests without accepting other nations into the program. The committee thinks some plan has to be worked out which will not infringe sovereignty beyond an acceptable extent. Happily the problem is made easier by the fact that there are no vested interests outside of our own.

Third, he thinks it is important to get the knowledge in the intelligence field as to what Russia has, what she plans to do.

¹⁹ April 23.

²⁰ This memorandum describes a discussion with Dr. J. Robert Oppenheimer which occurred at Mr. Baruch's home on April 5; it has not been determined which members of the United States Delegation other than Mr. Hancock were present. (Department of State Atomic Energy Files)

²¹ A Report on the International Control of Atomic Energy, March 16, 1946, Department of State Publication 2498, (Washington, 1946), the report of the Secretary of State's Committee.

Fourth, he thinks the proposed system is entirely incompatible with the present Russian system. He thinks the plan of procedure should be to make an honorable proposal and thus find out whether they have the will to cooperate.

Fifth, he seems to put great faith in the idea that the American people will act quickly if some foreign nation gets off the reservation. I wonder whether it will be a repetition of the German and Japanese naval and military rearmament program which lacked only official statement as to its existence. Everyone knew quite well what Germany and Japan were doing, but the rest of us did not prepare and I doubt that we would have gone to war had we had the information officially. I think it will take a lot of a strain on the moral fibre of America to make an attack with the atomic bombs because some foreign nation gets off the reservation. At any rate, that is the crux of the issue before us.

J[OHN] M. H[ANCOCK]

501.BC/4-2346

Memorandum of Telephone Conversation, by the Director of the Office of Special Political Affairs (Hiss)

[WASHINGTON,] April 23, 1946.

I called Senator Vandenberg yesterday morning and said that in view of the fact that I understood he was leaving for Paris ²² I wanted to talk to him about the questions relating to provision of armed forces which we had taken up with the Senator and with Senators Connally, Thomas and Austin earlier this month.²³ I said that we had not completed our discussions with the military authorities but that it looked as though they would find that the suggestion that the costs of operations being prorated among the members was too complicated to be worthwhile. I said also that they had felt that the proposed size of the U.S. land forces contingent could not be reduced below two divisions without raising serious questions as to command. The purpose was to have one corps which would include headquarters troops. The Senator wondered if we could list one combat division and one headquarters division or something of that sort. He said, humorously, that he was particularly interested in unit one. I said that the military had suggested calling it one corps without specifying its composition. He said he thought this would be preferable to specifying two divisions. He did not fully commit himself on this point but he gave the impression

²² Senator Vandenberg was departing to join the United States Delegation at the Paris meeting of the Council of Foreign Ministers; for documentation on that session, see vol. II.

²³ For the record of that meeting, see p. 771.

that he did not feel very strongly that the maximum would have to be one division.

I then said that the most important question and one which warranted my calling him when he must be busy getting ready to leave for Paris dealt with the sentence he wanted included with respect to regionalism. I told him that the changes in language which Senator Austin had suggested were agreeable to everyone but that there was a feeling that for us to spell out the regionalism approach quite so specifically as he had suggested would get us into trouble with other regions. I added that our military authorities felt that they could assure that the desires of the Senators in this respect, which the military fully share, could be made effective through our representation on the Military Staff Committee but that they feared that specification of the regionalism formula might enable other countries to exclude us from participation in other regions. The Senator indicated no adverse reaction to the points I made and then said that anything which was worked out which was satisfactory to Senator Austin would be satisfactory to him.²⁴

Department of State Atomic Energy Files

Memorandum for the Files, by Mr. John M. Hancock of the United States Delegation to the Atomic Energy Commission

[WASHINGTON,] May 1, 1946.

This memorandum is aimed to touch upon the matters which I have discussed in Washington the last two days.²⁵

As to Mr. Acheson and my talk with him, I will first outline the matters which I had covered in my agenda before leaving New York.

The first item was the matter of determining policy. In general terms, Acheson would like us to develop our views in outline form at as early a date as feasible and then to come to Washington with them and discuss them with all groups that might properly be asked in. At the moment he thinks of these groups as the State Department (and he is concerned about the immediate absence of Secretary Byrnes), certainly the War and Navy Departments, also the political leaders at some proper stage in the meetings, and certainly the President; and after that has been gone through, any statement of policy and attitude described by the President. In general terms, he would expect us to keep the work of drafting all the necessary papers, in-

²⁴ On June 24, Hiss discussed with Robert V. Shirley, clerk of the Senate Foreign Relations Committee, clearance of Article 43 agreements with Senators Vandenberg and Connally in Paris. Mr. Shirley agreed with Mr. Hiss that under the circumstances only Senator Austin need be consulted. (Lot 55D323)

²⁵ During this period, Mr. Hancock met with Under Secretary of State Acheson, Secretary of War Patterson, General Groves, and Senator McMahon.

cluding a tentative draft of what we would look upon as the final report of the Atomic Energy Commission to the Security Council.

He strongly advises our developing a charter, which would be a sound, fair-minded statement of policy and procedure. While he pretends that this would not be left to Russia and all other nations to accept or reject, still that is about the net result of his thinking so far.

He is very much concerned about the pressure from the public to get this policy determined soon. When I threw out the suggestion that it might take three months to get to that point, he thought there ought to be an organization meeting, at least, held at an early date. He is quite satisfied that all of the nations represented on the Council already have access to all of the published material and presumably it has been thoroughly studied by the delegates chosen. I saw in the press about the appointment of Gromyko²⁶ and the report was in Washington that the Mexicans would appoint their delegate by the end of next week. Acheson agreed that if a statement were made regarding the organization meeting, there might be no public unrest for as short as sixty days or up to about 120 days.

For the time being he prefers that contacts between the State Department and ourselves be channeled from him to me and return.

As to the Committee of Scientists, he believes we can get along in our policy without much reliance on the scientific group. He told me of something I didn't previously know and that is the unexpurgated Acheson report had a great deal of validation of the report—that there were some 20 scientists of top standing who had agreed with the conclusions of the report.²⁷

I bored in every direction I could to find out whether there was any desire that we attach ourselves to the State Dept. He said he thought it would be a convenience to us from the point of view of staff and contact with people in Washington if we were there. He didn't push the matter at all. He has no men working on the problem except Herbert Marks²⁸ and Fahy.²⁹ Acheson agrees without reservation that they expect us to take the initiative. He admits that he is concerned—probably in large part because of his own lack of knowledge of what

²⁶ Andrey Andreyevich Gromyko, Permanent Representative of the Soviet Union at the United Nations; Soviet Representative at the General Assembly and on the Security Council and the Atomic Energy Commission.

²⁷ An "unexpurgated Acheson report" has not been found in the files of the Department of State, nor is there evidence that the final report of the Secretary of State's Committee on Atomic Energy was abridged prior to publication. While the Board of Consultants had sought the opinions of members of the scientific community, it does not appear that validation based on such opinions constituted an unpublished portion of the final report. For information on the development of the report, see Hewlett and Anderson, Chapter 15.

²⁸ Herbert S. Marks, Special Assistant to the Under Secretary of State.

²⁹ Charles Fahy of the Office of the Legal Adviser; appointed Legal Adviser June 19, 1946.

we are doing—about the possibility of our coming up with the outline of a plan in as short a time as say sixty days. He offered to get us an administrative assistant, and if we see Rothwell³⁰ here, it will be arranged for.

He has no projects under way or in prospect which would call for the formation of any committees or the assignment of any duties involving atomic energy. I asked whether there were any open ends or further avenues to explore, because all through the Acheson report they kept touching upon more information being needed in certain fields, and he said he had not been impressed by it. Marks cut in to say that was merely a means of saying they didn't pretend to know all about the specific subject, and that they knew of no specific fields of inquiry that would properly be undertaken at this time.

As to appointments here, Acheson called in his Administrative Assistant and the discussion rolled around a great deal without my getting any clear view of what they want. They would like us to work out some plan as to employment, oaths of office, and secret documents in order that we will be less likely attacked by Congress and will have fitted ourselves into the ordinary Government routine.

As to budgets, they don't know of anything but a small amount of money which is available until the end of June and suggest that we see Rothwell quickly and work out any budgets for the periods after July 1, 1946.

I should emphasize throughout that Acheson was very gracious, very friendly and most helpful in his whole attitude. I find nothing to criticize in the whole day's discussion. . . .

I had raised the question with General Groves as to whether, by any chance, the desired course of action could be carried out through a United Nations Statute. Incidentally, I raised the same question with McMahan. Neither had any views on the matter, but Acheson was clear that it had to be a *Treaty*. I told Acheson, it appears from the Wilson Foundation reports, that they were committed to the Treaty procedure. But my query was also, what if the Russians or someone else should take a reverse view and want to strengthen the United Nations—then what would be the answer? And he said there would be no power in the United Nations to pass legislation along these lines.

I asked him whether he had any thoughts regarding the kind of an organization to operate when the body was finally set up. He did not express any desire that it would be in the State Dept. or anywhere else.

I have been somewhat concerned about the apparent conflict between the authority of the United States Commission proposed under the

³⁰ C. Easton Rothwell, Executive Secretary of the Central Secretariat.

McMahon bill³¹ and the proposed United Nations' action. The McMahon bill, of course, provides for over-riding power of any international agreement. In developing that, I asked whether they had any thoughts about the men to represent this country should the McMahon bill be passed. He had no suggestions to offer. I think it would be helpful to us if we could have that man fairly well picked out in our minds and attached to our own staff here so that he could pick up the threads from here and save a great deal of time and effort in getting into the problem.

In reference to this matter of preparing a finished report for the first meeting, with the implied statement to the world that they could take it or leave it, I question the wisdom of that and purely on my own thinking feel that is not the best method of proceeding with the Russians and some of the other nations. I wondered whether the delegates of foreign countries wouldn't want to be able to take credit for some of the principles of the final document, and I feared it would be too dogmatic an action on our part. He did not argue the merits of the case, and he thought all along that it would be taken for granted that we would give them a fair, sound plan and invite cooperation by our action. I am sure Acheson doesn't reasonably expect general acceptance of any plan we might propose. With it, the main element of negotiation will be as to the time in which information will be given in the secret aspects of the utilization of atomic energy.

[Here follow further comments on Mr. Hancock's discussion with Mr. Acheson, and on his conversations with Secretary of War Patterson, General Groves, and Senator McMahon. Matters treated include, in addition to international control, domestic legislation and negotiations with the United Kingdom with respect to continued cooperation in the development of atomic energy. A portion of this memorandum dealing with the last mentioned subject is printed on p. 1242.]

SPA Files

*Memorandum by the Assistant Chief of the Division of International Security Affairs (Rusk)*³²

CONFIDENTIAL

[WASHINGTON,] May 3, 1946.

Russian delay in submitting statement of general principles to subcommittee of Military Staff Committee.

At a meeting on Tuesday, April 30, the senior members of the U.S. Delegation of the Military Staff Committee discussed at great length

³¹ With respect to Congressional legislation on atomic energy in 1946, see Hewlett and Anderson, Chapter 14.

³² This memorandum was directed to Messrs. Hiss, Raybor, and Blaisdell.

the problem raised by the failure of the Russian Military Delegation to submit a statement of general principles which the Russians considered applicable to the special agreements referred to in Article 43 of the Charter. Such a statement has been overdue since April 3; statements were received on time from the United States, Great Britain, France and China.

Our Military Delegation came to the conclusion that the United States should not undertake to heckle the Russians on this statement of general principles. They thought that the matter could best be handled through some official agency such as the Secretary-General or the current Principal Secretary of the Military Staff Committee. The present Principal Secretary is Chinese; inquiries as to when the Russian paper might be expected have thus far been unavailing.

Our Military Delegation agreed that General Ridgway (the U.S. member of the Military Staff Committee subcommittee on general principles) should find a suitable opportunity to inquire of General Vasiliev³³ informally as to when the Russian statement of principles might be expected. It is already generally known in the Military Staff Committee that the Russian statement is being drawn up in Moscow in the light of the statements of the other four powers.

It was also agreed that General Ridgway should attempt to ascertain General Vasiliev's views as to whether the Military Staff Committee subcommittee should proceed to discuss the four other statements of general principles already in hand, without prejudice to any comments or suggestions which the Russians might wish to make later. In this connection, it is recalled that the French reaction in early April was that the general principles should not be discussed until all five papers have been submitted.

In a conversation with me Captain Knoll³⁴ stated that our Military Delegation do not yet attach sinister implications to the Russian delay in submitting a paper. Captain Knoll, who was a member of the U.S. military mission in Moscow for over two years, expressed a personal opinion that the situation would not be normal until the delay had extended at least three months.

Captain Knoll asked that no political representations be made by Mr. Stettinius or through other channels in an effort to expedite the Russian paper without the fullest prior coordination with the U.S. Delegation, Military Staff Committee. He felt that a very useful working basis is being established in New York between the American and Russian Military Delegations and that the greatest care should be

³³ Lt. Gen. Alexandre F. Vasiliev, Soviet Representative on the Military Staff Committee.

³⁴ Capt. Denys W. Knoll, Secretary to the United States Delegation to the Military Staff Committee.

exercised to protect this relationship from unnecessary irritation. I have passed this point on to Mr. Stettinius and Mr. Johnson ³⁵ in New York.

I believe we should leave this matter in the hands of the U.S. Delegation, Military Staff Committee, at least for the time being; however, I believe the political staff should follow this matter very closely since there will come a time when further delay in submitting the Russian paper will have serious political aspects. Paragraph 3 of Article 43 of the Charter requires that the special agreements be negotiated as soon as possible. The statement of U.S. policy contained in SWNCC 219/8 ³⁶ also urges expeditious action. The draft paper on the regulation of armaments prepared in IS recommends a special instruction to the U.S. Representative on the Security Council along the same line.³⁷

D[EAN] R[USK]

Department of State Atomic Energy Files

*The United States Representative on the Atomic Energy Commission
(Baruch) to the Secretary of State*

[NEW YORK?] May 6, 1946.

DEAR MR. SECRETARY: I have delayed answering your letter of April 19th ³⁸ until I might be in receipt of a letter from the Under Secretary in keeping with our extended telephone talk on the afternoon of April 22nd. At that time it was not clear whether Mr. Acheson was planning the creating of a large and varied staff within the State Department or whether he advised us to create such a staff in order to carry on our work. I thought it would be more fruitful of the results we have in common, if Mr. Hancock were to go over the entire matter with him, which he did on April 30th, in a thoroughly satisfactory interview.

I am quite in accord with you on the first two paragraphs of your letter of April 19th. It was because I thought "the report which has come to be called the State Department Report and which was prepared under the direction of Mr. Acheson" had opened up constructive and practical avenues of approach to the general subject, that I asked you to have the Board of Consultants continued in order that they might explore further those approaches and give us the benefit of the

³⁵ Herschel V. Johnson, Deputy United States Representative on the Security Council; Acting Representative at the United Nations from June 6, 1946.

³⁶ See footnote 2, p. 769.

³⁷ The draft paper under reference has not been identified. SWNCC/MS UNO Doc. 28, prepared in the Division of International Security Affairs, discusses the Military Staff Committee but does not present the specific recommendation cited here; for partial text of SWNCC/MS UNO Doc. 28, June 5, see p. 833.

³⁸ *Ante*, p. 777.

intensive study which they had already given to it. I knew of no other group which could pick up the problem so well, without a material loss of time.

It was with very great regret to me that the members found that they could not continue the Committee and its sub-committee.³⁹

Mr. Lilienthal expressed his view that a new group would require an additional eight weeks of intensive study to arrive at the same points of progress as the groups in question, and that I would have to spend an equal amount of time to post myself on the problem.

As you know, some of both groups have placed their services at my disposal and, of course, I am grateful to them. My plan is to use these men to the greatest possible extent.

The reply of the Committee of Experts brought out the fact that there were some very complex questions that must be studied, none of which is more than adverted to in the Report. It was just these problems which I thought best be met by the former groups. Now with the appointment of the Mexican delegate (completing the list) and the pressure for an early meeting, we must avoid any appearance of procrastination that might arouse suspicion on the part of the general public, and particularly of any of our associates in the United Nations. We shall endeavor to move rapidly but surely in view of the difficulties which they spoke of so graphically.

In our conversation over the telephone I was glad to clear up one point and that was—when asked my opinion you agreed that there should be a written statement by me, not for the purpose of publication but to have as a matter of record. As to what becomes of such a statement—that rests entirely with the State Department or the President.

Mr. Lilienthal, Dr. Bush and Mr. Acheson had all spoken of the necessity of a large "battery" of experts. You referred to the appointment of Mr. Fahy for legal work on this problem within the State Department. My understanding is that, as discussed at the Acheson-Hancock meeting, you are not planning to build any large group in the State Department at this time to help in developing the policy to be followed by me in my work with the Atomic Energy Commission. I plan to set up an adequate but small staff to develop the facts in order to better understand the problems.

Of course, I assume that when the Commission reports to the Council, my official work will be done and that the State Department will take over the further responsibility. I am not planning an organization with the thought of carrying my work beyond that point. I as-

³⁹ With respect to the decisions by the Acheson Committee and its Board of Consultants to decline further service as formal bodies, see Hewlett and Anderson, pp. 559-560.

sume, however, that the State Department will take appropriate steps to set up such an organization as it may wish for carrying on the work beyond this point, to cope with the problems which would involve work with the heads of Government and the Assembly as well as the treaty forming work and the early discussions of the Authority, should it be set up.

Sincerely yours,

[File copy not signed]

SPA Files

The Director of the Office of Special Political Affairs (Hiss) to the Under Secretary of State (Acheson)

[WASHINGTON,] May 8, 1946.

Suggested Procedure for Initial Meetings of the Atomic Energy Commission

We know that the United Nations Secretariat has for some weeks been anxious to speed up the formation of the Atomic Energy Commission. Official letters asking the member governments to name representatives to the Commission were sent out weeks ago and a follow-up letter was sent more recently. Last Friday the Secretariat inquired of us whether May 20 would be a convenient date for the initial meeting of the Commission. We replied that it would not be convenient and that we would let them know soon what our views were on this subject. Today the Secretariat has again raised the subject, this time asking whether May 27 would be convenient and we have replied that we would give them our views tomorrow.

The Secretariat's desire for speed in this matter is understandable. More than three months have passed since the General Assembly on January 24 adopted a resolution establishing the Commission. In urging the Assembly to approve the resolution, Secretary Byrnes on January 24 stated: "I hope that the Commission will promptly set to work on its tasks." There has been great public interest in the prompt establishment of the Commission and our own press has in recent weeks been particularly insistent that no further time be lost in calling the Commission together.

Our own responsibility is especially acute. The Secretariat has told us that most of the other governments concerned had been agreeable to the May 20 date. Already we have had evidence that other countries are suggesting to the press that the delay thus far has been caused by the United States. This was an inaccurate charge up until last Friday. However it is clear that unless we agree to a prompt meeting of the Commission we will be accused of being responsible for current delays. This would be particularly undesirable in view of our pre-

dominant role in the atomic energy field and the fact that the whole idea of and the creation of the Commission was on our initiative.

For the foregoing reasons it is recommended that we should inform the Secretariat that we see no objection to an organizing meeting of the Commission being held on May 27 and succeeding days until the committee organization and work program have been agreed upon. It is further recommended that at the initial meeting Mr. Baruch should make a statement as to the interest of the United States in this whole field and the role which the United States has played to date. It is especially recommended that Mr. Baruch also present to the Commission for comment by the other members of the Commission the report on the International Control of Atomic Energy by the Secretary's committee. It is suggested that Mr. Baruch say that he is presenting it simply as a basis for discussion and that the United States will welcome not only the comments of the other members of the Commission but similar proposals for discussion being submitted on their part.

If the foregoing recommendations are approved it is anticipated that after several days of determining the organization and procedure of the Commission the Commission would wish to adjourn until the other members had had an opportunity to consider the report of the Secretary's committee and to prepare their comments or proposals of their own. The organization details which will have to be settled relate to the determination of the chairmanship (whether a single chairman for a specified period of time or a rotation of the chairmanship), staff arrangements, methods of procedure, place of meetings, schedule of work, et cetera. It is to be assumed that except for the initial meeting when Mr. Baruch made his statement and opportunity was afforded for other members to make opening statements, these organizational meetings would be private.

Our information is that there is a very excellent prospect that the War Department would be entirely agreeable to the submission of the report of the Secretary's committee as a basis for discussion. This would be directly in line with the attitude which this Government has consistently taken toward the Commission and its functions. It has been our position that the object of the Commission is to permit a joint study of the whole subject without fixed positions being taken in advance. It would not be consistent with this approach for us to do more than submit proposals as a basis for discussion, to invite the submission of similar proposals by other members of the Commission and to welcome orderly discussion of such proposals by the Commission. To limit the initial meetings to purely organizing aspects with no prospect of early discussion of matters of substance would almost

certainly result in adverse public comment in view of the delay which has already occurred since the Commission was created and in view of the continuing public interest in the subject of atomic energy which will result from the Bikini tests.⁴⁰ For the reasons indicated above it could be anticipated that most of the adverse comment would be directed primarily at this Government.

Department of States Atomic Energy Files

Memorandum of Conversation, by Mr. John M. Hancock of the United States Delegation to the Atomic Energy Commission

[NEW YORK,] May 15, 1946.

Mr. Baruch and I met with Mr. Acheson on May 9. We discussed the date of the forthcoming meeting. Mr. Baruch was very clear in his position that he had been embarrassed by the declination of the two committees to go forward with their work without change in set-up.⁴¹ He told of the public opinion that the Acheson report has become understood as the government policy and that it was certainly going to be the minimum in the point of view of other governments. Mr. Acheson was very firm in the view that the President was not committed to any policy, that while he had seen the Acheson report and thought well of it, there had been no pressure upon him to accept it. I told Mr. Acheson, and the Chief [Baruch] restated it, that we were sure he had been very careful in his statements to refer to the report in both aspects. First, that it was a basis for study and second, that it was not a statement of policy and that I felt we would have to decide the question as to how far we should go in mentioning specific reservations. It was my feeling at the time that unless we went rather far in listing our reservations we might be condemned by our silence into a position of accepting the report as a statement of policy. On the other hand, I didn't want to go so far with a statement of our reservations as to appear to reject the report because I thought it was an exceptional document.

On this matter of ownership, Mr. Acheson used the word dominion in place of ownership and I would not be adverse to using the expression absolute dominion, more from the point of view of preventing abuses, in contrast with ownership and its problems.

We discussed the desirability of the meeting in Washington with the members of the two groups on May 17, 18 and 19.

JOHN M. HANCOCK

⁴⁰ For documentation on the Bikini atoll atomic bomb tests, see pp. 1203-1248, *passim*.

⁴² The two committees under reference are the Secretary of State's Committee on Atomic Energy and its Board of Consultants.

501.BC/5-1646 : Telegram

*The United States Representative at the United Nations (Stettinius)
to the Acting Secretary of State*

SECRET

URGENT

NEW YORK, May 16, 1946—3:45 p. m.

[Received May 16—2:55 p. m.]

188. Personal. The Soviet Delegation on the Military Staff Committee still has not introduced their paper on the general principles applicable to the proposed military agreements. Our military representatives have tried repeatedly to obtain further information as to the date when the Russian paper will be forthcoming, but have been unable to obtain either information or any commitment. The paper was promised by the Russians for April 3.

Our best estimate on the information available is that this matter is out of the hands of the representatives here and that the matter is being held up in Moscow, on the political level. Gromyko's comments and attitude when I broached the subject to him a few weeks ago do not encourage hope that any progress is to be made through that channel. The Military Staff Committee cannot proceed on this subject until the Russian paper has been submitted. Furthermore, this subject is basic to the greater part of the Military Staff Committee's substantive work.

I, therefore, recommend that the Department ask Bedell Smith⁴² in Moscow to request information from the Foreign Office regarding the present status of this matter and, if possible, to get them to speed action on it. Ambassador Smith might well state that the work of the Military Staff Committee is being held up due to failure of the Russians to submit their paper; that the other four powers have all submitted theirs; that all these papers are without prejudice and without any commitment by the governments involved; that the matter is being dealt with by a subcommittee of the Military Staff Committee; and that there will be no final commitment until the whole question is reviewed and settled by the Security Council itself.

STETTINIUS

 Department of State Atomic Energy Files
*The Board of Consultants to the United States Representative on the
Atomic Energy Commission (Baruch)*

[WASHINGTON,] May 19, 1946.

DEAR MR. BARUCH: At the close of the meetings with you in the Blair Lee House yesterday,⁴³ you asked us to summarize the main

⁴² Walter Bedell Smith, Ambassador in the Soviet Union.

⁴³ The Acheson Committee, its Board of Consultants, and Mr. Baruch and his assistants, met at Blair-Lee House in Washington on May 17 and 18. The par-

features of a policy that would reflect the conclusions in our Report on the International Control of Atomic Energy. We are glad to try to make a summary that may be helpful to you, although you will appreciate that in order to be understood and evaluated any statement of this kind will have to be read in the context of the entire Report.

The first basic conclusion of the Report is that an international agreement leaving the development of atomic energy in national hands, subject to an obligation not to develop atomic energy for war purposes and relying on an international inspection system to detect evasions, will provide no security and indeed will be a source of insecurity.

The second basic conclusion is that avoidance of an atomic armaments race can only be achieved by entrusting to an international organization managerial control of all activities intrinsically dangerous to world security. If an international agency is given sole responsibility for the dangerous activities, leaving the non-dangerous open to nations and their citizens and if the international agency is given and carries forward affirmative development responsibility, furthering among other things the beneficial uses of atomic energy and enabling itself to comprehend and therefore detect the misuse of atomic energy, there is good prospect of security. In our Report the international agency is called the Atomic Development Authority.

The fundamental features of a plan which would give effect to these basic conclusions are as follows:

1) *As to the raw materials—uranium and thorium.* Once the Atomic Development Authority has been set up, its first purpose will be to bring under its complete control world supplies of uranium and thorium. Wherever these materials are found in useful quantities, the Authority must own them or control them under effective leasing arrangements. One of its principal tasks would be to conduct continuous surveys so that new deposits will be found, and so that the agency will have the most complete knowledge of the world geology of these materials. It will be a further function of the agency constantly to explore new methods for recovering these materials from media in which they are found in small quantities so that if, and when, it becomes practical to recover uranium and thorium from such sources, means of control can also be devised for them.

In this way there will be no lawful rivalry among nations for these vital raw materials, and one of the most serious causes of friction between nations will be avoided. As will appear from what follows, by placing exclusively in the hands of the Authority the other dangerous

Participants of the conference sought to reconcile the Acheson-Lilienthal Report with the views of the Baruch group which had been studying the question of international control since early April. Minutes of the Blair-Lee House sessions exist in the Atomic Energy Lot File, Department of State; for an account of the proceedings, see Hewlett and Anderson, pp. 562-567.

activities relating to atomic energy, rivalry between nations as to them, and the potential friction which it would cause will also be eliminated.

2) *As to primary production plants.* The Atomic Development Authority must exercise complete managerial control of the production of fissionable materials. This means that it must actually own and operate all plants producing fissionable materials in dangerous quantities and own and control the product of these plants.

3) *As to atomic explosives.* The Authority must be given exclusive authority to conduct research in the field of atomic explosives. When the plan is fully in operation there would be no stockpiles of atomic bombs anywhere in the world, either in national or in international hands. But research activities in the field of atomic explosives are essential in order that the Authority may keep in the forefront of knowledge in the field of atomic energy and fulfill the objective of preventing illicit manufacture of bombs. For only by preserving its position as the best informed agency will the Authority be able to tell where the line between the intrinsically dangerous and the non-dangerous should be drawn. If it turns out at some time in the future, as a result of new discoveries, that other materials or other processes lend themselves to dangerous atomic developments, it is important that the Authority should be the first to know. At that time measures would have to be taken to extend the boundaries of safeguards.

4) *Strategic distribution of activities and materials.* The activities entrusted exclusively to the Authority because they are intrinsically dangerous to security, as well as stockpiles of raw materials and fissionable materials, must be distributed geographically throughout the world in such a way as to establish a strategic balance.

5) *Non-dangerous activities.* Atomic research (except in explosives), the use of research reactors, the production of radioactive tracers by means of non-dangerous reactors, the use of such tracers, and the production of power in plants which use up, rather than produce, fissionable materials, are to be open to nations and their citizens under reasonable licensing arrangements from the Authority. Denatured materials necessary for these activities would be furnished, under lease or other suitable arrangement by the Atomic Development Authority.

The foregoing emphasizes the fact that the production of these denatured materials can only be accomplished through dangerous activities; that is to say the promising non-dangerous, beneficial applications of atomic energy become possible only if dangerous operations first occur.

It is important to be aware at all times of the necessity for taking advantage of the opportunity for promoting decentralized and diversi-

fied national and private developments and of avoiding unnecessary concentration of functions in the Authority. It would, therefore, be a primary function of the Authority to encourage developments by nations and private enterprise in the broad field of non-dangerous activities.

6) *Definition of dangerous and non-dangerous activities.* All activities relating to atomic energy from the mining of raw materials through the production of the active materials, and including research in atomic explosives, must be classed as dangerous to security. All other activities in the field are classed as non-dangerous, although for some of them (such as the production of power in plants which use up denatured fissionable materials) close questions as to security must be faced. This is merely a rough classification. Although a reasonable dividing line can be drawn between the dangerous and the non-dangerous, it is not hard and fast. Machinery must therefore be provided to assure constant examination and reexamination of the question, and to permit revision of the dividing line as changing conditions and new discoveries may require.

7) *Inspection activities.* By assigning intrinsically dangerous activities exclusively to the Atomic Development Authority, the problem of inspection is thereby reduced to manageable proportions. For if the Atomic Development Authority is the only agency which may lawfully conduct the dangerous activities in the field of raw materials, primary production plants, and research in explosives, then any visible operation by others will constitute a danger signal. This situation contrasts vividly with the conditions that would exist if nations agreed that each of them would conduct those dangerous operations, but would do so solely for proper purposes; for surreptitious abuse of such an agreement would be very difficult to discover by any system of detection that might be devised. It is far easier to discover an operation that should not be going on at all than to determine whether a lawful operation is being conducted in an unlawful manner.

The plan, therefore, does not contemplate any systematic or large-scale inspection procedures covering the whole of industry. Many of the inspection activities of the Authority should grow out of and be incidental to its other functions. The chief measure of inspection will be those associated with the tight control of raw materials, for this is one of the keystones of the plan. The continuing activities of prospecting, survey and research in relation to raw materials will be designed not only to serve the affirmative development functions of the agency but also to assure that no surreptitious operations are conducted in the raw material field by nations or their citizens. Inspection will also occur in connection with the licensing functions of the Authority. Finally, a means should be provided to enable the

international organization to make special "spot" investigations of any suspicious national or private activities.

8) *Personnel*. The personnel of the Atomic Development Authority will have to be recruited on a truly international basis, giving much weight to geographical and national distribution. Although the problem of recruitment of the high-quality personnel required for the top executive and technical positions will be difficult, it will certainly be far less difficult than the recruitment of the similarly high-quality personnel that would be necessary for any purely policing organization.

9) *Negotiation stage*. The first step in the creation of the system of control we envisage is the negotiation among the nations of the world of a Charter spelling out in comprehensive terms the functions, responsibilities, authority, and limitations of the Atomic Development Authority. Once a Charter for the agency has been written and adopted, the Authority and the system of control for which it will be responsible will require time to become fully organized and effective. The plan of control will therefore have to come into effect in successive stages. These should be specifically fixed in the Charter or means should be otherwise set forth in the Charter for transition from one stage to another.

10) *Stages of operations*. After it is created, one of the first major activities of the Authority must be directed to obtaining cognizance and control over the raw materials situation. There are probably other activities in which the Authority would have to begin its work almost as soon as it is set up. But except for control of raw materials, most of the operations of the Authority are, from the standpoint of the practical workability of the plan, subject to scheduling. Some of them, merely because of the time required to get them under way have to come at later stages. But the schedule for most of them—that is, outside the raw materials control—is properly a matter for negotiation and the manner in which we and other nations treat their scheduling may affect the acceptability of the plan but not its workability.

11) *Disclosures*. In the deliberations of the United Nations Commission on Atomic Energy, the United States must be prepared to make available the information essential to a reasonable understanding of the proposals which it advocates. If and when the Authority is actually created, the United States must then also be prepared to make available other information essential to that organization for the performance of its functions. And as the successive stages of international control are reached, the United States must further be prepared to yield, to the extent required by each stage, national control of activities in this field to the international agency.

12) *Security achieved through the Atomic Development Authority.* When fully in operation, we believe that the plan proposed can provide a great measure of security against surprise attack. Once the operations and facilities of the Atomic Development Authority have been established and are being managed by that agency within other nations as well as within our own, a balance will have been established among the nations of the world. Protection will lie in the fact that if any nation decides upon a program of aggression and seizes the plants or the stockpiles of raw and fissionable materials that are situated in its territory, other nations will have similar facilities and materials situated within their own borders so that the act of seizure need not place them at a disadvantage; protection will lie in the further fact that if a would-be aggressor seizes facilities, a year or more would be required after seizure before atomic weapons could be produced in quantities sufficient to have an important influence on the outcome of war. Thus all the nations of the world would receive well in advance of the possible time of attack by atomic weapons clear, simple, and unequivocal danger signals that would enable them to prepare all measures of protection that would be available—an opportunity which would be wholly lost to them in the event of surprise attack.

As the plan goes into operation and continues, it can, moreover, create deterrents to the initiation of schemes of aggression, and it can establish patterns of cooperation among nations, the extension of which may even contribute to the solution of the problem of war itself.

In this response to your request of yesterday for a summary, we fear that we may have sacrificed something of clarity and completeness to our desire to comply with your request as quickly as possible. If there is anything that you wish in the way of clarification or enlargement, or if there is any way at all in which you feel this Board can be helpful, in further discussion or otherwise, please be assured that we are anxious to cooperate with you in your enormously difficult task.

In this letter we have not attempted to touch again upon the many matters that were discussed during the Blair Lee House meetings. If as to them it would be useful to you to have a memorandum from us stating the views that we offered in the discussions, we shall of course be glad to prepare it.

Sincerely yours,

CHESTER I. BARNARD
J. ROBERT OPPENHEIMER
CHARLES A. THOMAS
HARRY A. WINNE
DAVID E. LILIENTHAL,
Chairman

SWNCC Files

The Joint Chiefs of Staff to the United States Representatives on the Military Staff Committee ⁴⁴

SECRET

WASHINGTON, May 24, 1946.

GUIDANCE AS TO COMMAND AND CONTROL OF THE ARMED FORCES TO BE PLACED AT THE DISPOSAL OF THE SECURITY COUNCIL OF THE UNITED NATIONS

1. The following are the views of the Joint Chiefs of Staff on certain matters which may be subjects for discussion in the Military Staff Committee of the United Nations. In arriving at these views, the Joint Chiefs of Staff considered USMS/25 . . . and USMS/19/1/Rev/1 . . .⁴⁵

2. *Armed Forces to be Placed at the Disposal of the Security Council of the United Nations.* Agreements should be completed as soon as possible as to the size of the armed forces to be made available to the Security Council by each member nation and as to the broad principles for employment of these forces in accordance with J.C.S. 1567/32⁴⁶ and this memorandum.

3. *Establishment of Permanently Available International Military Forces.* Establishment of international armed forces on a permanent basis is contrary to present United States policy, except in the case of such security forces as may be required for the internal policing of areas under United Nations trusteeship.

4. *Command and Staff Arrangements for Security Forces.* The following general policies will govern for the present :

a. Predetermined rules covering establishment of international command and staff arrangements for security forces are deemed inadvisable. However, it is recognized that the Representatives of the Joint Chiefs of Staff on the Military Staff Committee should have available a statement of general principles for guidance in the event discussion of command and staff arrangements is precipitated by the representatives of other nations.

b. Arrangements in each instance for the command and staff of combined security forces of the United Nations should not be made until

⁴⁴ This document, a report by the Joint Strategic Survey Committee dated May 22, was approved by the Joint Chiefs of Staff on May 24. The JCS forwarded the report to the United States Representatives on the Military Staff Committee on May 24 "as an expression of the views of the Joint Chiefs of Staff . . . pending receipt of comments from the State-War-Navy Coordinating Committee." The U.S. Representatives on the Military Staff Committee took note of the report at their 11th Meeting, June 3 (IO Files). The JCS also presented the report to SWNCC on May 24 for concurrence or comment; it was circulated as SWNCC 219/9, May 27. SWNCC approved it on June 20. (SWNCC Files)

⁴⁵ Neither printed.

⁴⁶ SWNCC 219/8; for a description, see footnote 2, p. 769.

immediately before such forces are to be placed at the disposal of the Security Council.

c. It is undesirable and impractical to establish any rigid criteria for the designation of a supreme commander. The Representatives of the Joint Chiefs of Staff on the Military Staff Committee should seek clearly to establish the principle that their advisory responsibilities extend to the question of command designation but should leave the question of arriving at their choice for resolution when occasion arises.

d. In event discussion of the question of command is precipitated by representatives of other nations on the Military Staff Committee, the following may be presented as the views of the Joint Chiefs of Staff:

(1) There should be unified command under a supreme commander of a United Nations military force and attached civilian personnel for the execution of a particular mission assigned by the Security Council, under the provisions of Article 48 of the Charter of the United Nations.

(2) The United States will not agree to choice of a supreme commander nor to the designation of commanders of air, naval or ground components, nor to the designation of commanders within regions, until immediately prior to the time such forces are to be placed at the disposal of the Security Council.

(3) Other than those appointments reserved for the Security Council, the appointment of commanders of subordinate forces of mixed nationalities should be the responsibility of the supreme commander of a United Nations military force and such appointments should be made from officers made available to him for this purpose by the nations furnishing the armed contingents. The appointment of the senior commander and subordinate commanders in any national contingent should be the responsibility of the nation which furnishes that contingent.

(4) Any agreement approved by the United States must include provisions to permit senior commanders to communicate directly with the military authorities of their own governments.

(5) When armed contingents of two or more nations participate in an operation, the nations concerned should provide suitable officers, acceptable to the supreme commander, for service on the operational, administrative, and civil government staffs of the supreme commander.

(6) It is essential that any supreme commander:

(*a*) Receive instructions for strategic direction of the armed forces under his command directly from the Military Staff Committee (paragraphs 1 and 3, Article 47).

(*b*) Have military operational command of all contingents assigned to his forces, to be exercised through the respective commanders of these contingents. Internal discipline and administration should remain as responsibilities of the commander of each national contingent.

(*c*) Administer within the theater of operations all matters pertaining to external and intercontingent logistical problems of the forces under his command.

(*d*) Have administrative and disciplinary control (except courts-martial jurisdiction) over all personnel accompanying the forces under his command, including observers appointed by the Military Staff Committee.

5. *General.* The Representatives of the Joint Chiefs of Staff on the Military Staff Committee should refrain from expressing opinions to representatives of foreign governments and from entering into any commitments, express or implied, on major matters on which they have not received guidance from the Joint Chiefs of Staff, with whom this responsibility rests and who may freely be consulted.

Appendix

DISCUSSION

1. On 24 August 1944, at Dumbarton Oaks, the representatives of the Soviet Union proposed the establishment of an international military force, particularly an international military air force corps, to be permanently available to the Security Council for the enforcement of world peace and security. They supported this proposal with the arguments that the Security Council should have "the most effective means to bring to bear against an aggressor either to force him to stop the aggression or to bind him until national forces can be thrown into action." They thought an international force best met this requirement and, further, that the very existence of such a force would create fear in potential aggressors, which would make them think twice before undertaking actual acts of aggression.

2. The United States and British delegates rejected the principle of permanent international forces. The Charter of the United Nations reflects this rejection in Article 43 of Chapter VII, which specifies that armed forces shall be made available to the Security Council "on its call." Although Article 45 of Chapter VII provides that national air force contingents shall be held immediately available for combined international enforcement action, the rejection of the principle of a permanent international air force corps is nevertheless implicit in this article. When the United States ratified the Charter, the United States objection to the principle of permanent international security forces became national policy. Further, the United States position has always been that specific operational plans would be developed within the United Nations only in the event of an existing or potential threat to the peace. Therefore, the Representatives of the Joint Chiefs of Staff on the Military Staff Committee of the United Nations should initiate no discussion of the formation of permanent international armed forces and under no circumstances should they indicate approval of such a proposal.

3. When considering problems relating to the command, control and employment of armed forces made available to the Security

Council of the United Nations, the following factors should be kept constantly in mind :

First, the existence of the veto power makes use of force by the Security Council highly improbable, and in any event force can be used only against the small nations.

Second, under the provisions of the United Nations Charter, "The Security Council shall, where appropriate, utilize . . . regional arrangements or agencies for enforcement action under its authority" (paragraph 1, Article 53).

These two considerations make elaborate predetermined arrangements for international command and staff for the security forces, or combined maneuvers to train them, both unnecessary and impractical. If subsequent developments remove the veto power such matters should be re-examined in the light of the then existing situation.

4. Paragraph 4 of Article 47 of the Charter, which refers to appropriate regional agencies, taken in conjunction with Articles 52, 53, 54, 106, and 107, recognizes regional arrangements or agencies as appropriate international agencies for implementing decisions of the Security Council. An example of an appropriate regional arrangement is the Inter-American system. If the decisions of the Security Council requiring the use of force are in fact carried out by utilization of regional arrangements or agencies (paragraph 1, Article 53) :

a. Our desire, as expressed by members of the Senate Committee on Foreign Affairs (conference between State Department officials and Senators Connally, Thomas of Utah, Vandenberg and Austin, 1 April 46), to exclude non-American forces from the Western Hemisphere and keep the Monroe Doctrine unaffected by United States ratification of the Charter of the United Nations will be facilitated. However, since regional arrangements are subject to the final authority of the Security Council and since non-American forces can operate in the Western Hemisphere only on its authorization, our most practical means for excluding such forces lies in the actions of our members on the Military Staff Committee and on the Security Council.

b. It would be both possible and practicable for the United Nations security forces to take speedy action against adjudged aggressors; and

c. It would be unlikely that substantial United States ground forces would be called upon to operate as a part of United Nations security forces under foreign command, particularly in Europe or in Asia.

5. However, there are numerous bilateral alliances in existence, particularly alliances between Russia on the one hand and England, France, China, Yugoslavia and Poland on the other, which might be construed by parties thereto as "regional arrangements or agencies" appropriate for enforcement action under authority of the Security Council and (keeping the veto in mind) used to exclude American

armed forces from participating in action by the Security Council in Europe and Asia. It is for this reason that the United States desires the relevant sections of the Charter to apply to regional arrangements already in existence when the charter was drafted (the Inter-American System) or to other regional systems which might develop through natural evolution. In any event the United States does not believe that the Charter was intended to promote the artificial development of regional arrangements for security purposes. Considerations such as those outlined above serve to illustrate the undesirability from the United States point of view of concluding predetermined principles for the selection of commanders and the employment of United Nations security forces. Furthermore, the drawing up of principles for selection of commanders might cause theoretical debate in the Military Staff Committee on questions involving power politics. This should be avoided. The establishment of technical or temporary rules beyond the scope of the broad principles enunciated below is also undesirable. The functions of the Military Staff Committee in these matters are advisory, and the United States members should seek clearly to establish that their advisory responsibility extends to the question of command designation, leaving the question of the method of arriving at their choice for resolution when occasion arises.

6. With regard to USMS/19/1/Rev/1 (J.C.S. 1670/1), it is considered that the United States representatives should not introduce for discussion in the Military Staff Committee the subject of principles relating to command of United Nations armed forces. However, it is recognized that the Representatives of the Joint Chiefs of Staff on the Military Staff Committee should have available a statement of general principles for guidance in the event discussion of command and staff arrangements is precipitated by the representatives of other nations. In such case, the United States representatives should express opinions which conform to the following :

a. There should be unity of command, under a supreme commander, of a United Nations military force and attached civilian personnel for the execution of a particular mission assigned by the Security Council, under the provisions of Article 48 of the Charter of the United Nations.

b. The United States will not agree to choice of a supreme commander nor to the designation of commanders of air, naval or ground components, nor to the designation of commanders within regions, until immediately prior to the time such forces are to be placed at the disposal of the Security Council. This is realistic in that the considerations of command, composition of forces and the method of application of forces must in each case be affected by both the political and the military situation which then prevail.

c. Other than those appointments reserved for the Security Council, the appointment of commanders of subordinate forces of mixed na-

tionalities should be the responsibility of the supreme commander of a United Nations military force and such appointments should be made from officers made available to him for this purpose by the nations furnishing the armed contingents. The appointment of the senior commander and subordinate commanders in any national contingent should be the responsibility of the nation which furnishes that contingent.

d. Any agreement approved by the United States must include provisions to permit senior commanders to communicate directly with the military authorities of their own governments.

e. When armed contingents of two or more nations participate in an operation, the nations concerned should provide suitable officers, acceptable to the supreme commander, for service on the operational, administrative, and civil government staffs of the supreme commander.

7. A supreme commander should have military operational command of all contingents assigned as a part of his force, exercising this command through the respective commanders of these contingents. Internal discipline and administration should remain as responsibilities of the commander of each national contingent. A supreme commander should administer within his theater all external and intercontingent logistical matters for the forces under his command.

8. It is not considered advisable to burden commanders with observers responsible only to the Military Staff Committee and reporting directly and only to the Military Staff Committee. Certainly the supreme commander must have administrative and disciplinary control (except courts-martial jurisdiction) over all personnel accompanying the armed forces under his command, including observers appointed by the Military Staff Committee. Further, copies of all reports should be furnished him to facilitate and expedite corrective action when appropriate. It must, of course, be borne in mind that no arrangement as to observers obviates the normal necessity for operational reports and other information that will be made available to the Military Staff Committee by the supreme commander.

9. By ratifying the Charter of the United Nations, the United States subscribed to the general principles and objectives therein, but the means of implementing them are yet to be agreed upon. The character and extent of United States participation in the implementation are matters which necessarily still remain subject to decision on the highest governmental level. In consequence the Representatives of the Joint Chiefs of Staff on the Military Staff Committee should refrain from expressing opinions to representatives of foreign governments and from entering into any commitments, express or implied, on major matters on which they have not received guidance from the Joint Chiefs of Staff, with whom this responsibility rests and who may freely be consulted.

501.BC/5-1646: Telegram

The Secretary of State to the United States Representative at the United Nations (Stettinius)

SECRET

WASHINGTON, May 28, 1946—6 p. m.

80. The Department would prefer not to take at this time the action suggested in your 188 of May 16. General considerations make it desirable to handle a matter of this sort through existing United Nations machinery if possible rather than by unilateral action on our part in Moscow. Further, a slight additional delay would not be entirely unwelcome to us for the following reasons: We have not yet completed our discussions with Senate leaders on the general principles applicable to the special agreements and on the size of the proposed U.S. contingent. The Joint Chiefs of Staff are now preparing comments from a military point of view on certain points for our use in further conversations. Senators Connally and Vandenberg are both involved and have just returned from the Paris Conference.

The Department will try to complete its conversations with Senate leaders as soon as possible and will notify you when that has occurred. If by that time the Russian paper has not been received by the Subcommittee of the Military Staff Committee, action might then be taken within the Committee itself or by consultation among the Representatives of the permanent members of the Security Council either to attempt to hasten the submission of a Russian paper or to proceed with discussions without such a paper. It seems desirable to leave for later decision whether further steps by appropriate diplomatic action might thereafter be required.

If the Russian paper is submitted prior to the conclusion of our conversations with the Senators, our representatives should proceed, of course, with discussions in the Subcommittee of the Military Staff Committee subject to the possibility of some amendment of our views at later stages based on our further discussions with Senators.

The War and Navy Departments have concurred informally in this message and we suggest that copies be furnished to the U.S. Delegation, Military Staff Committee.

BYRNES

 Department of State Atomic Energy Files

*Memorandum of Conversation, by Mr. John M. Hancock of the United States Delegation to the Atomic Energy Commission*⁴⁷

[WASHINGTON,] May 30, 1946.

Those present were Messrs. Byrnes, Acheson, Baruch and Hancock. I cannot attempt to outline in detail the entire compass of the talk

⁴⁷ Messrs. Baruch and Hancock met with Messrs. Byrnes and Acheson in Washington on May 30 and 31 with a view to drafting a statement of United States

this morning. The discussion roved over many points which have been discussed by all of us, and I don't plan to cover those in this memorandum.

Mr. Byrnes stressed the importance of laying on the table a working document on the day before it was up for discussion in the general meeting or in a subcommittee. The difficulties of language make this very important as a matter of procedure. He stressed the danger of using the word "present" in connection with any documents we offer, because the word "present" implies that it has our validation. As to the several documents we proposed to give to the delegates, he and Acheson both thought it wiser to have them available without any formal presentation on our part.

This brought me to the clear conviction that we should not present the Acheson Report unless we were to be under the embarrassment of being accused of having validated such report. There is no objection to having the backbone of our approved policy embodied in Mr. Baruch's speech, but whatever is included should be supplied to the delegates also as a working paper. I believe that this backbone will have to be discussed in the Committee as a whole and that it will not lend itself with reference to the subcommittee.

The old query arose as to what we would say if the Russians were to query us about stopping making bombs. I pointed out that under my approach under which we outlaw the possession of bombs and dangerous projects in general, there would necessarily be some agreement covering both the further making of bombs and the disposal of all bombs then in being. I don't want to see us open the door as to the best plan of disposing of bombs. Any plan for entrusting them to the scattered bases or of turning them over to the Security Council will have to be discussed by the Security Council. This is going to be a very difficult determination, which will require our approval, and I don't want to see us use any words which would imply any approved plan as to the manner of disposal or transfer to anyone else. Of course, we could always convert that material back to use in power plants.

A long discussion was had as to the manner of handling the other weapons of mass destruction. Mr. Byrnes' statement, made upon his return from Moscow, indicates his thought at the time that it related only to weapons using atomic energy. He says, however, that in discussions in Moscow reference was made to biological warfare. Byrnes thinks it would be a serious mistake to attempt to cover these other weapons as a part of our present assignment.

Mr. Baruch was very strong in pointing out that the problem of

policy to guide Baruch in the preparation of his statement to the Atomic Energy Commission; for an account of those conferences and subsequent events culminating in Presidential approval of a statement of United States policy on June 7, see Hewlett and Anderson, pp. 567-574. The meeting here described occurred in the Department of State.

atomic energy is a problem of the hearts of men and that no plan so far proposed gives any guarantee or assurance. Every plan offers lots of hope, but in the end the best any plan gives, even if it works, is an advance warning. Men will differ as to the time of the warning, but, at best, this advance warning is too short a time to meet the needs of our people's frame of mind in which they shrink from going to war except in reply to an overt act.

We had a long discussion about penalties. We will discuss it further tonight. I think Mr. Acheson will have no objection to penalties, but he still will feel that it will not be self-operative under any plan we can now conceive of, and as a matter of fact, any nation that has in mind to violate the plan as we propose it would already have in mind the making of alliances and the marshaling of the tools of war, and before a violation of this kind took place, the nation would be ready to go to war. As a result, the only sanction is war.

Mr. Baruch raised the question about a provision in the Constitution of all the nations, similar to the provision General MacArthur⁴⁸ has inserted in the Japanese Constitution. He also referred to the principle back of the Nuremberg trials, that of individual responsibility for violations of international law. They were not commented upon at length this morning.

Mr. Acheson pointed out this morning that there always has to be some ultimate authority to enforce a Treaty and that the only such authority is going to war.

I proposed that big power plants using material which would be potentially dangerous should be authorized by the A.D.A. only subject to approval of the Security Council. I think this is necessary; otherwise there might well be plans for granting Russia the power to build a number of large plants which would be very near in point of time to the utilization of their construction for the manufacturing of bombs. This plan of requiring the Security Council to approve construction of such plants would make the veto in the Security Council a very powerful weapon. I do not believe that the power to disturb the military balance should be left in the A.D.A. without some further control. I assume the Security Council would naturally take the same view.

When we raised the question of our relationships to Canada and Britain, Mr. Byrnes thought that we should work with them in advance of our meeting. He was not concerned about charges of a compact block because he felt our joint effort put us all in a similar position.

⁴⁸ General of the Army Douglas MacArthur, Commanding General, United States Army Forces in the Pacific; Supreme Commander, Allied Powers in Japan.

Byrnes spoke at length of the difficulties of language and the importance of starting out with one word and continuing to use it. He said that whenever a word was changed, there was always a query as to why it was changed. He felt that we should avail ourselves of the expert treaty draftsmen of the State Department. He has no thought that we should lay down the form of a Treaty at an early date. He thought the parts should be drafted as principles are established.

We had some discussion about the make-up of the Atomic Energy Authority. It would seem to me that if true internationalists of competence could be found, they would make the best body to handle the problem. We felt, however, that we would have to follow a pattern somewhat similar to the Security Council and that we would have to have national representation in the body. We doubted that in [*any*] body of trustees of international character would win the support of our people. The question in the end is, however, do we balance national interests in the make-up of the Board of Directors. In the discussions the name of Nils Bohr ⁴⁹ arose as one ideal type.

In regard to the exchange of information and the survey plans with regard to raw material, Byrnes thought the suggestion would be worthless because the Russians would disagree. He does agree that it should be a part of the Treaty. He feels that our proposing it as a part of our national platform would invite an early breakdown without a clear and adequate basis for such a breakdown.

We had quite a long discussion about the dangers of the leakage of scientific data and the plans for limiting the fields for inspection. Nothing very definitive came out of the discussion beyond our own present thoughts in these respects. The question naturally was whether foreign inspectors might seek to do espionage work under the cover of a geological survey. There was willingness to trust the Atomic Energy Authority for a decision in such matters, and it was thought that this would be enough safeguard regarding the danger of snooping as a part of the inspection process.

Mr. Baruch was very strong as to the matter of penalty and told Mr. Acheson (as Byrnes was leaving for the Carter Glass funeral) that he had to be in the position of advocating something in which he believed.

This summarizes down to this: That we omit from our statement of policies (May 30th draft) the last item regarding the raw material survey; that we present the statement of policies of this Government as the working document; that we embody them in Mr. Baruch's

⁴⁹ Niels Bohr, Danish theoretical physicist; pioneer in nuclear physics.

speech or not, as we wish; that we avoid endorsing any document as United States policy except the working paper we present.

Every impression I gained was that they are relying in the State Department upon a development of policy on the initiative of B.M.B. When B.M.B. asked Mr. Byrnes what his policies were, Byrnes replied, as nearly as I can recall, "Oh hell, I have none. What are your views?"

Acheson was willing to have the inspection in the field of raw materials be empowered to go beyond, in the event any diversion were discovered, to tracing down the destination of such diverted material.

Department of State Atomic Energy Files

Memorandum by the Special Assistant to the Under Secretary of State (Marks) to the Under Secretary (Acheson)

[WASHINGTON,] May 30, 1946.

The "Report on the International Control of Atomic Energy" outlined proposals for international action but expressly left numerous questions of procedure and substance for later consideration. This was done in part because of the limited time which the Board of Consultants had in preparing the Report and in part because the nature of the questions seemed to require different qualifications or different terms of reference from those of the Board.

If the proposals in the Report are to be advocated as a basis of discussion in the United Nations Commission these questions will have to be carefully investigated by the United States in order to equip our representative for the deliberations of the Commission.

General procedure—In many ways the procedural problems of the United Nations Commission on Atomic Energy will not differ from those of other international meetings, for example, the Bretton Woods or Dumbarton Oaks Conferences. The organization of the Commission and its sub-committees, the question of open and closed sessions, liaison between representatives of the several member nations—in dealing with these and many similar matters the practices followed in other international meetings should provide a guide.

In view of the extensive experience which Mr. Alger Hiss and his staff have had in such matters, I assume that they should work intensively on them and give Mr. Baruch and his associates all possible assistance. I understand from Mr. Hiss that some work has already been done along these lines and that he feels that much more should be done. Definite arrangements should be worked out between Mr. Hiss and Mr. Baruch's staff for providing the most effective cooperation on a continuing basis.

Procedure in relation to disclosures—One of the most important

aspects of procedure, is peculiar to the subject itself. The Board's Report states that at an early stage in the Commission's deliberations, we must be prepared to make available enough presently classified information to enable the representatives of other nations to understand and appraise our proposals. In dealing with this issue there are two main questions: (1) At what stage in the deliberations and under what conditions should we make such disclosures and (2) what should be the scope of the disclosures to be made.

(1) There are doubtless a good many possible alternatives as to the time and circumstances of disclosure. Perhaps a reasonable proposition might be worked out under which we would not make any disclosures until other nations agreed to do something in return, either in the way of reciprocal exchange, or in some other form. But, I think it fair to say that none of us who worked on the Report have been able to think of an arrangement of this character which would be generally acceptable to other nations or at any rate acceptable if it involved their supplying us with anything that we would really be interested in getting. However, it may be that the Secretary of State and Mr. Baruch will have ideas on this subject and it would certainly be worth-while to give further consideration to the possibility if anyone in a position of responsibility feels that it may be feasible.

Another alternative would be to proceed in the following manner. Submit the Report as a basis for discussion. Be prepared to discuss the Report as it now stands and without any reference to classified information. Discussion on this basis might be pursued as long as necessary to make certain that the essential features of the Report are understood by other nations and that they are seriously interested in it. During this stage our representatives would have to state frankly that the scientific premises on which the Report is based would have to be accepted for the time being without discussion of underlying classified information. However, as our own internal meetings have shown, there is a great deal of unclassified information, technical and nontechnical which is not included in the Report but which can be used to illuminate the Report itself. An example of this is Doctor Rabi's⁵⁰ introduction to the Doubleday-Doran edition of the Report. Because our scientists and public officials have given so much thought to the subject, they are perhaps in a better position to draw upon and organize this unclassified information in ways that could be of great assistance in promoting a clear preliminary understanding of the Report itself among the representatives of other nations.

This preliminary consideration of the Report might take several

⁵⁰ Dr. Isador I. Rabi, a Columbia University physicist; consultant to Manhattan Engineer District.

weeks or much longer. If skillfully conducted, it might evoke rather clear signs of understanding and interest on the part of other nations and when these occur we might then begin to take up the classified material which your Committee agreed the Commission would require "for an understanding of the proposals" and which you found it possible to define "within satisfactory limits".

A third alternative would be to make the information in question available at the outset as a sign of our own seriousness and good faith.

Whether one of these or some other alternative is to be adopted, the point that needs to be emphasized now is that a decision of major policy must be made in resolving this question of procedure.

(2) The scope of information to be made subject to disclosure will have to be carefully worked out in advance. When in the meetings between your Committee and the Board, this information was "defined . . . within satisfactory limits", the definition was of necessity based upon consideration of very general categories of data. In preparation for the Commission meetings these categories will have to be examined in detail and decisions made as to the numerous specific items which may be used in discussion.

In short, a second "Smyth" report⁵¹ will be needed to guide our representatives or in some other way responsibility will have to be fixed and authority conferred to enable our representatives, in the language of the Report, to make available the "limited category of information which should be divulged in the early meetings of the United Nations Commission".

This advance preparation is of critical importance. For it is quite likely that the better we prepare, organize and present information, the *less* information we shall have to use. A limited amount of data presented effectively and at the right moment in the deliberations may well provide necessary understanding. On the other hand, if data is not readily available as required and if it is not presented in the most orderly and effective form, the resulting confusion may well involve more disclosures than would otherwise be necessary or may preclude satisfactory understandings.

Other questions of procedure—At least one other question of procedure which should be given consideration now concerns the order in which matters should be taken up. Assuming that the Report is adopted as a basis of discussion, and discussions proceed far enough to establish a serious interest and understanding of the proposals by other nations, it seems probable that the next step would be to commence work on drafting a charter or treaty. At this point, or before,

⁵¹ See footnote 72a, p. 751.

it is probable that other nations will raise questions as to the steps in the transition period.

When this occurs we may want to urge that the problem of the transition should be deferred until after substantial progress has been made in the drafting of a charter. If we are unsuccessful in this, we shall have to face at the outset of the drafting or even before, the extremely difficult problem of the transition steps. During the extensive discussion of the transition steps in the meetings between your Committee and the Board, you will recall that quite a number of the participants pointed out that the most intensive kind of study would have to be given to this problem in order to determine how it should be handled from the standpoint of negotiations. This then is one of the most important matters to be thought through as soon as possible and will require the assistance of the most highly qualified people.

Substantive questions—As the Board of Consultants stated, a succession of processes like that involved in preparing the Report itself will be necessary, each building on the preceding analysis, before even the major ramifications of the problem can be understood and the major questions partially answered. Numerous matters which are adverted to in the Report in the most general terms will have to be made the subject of analysis in order that our representative may be prepared to deal with them in the negotiations. Among the more important are the following:

(1) *Raw Materials*—The discussions in the Blair Lee House meetings sufficiently indicated how complicated the raw materials problem is. Even if the general recommendation in the Report with respect to raw materials is adopted it is clear that the precise pattern of control would have to vary, depending upon the facts in different types of situations. But, until the available geological, mining and economic facts concerning the occurrence, distribution and use of uranium and thorium have been closely examined it will not be possible to spell out the detailed measures of control. Intensive study undertaken now should go a long way toward simplifying this problem.

(2) *Strategic Distribution of Dangerous Facilities and Stockpiles of Raw Materials and Fissionable Materials*—This problem likewise requires immediate study with the help of geographers, economists, military personnel and people experienced in political affairs. With such help, the experts in the field of atomic energy should be able to give some indication of the pattern of distribution that would afford a sound strategic balance geographically. Many questions which would otherwise be extremely troublesome in the negotiations can be avoided through such advance preparation. For example, the point has been made that if a single primary production plant were located in each of the five major nations that might place any two of the nations at a

numerical disadvantage if the others took aggressive action in concert against them. But if, as seems probable, investigation of the scientific facts shows that any nation controlling one or two of these plants could wage just as effective atomic war as a nation which controlled three, then the problem of shifting political alignments becomes less troublesome.

(3) Financial Problems—The Blair Lee House discussions and the Report itself sufficiently indicated the difficult financial questions that would have to be solved. Since they are bound to arise in some form before the negotiations have proceeded very far, advance preparation in this field also seems necessary.

(4) Personnel Problems—This was another matter touched upon at the Blair Lee House and on which there appeared to be agreement that considerable advance study by experts in the field would be desirable.

(5) Management Problems—There are numerous questions concerning the organization of the Authority which need to be explored. Some of these are mentioned in the Report but none of them are discussed at length and there are many others that are not touched upon.

(6) The “Veto” and “Sanctions”—In relation to these matters it is evident that considerable confusion exists and that there are many serious questions which need to be thought through and answered. The scope of the problem was pretty well defined during the Blair Lee House meetings. There is a related matter which so far has not been discussed. This has to do with the definition of evasions. Some types of evasions would have to be regarded as so serious that they signify a complete breakdown in the plan. Others could be safely regarded as minor and subject to disposition under some form of administrative machinery provided in the plan itself. These definitions and the machinery would have to be spelled out in considerable detail in the charter. To do this will require very careful advance preparation.

(7) Scientific Problems—In the various discussions of the Report these problems have not received much attention. However, they are among the most important of all. The definition of the dividing line between safe and dangerous activities, the conditions under which research in atomic explosives should be undertaken by the Authority, the measures by which security can be “built” into the facilities of the Authority and into licensed facilities—these are all enormously complicated scientific and technical problems. In order that they may be sufficiently simplified so that the negotiations can make progress it will be necessary for us to put our qualified scientists and technicians to work on them as soon as possible.

HERBERT S. MARKS

Department of State Atomic Energy Files

Memorandum of Conversation, by Mr. John M. Hancock of the United States Delegation to the Atomic Energy Commission ⁵²

[WASHINGTON,] May 30, 1946.

Those present at the apartment of Mr. Byrnes in the Shoreham Hotel were Messrs. Byrnes, Acheson, Baruch and Hancock.

In a way, this will be a continuation of the morning's discussion. After some conversation about general procedure, Mr. Acheson laid out the things he had wanted to talk with Mr. Byrnes about insofar as atomic energy was concerned. He thought there ought to be a means of coordinating the position of Government and that there should be a group set up in the State Department which would be able to gather for us the answers to any questions which might arise in the conduct of our discussions in New York. He even broached the point that it would be helpful if our body were here. He went on developing his idea, and I can see no disadvantage in an interdepartmental board, with appointees from each agency of Government who would get together the facts from the branches of Government concerned or would develop a statement of policy on the part of the departments concerned. The purpose of this would be to have a group in the State Department who would be in close contact with the President and get authoritative rulings on America's position. Up to this point I can see advantages but no disadvantages.

Mr. Acheson went on to outline the idea that he might reconstitute, as a board, the Lilienthal Committee ⁵³ for the purpose of advising the State Department. As to this I demur, because I believe it could only complicate our problem. The scientists as a body do not agree, and I feel we have to make our determination with our staff as to what should be our policy. These problems are not often purely scientific problems. They blend very quickly into political problems. If we were able to keep the scientists onto the purely scientific aspects, I wouldn't look for any trouble because there is fairly general agreement among the scientists as to the purely scientific aspects. The divergences come in when you start interpreting these scientific facts into a political policy. The scientists tend to be unbending and calculating in the field of science—which is natural—but they carry over their inelasticity into arguments in the field of international affairs, politics in the proper sense, and negotiation. They generally seek to have the whole story laid out before committing themselves to it and that

⁵² The meeting here described occurred on the evening of May 30.

⁵³ Reference is to the Board of Consultants which advised the Secretary of State's Committee on Atomic Energy.

doesn't lend itself to this plan of handling the problem. Mr. Baruch and Mr. Acheson are to talk that matter over further.

I told Mr. Acheson that I thought the military problems were entirely cleared now by the appointment of General Groves to act as the interpreter of military policy on behalf of the Chiefs of Staff and on behalf of the American delegation to the Military Security Committee [*Military Staff Committee*] of the United Nations Security Council.⁵⁴ Mr. Acheson thought General Groves would be speaking without the support of the military authorities and, when I said that I had seen nothing in General Groves' conduct to lead me to support that belief, he was pleasant but firm in restating his position. Apparently, this is a relic of the fight of false issue about military versus civilian control, and also it may be a by-product of the feeling of the scientists toward General Groves. I understand that the most vehement of the group against General Groves is Dr. Urey,⁵⁵ and I also understand, on good authority, that General Groves kept Dr. Urey, on four different occasions, from making the wrong practical interpretation of the scientific fact of which Dr. Urey was fully possessed.⁵⁶

I think the matter of drafting is quite cleared up now. There had been a view expressed earlier that we should start men drafting early. I expressed my view that there wasn't anything to draft at this stage of the operation, and yet it would be helpful to have assigned to us the men who were going to do the drafting and that they would be in a better position to do the drafting if they sat in on the decisions on policy matters which were later to be embodied in the form of a treaty draft. To me, it would be putting the cart before the horse to start drafting before policy decisions are made. We expressed our entire approval of having a man from the State Department to aid us in this work. When Mr. Byrnes emphasized the language difficulties and the suspicions that arise when a word is changed, it seemed clear to me

⁵⁴ In a letter of May 27, Fleet Adm. Chester W. Nimitz, Chief of Naval Operations, had informed Mr. Baruch that General Groves would represent the Joint Chiefs of Staff with respect to technical and security matters confronting the United States Delegation to the Atomic Energy Commission (Department of State Atomic Energy Files).

⁵⁵ Dr. Harold C. Urey, Professor of Chemistry and member of the Staff of the Institute for Nuclear Studies, University of Chicago.

⁵⁶ In a memorandum of June 2 to Hancock, Tolman stated the following: "On page 3, it is stated that General Groves kept Dr. Urey, on four different occasions from making the wrong practical interpretation of scientific facts. This I think comes from me, and needs a little correction. What I said was that I could give four instances of where General Groves' scientific and engineering intuition was better than that of the scientists. Only one of these applies to Urey. This, however, was the very important one, that Urey thought that the diffusion process, for which he was the top scientist, ought to be abandoned, and Groves was the one who forced it through to its very successful conclusion, and thus really saved Urey's scientific reputation." (Department of State Atomic Energy Files)

that in any statement of policy which we draft and submit to the Commission, it would be helpful to have such drafts reviewed by the treaty drafters, as in that way we would be getting into our first draft the same language as we would expect to use in the final draft.

Going back to this matter of organization, I can see advantages in having a staff group in the State Department to dig up facts and to act as a clearing point with the President for a statement of our policies. I cannot see a situation in which the State Department would attempt to present to the President for approval some different content of a statement of policy than one in entire keeping with our views. If we have to go into battles before the President in case of a difference of point of view, then I think we want to carry our own banner before the President rather than have differing recommendations submitted by people who may feel entirely free to alter our statements, or might not knowingly do so.

It became very clear that we should work this out closely with the President and the Department of State. The purpose of this would be primarily to keep the President informed so that he would not say something in his press conferences which would be contrary to the position we might be taking in the Commission.

We distributed copies of the Ten-Point Policy Statement,⁵⁷ which were read over by all concerned.

There were two points discussed at quite some length. The problem of automatic sanctions was gone over again, and I don't recall anything significant which was new. Mr. Baruch was again firm in his argument that we must get some automatic penalties, or that otherwise we had to tell the world that this plan gave us a warning of between three months and a year, which was zero in our form of Government. I think Mr. Acheson quite doubts the wisdom of the suggestion. He argued quite objectively for his point of view and didn't insist upon it at all. Mr. Byrnes thinks the penalties would be some deterrent. Mr. Byrnes is going to see the President about the whole statement of policy.

The other point of argument was with regard to uranium ore in the ground. Mr. Acheson wants the Authority to be given the responsibility of preventing diversion and so do we. He does not think the inspection can be as good as ownership, and he even wants to go so far as to give the right to take ore in the ground for power plants. I don't see this argument at all. If we advance the argument favoring the right of eminent domain, we will to some degree facilitate the production of bomb material and certainly that isn't our purpose. At

⁵⁷ The memorandum under reference is not printed; for a summary of its substance, see Hewlett and Anderson, p. 567. A redraft dated June 4 is printed on p. 827.

the same time the amounts required for the so-called beneficial uses are almost negligible. I see no reason to give Government the power to seize the property of one citizen, with the object of converting it to purely commercial purposes. If we don't make bombs and don't create potentially dangerous power plants, there is more uranium readily and immediately available to meet the needs of the so-called beneficial uses.

Mr. Acheson's argument is that Russia will not consent to inspection, and my argument—equally as firmly asserted—is that inspection can't be any more difficult for the Russians to accept than to accept ownership by an international body in any country in which the State is supreme and the private property does not exist as such. It would seem to me that if we try to assert the right of ownership, we will have a more difficult time with Russia than if we ask merely for control or dominion. Mr. Acheson's reply was that unless we own we cannot stop diversion in Russia. I do not see where an ownership gives us any advantage against inspection. On the other hand, I think, the nations which do believe in private property would demur to a Treaty asserting the right of eminent domain. Mr. Acheson claimed he did not quite understand my statement about ownership. We didn't get very far in a discussion of it, but the last thought expressed by him was that he wanted the Authority given the responsibility to safeguard uranium supplies and to prevent diversions in any and every way which it was [*saw*] fit. And I did not demur to ownership in some cases, leases in other cases, licenses in some cases, or in other words to a plan of operation in which the Authority would be free to use its judgment as to the best means of carrying out its responsibility. One difficulty is the inherent difficulty I see in all administrative law procedures. Unless some guides are set down for the administrative law authority, almost inevitably the authorities are anxious to grab a lot of power.

When I brought out the problems of the financial set up, capital funds, working funds, etc., Mr. Acheson said no work had been done in that field, and when he volunteered to get a group for it, I told him that Eberstadt would be free today and that he had that assignment. I plan to write Mr. Acheson and ask him for any work which has been done on this problem in connection with other international groups. I emphasize my concern that with the ending of the war and the desire of Congress to cut expenditures, with the inability of many parts of the world to benefit from our plans and their probable lack of desire to contribute to the work, I fear the international Authority will break down and do such a poor grade of work, because of lack of funds, that the Authority will lose public favor and support and become defunct. I fear that the entire financial obligation in the end will rest upon us,

and I do not look upon this prospect as favorable to the general project.

We had a long discussion about the reference to weapons of mass destruction. Mr. Byrnes said that the only intent back of the final resolution was to handle the matter of atomic energy and atomic bombs. He said that there had been mention made of biological warfare and that the broad term was used so that it might include biological warfare. I pointed out Mr. Byrnes' statement made after Moscow, to the effect that the problem was the atomic bomb and other matters related to it which, of course, would seem to exclude biological warfare. It looks frankly as if the intent now is being made to exclude it so as to simplify our job and that the effort is being made to build up the argument that this reference was a bit of window dressing so far as gaining support for the entire program. I agree with Mr. Byrnes that our major effort should be in the field of atomic energy at this time. I also agree with Mr. Baruch that we cannot dismiss the problem from our presentation. (In talking with General Groves on Friday morning, May 31, he brought out a suggestion that when we list the crimes in connection with atomic energy, we also mention the use of biological warfare and provide a penalty for it without pushing for an exact definition of all the crimes which might be set up in this connection.) While there wasn't any outspoken approval of either the content or the manner of expressing the other points, there likewise was no demurring to them.

During the day Mr. Baruch had questioned the wording in my memorandum—"It will readily be seen at this time that this is not the endorsement of the creation of national Authorities". He thought we should cover both sides of the issue rather than leave it in the present form which is one sided. He didn't use this expression, but I think his thought is that we neither endorse nor condemn the idea of having national bodies. In the discussion on this point last night, it seemed that the international bodies might wish to refer certain problems to national Authorities. For example, an international body might give a national body a certain quota of material for research or power plant use inside any one country. The international body could keep out of local politics by having allocations made by the national body.

I raised the query again as to whether it wouldn't be a good plan to provide that large power plants should be permitted by the international body only, with the approval of the Security Council. The difficulty in this matter is that with the uncertainties of development in the field of denaturing, we might be setting up in the Atomic Development Authority a power which would permit the location of civilian power plants in one country. In the uncertainties regard-

ing denaturing, in particular of plutonium, a permission given to one nation to build a large number of power plants might disturb the military balance among the nations to an extreme degree. It would be a factor of safety to have the location and the existence of such plants approved by the Security Council where such projects would come under the view of the military security group. This, of course, contemplates an advancement in power plant development and the right in the Authority to change its position regarding these large power plants. The difficulty is that if the Authority once permits a certain large power plant to use material which seems safe at the start, it might later have to draw back the potentially dangerous material and allow operation only with material which was safe in accordance with the changed standard. Have it explicitly stated that changing standards might require change of material. This would create a definite friction between the Atomic Development Authority and the nation involved, particularly if the nation involved were trying to set up large power plants so as to have larger production of bomb material more readily available in the event of need. While no specific assent was given to this idea, there was no demurring on the part of Messrs. Acheson or Byrnes.

There seemed to be a good deal of confusion in regard to the matter of licensing. Admittedly, I have not been trying to write a statute which would grant to the Atomic Development Authority any specific powers in the granting of licenses or any right to include in the terms of the license any specific project. I deliberately avoided doing this because I thought that an attempt to develop the terms of such licenses at this time would only take our eyes off the main problem. I certainly have no objection to a more specific statement than the ones I have used with regards to this license, their granting or their terms.

On the morning of May 31, Mr. Baruch and I talked with General Groves in the Shoreham Gardens. We reviewed the delegation of authority to him; the talk with Messrs. Byrnes and Acheson of last evening; the need of posting the Chiefs of Staff regarding our policy before any decision was made by the President as to national policy. We also went over our statement of the ten-point policy program and mentioned the two additional points which we had been discussing. These two points are a consideration of the MacArthur plan to embody in the Constitution of Japan a prohibition against war, and the idea developed from the Nuremberg trials that the individual has responsibility for violating the laws. General Groves commented on the second point to the effect that if the President ordered him to do something contrary to the Treaty, Gen. Groves would be aware of the criminal liability in international law in the event we lost the

war. We didn't press the point, but I would guess that any military man would be skeptical on this point.

Gen. Groves used one very pat expression which impressed me very much. It arose in a discussion of what are weapons of mass destruction. In the suggestion previously discussed regarding a prohibition regarding biological warfare, he said we must make it impossible for any major nation to start a war. He didn't satisfy himself with the statement that in the event war comes, all the forbidden weapons will be used. His statement rather was that as these terrible weapons will be used if war once starts, the only course of the nations to follow is to prevent any nation from starting a war. This is nothing particularly new by way of concept, but, I think, it is a better way of expressing the idea than I have previously heard.

I gave Gen. Groves my Ten-Point Program, and he went over it carefully. He thought the penalties should be "immediate and certain" rather than "prompt and certain" as I had written it.

I forgot to mention that Mr. Byrnes justifies the exclusion of biological warfare from our work at this time on the ground that these weapons have never proved themselves in warfare as has the atomic bomb. Mr. Byrnes thought that if we can solve this one problem of the atomic bomb, we can then go on to solve the others. I pointed out to him that the kind of inspection which might be adequate for controlling abuses with atomic energy quite certainly would not be adequate for these other kinds of warfare.

General Groves thinks that it is too strong a statement to say that it can be regarded "as probable" that atomic energy will in the course of years provide an important supplement to other methods of power production. He would not demur if the words "as probable" were changed to "quite possible".

[Here follows an account of further discussion with General Groves concerning personnel and the release of classified information.]

Department of State Atomic Energy Files

*Memorandum of Conversation, by Mr. John M. Hancock of the United States Delegation to the Atomic Energy Commission*⁵⁸

[WASHINGTON,] June 1, 1946.

I didn't take notes so this memorandum will likely omit some matters which were discussed last evening.

For a long period we discussed various aspects of the Paris negotiations, the difficulties encountered there, the attitudes of the different

⁵⁸ This memorandum, written on the morning of June 1, describes a meeting attended by Messrs. Byrnes, Baruch, and Hancock.

nations—particularly Russia—the difficulties encountered in dealing with them—all as a background for our conducting ourselves in the negotiations coming up with reference to atomic energy.

Mr. Byrnes handed me a memorandum which, he said, Dean Acheson had dictated in about a half hour.⁵⁹ Mr. Byrnes asked me to look it over in comparison with our policy statement. There wasn't a clean-cut, sharp presentation of the reason for the Acheson rewrite, except that Mr. Byrnes wanted it put in the usual form of a State Dept. paper, in order to make it more in keeping with the practice of informing the President about contemplated national positions to be taken during the course of the negotiations. The first line of the Acheson statement is significant to me in that the document purports to be a "basis of discussion", whereas I had thought it would purport to be a statement of policy. When put forward in its present form, it gives me the impression that we are much softer in our attitude than if the same material were to be presented as a matter of national policy. I am told that this is the diplomatic procedure in matters of this kind. I told Mr. Byrnes it would be more in support of Mr. Baruch and would put him in a stronger position—a position less likely to be traded against if Mr. Baruch would always be able to say that the statement was a definition of our position. Apparently the words have a different meaning in diplomatic procedure than I am accustomed to.

The Acheson statement was rather supposed by Mr. Byrnes to be a restatement of my ten-point memorandum of "policies for discussion May 30, 1946".⁶⁰ (The eleventh point, the exchange of information about raw materials and the survey, was dropped from our memorandum following our evening session on May 30.) The Acheson memorandum, of which I have only one copy, attached to the original of this memorandum, wasn't an attempt to restate my memorandum in keeping with the views of the State Dept. It really was nothing but a review of the Acheson plan. Also in a copy attached to the original I marked the items in my statement which were not included in the Acheson statement. When I pointed this out to Mr. Byrnes, he emphasized that the statement was written for form rather than content, though it was partly to inform the President.

In reporting to the President, Mr. Byrnes had told him of the meetings and he approved the idea of the penalties as laid down in our memorandum. Mr. Byrnes recommended that it be included and the President assented. Mr. Byrnes told him that there were other minor

⁵⁹ The Acheson memorandum is a slightly revised version of the memorandum by the Board of Consultants to Mr. Baruch, of May 19, which is printed on p. 790.

⁶⁰ The memorandum under reference is not printed; for a summary of its substance, see Hewlett and Anderson, p. 567. A redraft dated June 4 is printed on p. 827.

points of difference which, he thought, could be worked out in the ordinary course.

I told Mr. Byrnes that the Acheson memorandum did not have the content of my memorandum, and that I thought the best thing for me to do was to revise my statement of policies so as to make it as brief as possible, thus avoiding argument on the part of people who query why any change of wording occurs in successive drafts or handling of the idea. I had quite a discussion about the form, and I proposed that I would be glad to work with Ben Cohen⁶¹ after I once revised my statement. The purpose of working with Cohen would be to see that the form was acceptable to the State Dept. I made it very clear that I wasn't in accord with the content of the Acheson memorandum. It isn't too clear to me that the Acheson memorandum avoids all argument. Mr. Byrnes wants my statement in the form of conclusions without argument, and this is understood to be the usual procedure. I have not looked over the Acheson memorandum critically so as to see that it has no argument, but my impression is that it departs from the standard which Mr. Byrnes is aiming at.

I told Mr. Byrnes of my attempt to find the legislative history back of the expression, "other weapons of mass destruction", but that I had gotten only his statement of the evening before. I told him that Gen. Groves, yesterday morning, had offered the suggestion that in the statement of crimes in connection with atomic energy, we might also work in a reference to the use of biological warfare as a crime calling for a penalty, and we might bring in the reference in an indirect way through some such statement as this. Later on in this conference we may want to consider the advisability of providing a penalty for the use of biological warfare and to set up an appropriate penalty at a proper time in our proceedings. We would not be advocating that as a part of our national policy. I have no sharp view as to whether this could be better handled as a statement of U.S. policies or as a part of Mr. Baruch's personal talk. Mr. Byrnes reviewed the legislative history back of the expression, and in exactly the same form as I reported upon for the evening of May 30th.

The other matter which Mr. Byrnes had in mind as the difference which, he thought, could be reconciled, related to the matter of ownership of uranium ore in the ground. I had told Mr. Byrnes on Thursday night of the views we had in this matter, but apparently I had not been clear, as Mr. Byrnes said last night that he didn't see the issue entirely in the clear.

I told Mr. Byrnes that when I first read over the Acheson Report, I felt sure there would be a flareup over the word "own" and that

⁶¹ Benjamin V. Cohen, Counselor, Department of State.

before I talked to any mining men and before I read over the report of the Carnegie Foundation, the report also known as the Kerr Report, I had grave concern over that approach to the problem. It will be recalled that in a previous memo in reporting this discussion, I had used the word "control" rather than "own." Dean Acheson had replied with the word "dominion," and I had replied in turn with the word "absolute dominion." I don't believe there is much difference in position, although Mr. Acheson may feel that ownership adds some safety to control measures.

When the issue was made clear to Mr. Byrnes, it was quite fully discussed. I stressed that I want the International Authority to be the only owner of ore from "birth to death" from the mine mouth on. I mentioned the characteristic of ownership which would be documented by the filing of a deed in the Court House. I mentioned that I wasn't sure of any similar concept in other parts of the world, particularly where there were not adequate maps and surveys to serve as a basis of the deed. Mr. Byrnes thought there was some benefit of ownership, particularly if the property were posted, and some neighbor came in to operate what was known as international property. I agreed that there might be signs posted or fences put up around known deposits. There is no possible way of owning unknown deposits, and presently unknown deposits could be mined in remote parts of the world without any discovery except the kind of discovery which would be a part of the inspection function as much as a part of the owning function.

I then pointed out that the best way to control atomic energy would be to keep the uranium in the ground so there was no reason to buy a lot of stuff which would only remain in the ground if we, in the A.D.A., were not prepared to buy it. The exception to this would be if a nation decided to violate the Treaty and do it in a way to escape attention. There would be no commercial benefit to their taking such action, and it certainly would be very difficult to produce enough such material for a bomb without revealing the existence of the metallurgical plants required to convert the ore into bomb material. I stressed the point that we were entirely in accord with A.D.A. ownership, management, control, and dominion over the final material ready for bombs. In the middle of the life history of the ore above ground until final use in a bomb, we were stronger than the Acheson Report with regard to so-called safe materials in large power plants. We feel that these plants will likely require the same kind of control as for bomb material, whereas the Acheson Report, relying largely on the denaturing process and its effectiveness, was willing to allow such plants to operate under private control.

I reviewed the argument about the application of eminent domain, agreeing that it would be entirely right and acceptable to our stand-

ards and that of other capitalistic countries to use that right in producing material for national security or for war. As our purpose is to prevent war, I see nothing to be gained by setting up the right of eminent domain.

I pointed out that I can see every benefit in favor of our plan as against the Acheson plan insofar as Russia might be concerned. I would think Russia would be more likely to object to international ownership than an international inspection. I cannot conceive Russia agreeing to turn over to an international sovereignty her own State property. I think it is more likely she would consent to inspection, particularly if we can set up some machinery which will keep espionage activities outside of the inspection activities.

On the other hand, I point out that the Acheson plan will have many difficulties with the capitalistic States, particularly in connection with the mines producing uranium as by-products.

I refer to the need of purchasing the entire Rand mines and taking over a control of a large part of the international mining activities, thus destroying or seriously limiting private enterprise in the capitalistic countries. I believe that America, Canada, Britain, Belgium (probably), the Belgian Congo, the Union of South Africa would certainly object to the Acheson plan. This plan would seem to all men in the capitalistic economy as the first start to an international socialized State. Even if the Acheson plan of ownership were to gain the approval of Russia, in preference to my plan of inspection, I think the capitalistic nations would check off that aspect of the plan as being thoroughly distasteful.

I told Mr. Byrnes that I thought it would be very difficult to provide the funds with which to do the purchasing of all of the uranium mines; that I thought the burden would fall upon us to provide the capital and the operating deficits; that Congress would be adverse to large appropriations for the purpose; that other nations could only be induced with great difficulty to carry on their share of the appropriations, because many of them could not get any remote gain from the beneficial uses so far discussed. I feel the ultimate result would be that we would cut down the funds, that the Authority would have to live within its funds, and that the character of its operations would suffer with the result that they wouldn't have even a good inspection, as a result of which the whole operation would be a failure.

We discussed at some length the difficulties of a truly international managing personnel, the problems of local labor, the difficulty of setting up such a large organization as would be necessary, and the benefits of undertaking a smaller program. Of course, I wouldn't argue for my point of view, if I were not convinced that inspection

can be as efficient to control diversions as if ownership were added to this same inspection. We discussed at some length the means of detecting diversion from mines and the fairly complete devices for locating radio-active materials, whether in the ground or on the person of anyone trying to steal such material, even if this stealing were attempted at the direction of Government.

I feel that if an International Authority tries to operate mines in various parts of the world, it will raise all sorts of questions which can only interfere with the local economy in a way which could not take place if private capital in the country were operating the mine. I did not argue the relative merits of Government operation against private operation, although I see no reason for favoring Government operation, except when it is necessary for the safety of the people or of the nation.

I pointed out that if the Authority had lots of money and were obligated to own, that there would be all sorts of difficulties in determining values and that in many places in the world, there would be low grade mines sold to the International Authority with tremendous pressure for high valuations; and I thought the bickering over the ore content in the mines and the basis of valuation would tend to break down international harmony rather than add to it. On the other side of this picture, if the International Authority doesn't have the money and if it is the only possible purchaser of a mine, there will be charges of favoritism on the part of the International Authority toward a nation or its nationals desiring to sell their mining deposits. The fact is that we want the International Authority to have dominion. We want to rely upon punitive laws, and we believe that if we take title at the ground, we accomplish everything that is accomplished by the other plan of ownership and we do it with a lot less personnel and a lot less financial risks. With reference to the by-product mines, every one of the same complications would exist.

I agree that there ought to be dominion over the tailings. I also agree that the license given to a by-product mine should be very strict and should be made effective by inspection. I would control the maintenance of the stockpile of tailings, any movements from it, any handling of it by license, and I would make the penalties very severe. I certainly see no reason why—if a clear case is made out that the tailings are not being controlled in terms of the license or if there is any substantial reason to suspect diversion—the Authority should not clamp down, even to the extent of closing the entire mine. I believe that the complicated metallurgical processes, which are required for converting the ore along with the plants required, make it almost as easy to detect diversions at this point as at the earlier point of taking out of the ground. I think a nation which wanted to avoid detection

would find it far easier to get the material in several big power plants, denature it, and prepare it for use in a bomb, than to start back with the raw ore and go through all of the processes through which the ore goes before it is ready for use in big power plants.

While I have probably missed some points of the argument insofar as this memorandum is concerned, I think I have devoted enough space to the argument last night. At the end I pointed out our policy of desiring to interfere as little as possible with the private, Governmental and State economy, with the only reason for stepping into that field being one of national safety. In other words, I feel that the International Authority should not dip any further into established local customs or rights than is absolutely necessary for national safety. I question the fairness of any plan which seizes one man's property, even at fair compensation, in order to give it to another man for a commercial purpose. This argument has been reviewed before. If we plan to provide for ownership, we shall have to set up standards, court practice, etc., and frankly I fear that the Authority may become liable to large payments if valuations are made by national courts against the International Authority. Having seen what has happened in Washington from pressure groups, I don't want to further the activities of such groups. In the background of all this argument, of course, is my belief that if war uses are prevented, there isn't any possible use for the metal now in sight.

There were two other points, outside of our ten-point memorandum, which were discussed. One was the matter of personal responsibility as set up in the Nuremberg trials. Mr. Byrnes' view is that there is now in being adequate international law to cover the matter of personal responsibility for acts of war. He sees no reason to make that as a special point of our program, though he sees no objection to a mention of it. The discussion as to modifying National Constitutions wasn't pressed to any conclusion.

Mr. Byrnes placed great emphasis upon the desirability of a Treaty, and I placed great emphasis upon a good, effective Treaty. He emphasizes agreement more than I do, because he thinks that the making of agreements gets people into a right frame of mind which will insure the maintenance of the Treaty relationships.

We reviewed at some length the warning given and our concern over the over-selling of the denaturing plan, and we thought it would be helpful to argue for the penalty provisions even if we failed to get them, because the country would see that in our opinion the Treaty wasn't as good as we would like. I mentioned the situation in which we would find ourselves before the Senate when the confirmation question arises, because at the same time we would not be able to press unreservedly for ratification. We would, in effect, be saying:—This is not

as good as we wanted. It is as good as we can get. The Treaty does afford some protection, but the protection ranges from say three months to a year after the plan is in operation and assuming that it works up to our hopes. There, first, is the problem of the interim period during which we rely upon the incapacity of the world to produce a bomb within say five years. We will then be back to reliance upon the Treaty, with such faith as we have in its being lived up to. In order to avoid emphasizing the dangers, we should point out our belief that at the time of any discovered evasion, we would still probably have a head start over other nations because of our body of scientists, our experience, our industrial capacity, etc.

This morning, June 1, Mr. Byrnes telephoned me and we went over our conversation of last evening with reference to the difficulties between my 10 points and the Acheson memorandum, Mr. Byrnes' statement to the President about the minor points of difference, my pointing out that the contents were entirely different, and Mr. Byrnes picking out of our conversation our general approval of the Acheson Report. He asked me to give him a memorandum which would point out the differences, with his purpose to give the memorandum to the President so that the President would be informed and would not make any slip or possibly be misled through Mr. Byrnes' emphasis upon the minor points of difference, which could be reconciled.

We had planned to see Dean Acheson at 12:30 on Saturday, June 1st, and I arranged that if we didn't find the time, I would cancel that engagement.

Mr. Byrnes told us he does not approve of the Acheson plan for reestablishing the Scientific Committee under the State Department. This was referred to in our memorandum.

Department of State Atomic Energy Files

Memorandum by Mr. John M. Hancock of the United States Delegation to the Atomic Energy Commission to the Secretary of State

[WASHINGTON,] June 1, 1946.

With reference to our telephone conversation this morning concerning the points of difference between Mr. Acheson's draft of May 31st and my memorandum of policies for discussion of May 30th,⁶² I think there's one substantial point of difference in the matter of *ownership* of the *uranium ore in the ground* as contemplated

⁶² The May 31 Acheson draft is a slightly revised version of the memorandum by the Board of Consultants to Mr. Baruch of May 19 which is printed on p. 790. The Hancock memorandum of May 30 is not printed; for a summary of its substance, see Hewlett and Anderson, p. 567. A redraft dated June 4 is printed *infra*.

by Mr. Acheson and what I have chosen to call dominion or control short of ownership. I think ownership by the Atomic Development Authority should be permissive in its own decisions, but that the Authority should not be required to own all uranium in the ground. The reasons for it were discussed last night, and I would be glad to summarize my views if that seems desirable. I do not believe Mr. Acheson has made an adequate treatment of the problem of ownership with reference to mines producing uranium as a by-product.

It is my belief that there should be as little interference, as may be, with the economic plans and customs in the present private, corporate and state relationships in the several countries involved. I want us to attempt only as little as is necessary for national security. Each of us in our drafts emphasizes different points, depending upon judgments as to their importance.

I have taken some time to point out the beneficial results and our willingness to make them available to the world. I have tried to lay a foundation for understanding by pointing out that any international control is going to involve some surrender of jurisdiction.

Mr. Acheson does not include in his memorandum the penalty provision which has been so much discussed. I understand it is agreed that this matter will be included in the statement of United States policy.

The essence of our suggestions regarding penalties is that this may be a way of getting around the veto. There isn't any use in blinking that fact. Otherwise, penalty for violation will not be immediate and certain. One can only speculate about the deterrent effect of our penalty provisions.

I think I rely a little more than Mr. Acheson upon the terms of licenses which could, if properly authorized, be well within the framework of administrative law. I see every reason to set up specific provisions as to licenses, rather than to refer the problem to this Atomic Development Authority for its decision.

I doubt that I have the same reliance upon the denaturing process which seems to be the background of the Acheson Report. I also believe that there is more uranium and thorium ore in the world than any probable demands to serve peaceful purposes. I question whether America has not oversold the possibilities of commercial power plants operating under private control. This whole problem is going to become a matter of judgment on a changing set of facts. As of today, I would want such plants operated under the Authority.

Should certain conditions be met, the best we get is an advance warning of from three months to a year—not a year or more as Mr. Acheson states—assuming a forcing nation had the will to create an

atomic bomb. That is not enough time to marshal public opinion for a declaration of war by this country.

I treat with the point that any National Authority should be under the direction of the International Authority.

As to the virtue of operation versus policing, I don't go as far as Mr. Acheson. I agree with his principle. I differ in the extent of its application. Of course, I am not proposing a mere policing organization.

If it can be done smoothly without creating a break in the negotiations, I think we should try to find out early what each nation has in the way of information about its uranium and thorium deposits and, that likewise, if a survey can be arranged for we might determine additional unknown resources and test the willingness of the world to accede to "complete access—free ingress and egress" for the purpose of detecting violations of the Treaty. We agree that this is not a matter of present statement of policy. In either event, it will be an essential of the Treaty and the only question is whether it is wise to take it up earlier so as to know what the raw material situation is, as it may affect the negotiation of the Treaty.

Other differences would be found on critical examination with a little more time available, but I think this memorandum summarizes the high-lights. Our differences are largely matters of choice of subjects, of manner of procedure, of taste in expression, and of emphasis except in the matters of ownership and penalties.

I understand that I am to redraft my 10-point program for submission to you at an early date.

As a matter entirely outside the two memoranda, I have mentioned the importance of the military aspects of any Treaty and the need of working closely with the military authorities to complete any plan involving national security as much as this plan does. For this reason I think clearance of the policy statements with the military is important. Shall we undertake this or will you?

As another matter outside the two memoranda, Mr. Baruch wishes the President's approval for his writing to the Chiefs of Staff for their views upon their ability to get ready for war in the event we receive only ninety days advance notice—or even a year's notice—of a substantial violation of the Treaty. The second point of such an inquiry would relate to the effect on military planning if the Treaty should set up a plan for retaliation or penalty in the event any foreign nation were to commit any of the serious offenses set up in the Treaty as equivalent to an act of war. If this is approved by the President, may I be so advised?

JOHN M. HANCOCK

Department of State Atomic Energy Files

*Draft Statement Prepared by Mr. John M. Hancock of the United States Delegation to the Atomic Energy Commission*⁶³

[WASHINGTON,] June 4, 1946.

STATEMENT OF UNITED STATES POLICY

The proposals in this paper, put forth as a basis of discussion, grow out of three basic conclusions:

1. It is believed that an international agreement leaving the development of atomic energy in national hands, subject to an obligation not to develop atomic energy for war purposes and relying solely on an international inspection system to detect evasions, will not provide adequate security and indeed may be a source of insecurity.

2. It is believed

(a) That a treaty merely outlawing possession or use of the atomic bomb would not be an effective fulfillment of the directions under which the Commission is to proceed; therefore, that an international atomic development authority be set up, with adequate powers:

(b) That in addition to the greatest safeguards which can be established through a competent international authority in this field, there should be immediate and certain penalties for certain defined crimes which the Commission should set up as a part of its plan; and

(c) That penalties of as serious a nature as the nations may wish and as immediate and certain in their operation as possible, be set up for such acts as

- (1) Use or possession of an atomic bomb, or possession or separation of atomic material suitable for use in an atomic bomb;
- (2) The seizure of an international authority plant;
- (3) Construction of a plant for building atomic bombs;
- (4) The creation or operation of dangerous projects in a manner contrary to or in the absence of a license to be granted by the international control body. Other offenses with other procedures and penalties will doubtless be a part of a control plan.

(d) It will be obvious that this necessarily involves an agreement for the disposal of all bombs and atomic material suitable for use in an atomic bomb.

(e) That the plan might also include a statement as to the employment of biological warfare and provide appropriate penalties therefor.

3. It is further believed that the aim of preventing atomic warfare can only be achieved by entrusting to an international organization

(a) Managerial control of all atomic energy activities intrinsically dangerous to world security;

⁶³ This document is a revision of Mr. Hancock's statement of May 30, p. 811, in view of the discussions between Byrnes and Baruch and their assistants on May 30 and 31 (Department of State Atomic Energy Files).

(b) Power to control, inspect, and license all other activities and stages.

If an international agency is given sole responsibility for the dangerous activities, leaving the non-dangerous open to nations and their citizens and if the international agency is given and carries forward affirmative development responsibility, furthering among other things the beneficial uses of atomic energy and enabling itself to comprehend and therefore detect the misuse of atomic energy, these afford the best prospect of security.

For purposes of discussion, the following measures are proposed as representing the fundamental features of a plan which would give effect to the conclusions just stated. In this paper the proposed international agency is referred to as the Atomic Development Authority.

1. *General*—The Atomic Development Authority should seek to set up a thorough plan of control through various *forms of ownership, dominion, licenses, operation, inspection, research and management by competent personnel.*

It is believed that the plan of control in all its aspects must be adequate not only in concept—a combination of responsibility for developments as well as control—but in type of organization and in choice of personnel to guarantee the most effective control required to provide for the security of the nation. After this is provided for, there should be as little interference as may be with the economic plans and the present private corporate and state relationships in the several countries involved.

2. *Raw Materials*—The Atomic Development Authority when set up should have as one of its earliest purposes to bring under its complete dominion world supplies of uranium and thorium. The precise pattern of control for various types of deposits of such materials will have to depend upon the geological, mining, refining, and economic facts involved in different situations.

The Authority should conduct continuous surveys so that it will have the most complete knowledge of the world geology of uranium and thorium. The agency should also constantly investigate new methods for recovering these materials where they occur in small quantities so that as their recovery from such sources becomes practical, means of control can be devised.

It seems to be the minimum content of any plan that the international authority shall be given authority to license all production and shall be the *sole buyer* of any material from which uranium or thorium can be produced, sales to any other buyer being forbidden.

(a) On account of the character of the problem involved in mines where source materials may exist as by-products of other mining opera-

tions, all such operations must be carried on under license of the international authority. Such licenses should include every reasonable protective device to insure that source material of no matter how low a grade shall be handled, protected and disposed of only in accordance with the directions of the international authority. A license should permit the international authority to stop mining operations involving source materials except in keeping with the terms of such a license. It is assumed that if proper safeguards are established for the maintenance, protection and care of tailings, such materials may be permitted to accumulate when properly safeguarded. If our world demand should not require the normal output of this by-product uranium or thorium it is not our thought that the power should be given without restriction to the international authority to stop the entire mining operation.

(b) On the other hand, mines producing uranium or thorium not as a by-product of other mining operations, but operating under license from the international authority might be closed not only for violations of their licenses but also because of a surplus of production. It is conceivable, until world supplies are surveyed, that there may be situations in which the Authority should have power to require operation if the owners should decide not to operate such a mine—of course under proper provision for “fair compensation”.

(c) When the Atomic Development Authority finds it advantageous to own a mine producing source materials, it may buy such a mine.

(d) In the case of every mine, there should be absolute dominion and control by the international authority over the products containing source materials.

Under this plan, when ore gets to the mine mouth, or in the case of a by-product operation, when the ore starts toward the metallurgical process for the production of uranium, it is contemplated it belong to the Atomic Development Authority and be subject to its sole control thereafter.

3. *Primary Production Plants*—The Atomic Development Authority should exercise complete managerial control of the production of fissionable materials. This means that it should control in all cases, and ordinarily should operate all plants producing fissionable materials in dangerous quantities and own and control the product of these plants.

4. *Atomic Explosives*—The Authority should be given exclusive authority to conduct research in the field of atomic explosives. Research activities in the field of atomic explosives are essential in order that the Authority may keep in the forefront of knowledge in the field of atomic energy and fulfill the objective of preventing illicit manufacture of bombs. Only by preserving its position as the best informed agency will the Authority be able to tell where the line between the intrinsically dangerous and the non-dangerous should be

drawn. If it turns out at some time in the future, as a result of new discoveries, that other materials or other processes lend themselves to dangerous atomic developments, it is important that the Authority should be the first to know. At that time measures would have to be taken to extend the boundaries of safeguards.

5. *Strategic Distribution of Activities and Materials*—The activities entrusted exclusively to the Authority because they are intrinsically dangerous to security should be distributed throughout the world, with the approval of the Security Council. Similarly, stockpiles of raw materials and fissionable materials should not be centralized.

6. *Non-Dangerous Activities*—Atomic research (except in explosives), the use of reasearch reactors, the production of radioactive tracers by means of non-dangerous reactors, the use of such tracers, and to some extent the production of power should be open to nations and their citizens under reasonable licensing arrangements from the Authority. Denatured materials necessary for these activities should be furnished, under lease or other suitable arrangement by the Atomic Development Authority.

It should be an essential function of the Atomic Development Authority to promote to the fullest possible extent the peacetime benefits that can be obtained from the use of atomic energy. In the field of pure science, the radiations and radioactive isotopes, produced as a consequence of atomic fission, are already being used in this country, though the supply is not yet adequate, for fundamental researches in physics and biology. In the field of applied science, these same radiations and isotopes will become available for medical and industrial utilization. And in the field of engineering, it can be regarded as quite possible that atomic energy will in the course of years provide an important supplement to other methods of power production for the national economy of all countries.

It is necessary at all times to take advantage of the opportunity for promoting decentralized and diversified national and private developments and of avoiding unnecessary concentration of functions in the Authority. It should, therefore, be a primary function of the Authority to encourage developments by nations and private enterprise in the broad field of non-dangerous activities.

7. *Definition of Dangerous and Non-Dangerous Activities*—The Atomic Development Authority should have power to decide what activities relating to atomic energy are dangerous or non-dangerous and to change its decisions as conditions change. Although a reasonable dividing line can be drawn between the dangerous and the

non-dangerous, it is not hard and fast. Machinery should therefore be provided to assure constant examination and re-examination of the question, and to permit revision of the dividing line as changing conditions and new discoveries may require.

8. *Management and Licensing*—It is believed that at the proper stage in the progress contemplated in a control plan, any plant dealing with uranium or thorium after it once reaches the potential of dangerous use must be not only subject to the most rigorous and competent inspection on the part of international authority, but also that its actual operation shall be under the management, supervision, and control of the international authority. The international authority shall also have powers to license operation by others until such time as the international authority is prepared to take on the responsibilities involved in this character of operation, but with a clear understanding that the international authority will not permit any such operation if in its judgment, such operation will lessen the security of the nations.

9. *Inspection Activities*—By assigning intrinsically dangerous activities exclusively to management by the Atomic Development Authority, the difficulties of inspection are thereby reduced to manageable proportions. For if the Atomic Development Authority is the only agency which may lawfully conduct the dangerous activities in the field of raw materials, primary production plants, and research in explosives, then visible operation by others than the Authority will constitute a danger signal.

The plan does not contemplate any systematic or large-scale inspection procedures covering the whole of industry. The delegation of authority for making inspections will have to be carefully drawn so that the inspection may be adequate for the needs and responsibilities of the Authority and yet not go beyond this point. Many of the inspection activities of the Authority should grow out of and be incidental to its other functions. An important measure of inspection will be those associated with the tight control of raw materials, for this is one of the keystones of the plan. The continuing activities of prospecting, survey and research in relation to raw materials will be designed not only to serve the affirmative development functions of the agency but also to assure that no surreptitious operations are conducted in the raw materials field by nations or their citizens. Inspection will also occur in connection with the licensing functions of the Authority. Finally, a means should be provided to enable the international organization to make special "spot" investigations of any suspicious national or private activities.

10. *Personnel*—The personnel of the Atomic Development Author-

ity should be recruited on a basis of proven competence but also so far as possible on an international basis, giving much weight to geographical and national distribution. Although the problem of recruitment of the high-quality personnel required for the top executive and technical positions will be difficult, it will certainly be far less difficult than the recruitment of the similarly high-quality personnel that would be necessary for any purely policing organization.

11. *Negotiation Stage*—The *final step* in the creation of the system of control is the spelling out, in comprehensive terms of the functions, responsibilities, authority, and limitations of the Atomic Development Authority. Once a Charter for the agency has been written, and adopted, the Authority and the system of control for which it will be responsible will require time to become fully organized and effective. The plan of control will therefore have to come into effect in successive stages. These should be specifically fixed in the Charter or means should be otherwise set forth in the Charter for transitions from one stage to another, as contemplated in the resolution of the U.N. Assembly which created this Commission.

12. *Disclosures*—In the deliberations of the United Nations Commission on Atomic Energy, the United States must be prepared to make available the information essential to a reasonable understanding of the proposals which it advocates. Further disclosures must be dependent, in the interests of all, upon the effective ratification of this treaty. If and when the Authority is actually created, the United States must then also be prepared to make available other information essential to that organization for the performance of its functions. And as the successive stages of international control are reached, the United States must further be prepared to yield, to the extent required by each stage, national control of activities in this field to the international agency.

It should require a still longer time to produce enough atomic bombs to have an important influence on the outcome of war. Thus all the nations of the world should receive well in advance of the possible time of attack by atomic weapons clear, simple, and unequivocal danger signals that would enable them to prepare all measures of protection that would be available—an opportunity which would be wholly lost to them in the event of surprise attack. This warning in time should bring into operation the plan for the “immediate and certain penalties”. Our working together here should help build a broad confidence among the peoples of the world and the plan which emerges from our work should still further advance this confidence.

As the plan goes into operation and continues, it can, moreover, create deterrents to the initiation of schemes of aggression, and it can

establish patterns of cooperation among nations, the extension of which may even contribute to the solution of the problem of war itself.

14. *International Control*—There will be questions about the extent of control allowed to national bodies, should an international body be established and in this respect, it is believed that any control by an atomic energy authority set up by any state should be subordinate to direction and absolute dominion on the part of the international authority. It will readily be seen at this time that this is not an endorsement or disapproval of the creation of national authorities, or a definition of their jurisdiction. This problem will be before the Commission and it should deal with a clear separation of duties and responsibilities of such state authorities if such are included in any plan, with the purpose of preventing possible conflicts of jurisdiction.

Department of State Disarmament Files ⁶⁴

*Memorandum Prepared in the Division of International Security
Affairs*

SECRET

[WASHINGTON,] June 5, 1946.

SWNCC/MS UNO Doc. 28

REGULATION OF ARMAMENTS

U.S. COMMITMENTS UNDER THE UNITED NATIONS AS GUIDANCE TO
FORMULATION OF A PROGRAM ⁶⁵

PROBLEM

1. To set forth U.S. commitments under the Charter of the United Nations as guidance in formulating a United States program for the regulation of armaments.

⁶⁴ Lot 58D133, a consolidated lot file in the Department of State containing documentation on armaments, regulation of armaments, and disarmament, 1943-1960.

⁶⁵ This paper was prepared in response to the request by the Joint Chiefs of Staff contained in SWNCC 240/D, December 28, 1945; for text, see the attachment to Johnson's memorandum to Hiss, February 25, 1946, p. 755. The present paper was submitted to the Policy Committee on Arms and Armaments at its 2nd Meeting, June 5; with respect to the establishment and functions of PCA, see footnote 72, p. 840. The present paper was intended for eventual transmittal to the *Ad Hoc* Committee to Effect Collaboration between the State, War, and Navy Departments on Security Functions of the United Nations, where it was to serve as the basis for discussion in determining a United States position. PCA Chairman Hilldring appointed a Sub-committee on the Regulation of Armaments to consider the present paper. The Sub-committee's preliminary report, PCA D-5/5, not printed, was submitted to PCA at its 26th Meeting, December 6, 1946. The report consisted of a list in outline form, "Topics to Be Considered in Connection with the Formulation of Specific United States Proposals for the Regulation of Armaments." PCA took no decision on PCA D-5/5 in 1946, nor did the *Ad Hoc* Committee actually undertake the formalization of a United States position. (Department of State Disarmament Files)

2. To recommend procedures by which the United Nations can meet its responsibilities in respect to the regulation of armaments.

FACTS BEARING ON THE PROBLEM AND DISCUSSION

(See Enclosure "A")⁶⁶

CONCLUSIONS

3. The United States and other permanent members of the Security Council have an obligation under the Charter to participate in the Security Council in the formulation of plans for the regulation of armaments in such manner that peace is maintained with the least diversion for armaments of the world's human and economic resources, to the end that the Purposes and Principles of the Charter are upheld, and to the end that armaments are not a deterrent to the stability and well-being of members.

4. Under the Charter, the permanent members of the Security Council have not only equality of status before international law in all respects possessed by states by virtue of being sovereign but also have equality of special responsibility with respect to the maintenance of international peace and security. A logical development of this principle would be for these members to have a practical equivalence in readily available armaments. (For definition of *armaments*, see page 3 of Enclosure "A".) This would discourage aggression by any one or any two of the five in combination and would thus enhance the chances of lasting peace.

5. In achieving this practical equivalence, emphasis should be placed on reducing the readily available armaments of the more powerfully armed of the permanent members, the United States and the Soviet Union, rather than on augmenting the forces of the others.

6. A United States policy of shipping arms to other permanent members of the Security Council should be judged in the light of the principle of equivalence and should be consistent with the Charter obligations to reduce the total burden of armaments as far as possible.

⁶⁶ Not printed. It contains the following sections: Charter provisions pertaining to the regulation of Armaments, positions taken at Dumbarton Oaks on regulation of armaments, definition of terms, military obligations of permanent members of the Security Council under the Charter, military obligations under the Charter of other members of the United Nations, other Charter obligations affecting regulation of armaments, weighing military and other obligations of United States under the Charter, the necessity for adjusting the readily available armaments of the permanent members in line with Charter obligations, U.S. armaments policy with respect to other permanent members of the United Nations, urgent problems of regulation, present status of problems, and procedure

7. While the medium and small powers have military obligations under Article 43 of the Charter, these will not be great. However, it is evident that in addition to any contingents or other contributions which such governments may make available to the Security Council, these governments will, as in the case of the great powers, require additional forces for self-defense and the maintenance of internal order.

8. The Security Council should provide appropriate machinery for handling matters relating to the regulation of armaments. This machinery, however, should be supplemented by conversations, bilateral or otherwise, between the United States and other permanent members.

RECOMMENDATIONS

9. That the conclusions in paragraphs 3 through 8 be approved.

10. That the following program for further development of this Government's position be adopted :

A. The development through SWNCC of a statement of general principles in extension of paragraphs 4 and 5 of these conclusions.

B. The discussion of these general principles with the other permanent members as soon as possible after the completion of A.

C. The development concurrently with A of a paper in response to SWNCC 240/D containing the outline of a general plan for the regulation of armaments, including the traffic in arms. The general plan as outlined would embody the principles emerging from the study scheduled under A.

D. Upon the completion of A, B and C, or sooner if the question of the regulation of armaments is raised in the United Nations, the making of a recommendation that the Security Council establish a committee on the regulation of armaments to consider and report to the Council on all matters referred to it.

E. The introduction in the Committee on the Regulation of Armaments the positions outlined in A and C.

11. That the United States Representatives on the Security Council and Atomic Energy Commission be informed that the United States considers :

A. That the Commission for the Control of Atomic Energy should seek as a matter of highest priority a plan for the prevention of the use of atomic energy for destructive purposes.

B. That the consideration of major weapons adaptable to mass destruction other than atomic weapons should not be permitted to delay the formulation of the plan indicated in A above.

12. That the Department of State be requested to implement paragraph 11 above.

Department of State Atomic Energy Files

Memorandum by the Under Secretary of State (Acheson) to the Secretary of State

[WASHINGTON,] June 6, 1946.

Comments on "Statement of United States Policy" (John M. Hancock Draft June 4, 1946)⁶⁷

It is assumed that this Statement, if approved by the President, is designed to serve as the instructions to the United States Representative, and that Mr. Baruch's opening speech to the United Nations Commission would be based upon it. Study of the draft suggests the following comments:

A. The provisions of 2(b) and 2(c), pages 1 and 2, propose a system of penalties for violations of the control plan. As indicated by 2(e) the violations in question are of such a serious character that if committed by a major power they would result in complete collapse of the plan.

The treaty establishing the control plan would of course have to contain comprehensive provisions covering the grave crisis that would occur in the event the plan collapsed. But for reasons which have been described in discussions with Mr. Baruch and Mr. Hancock, it is believed that the proposed system of penalties does not represent a realistic or effective approach to the problem.

B. Paragraph 2(e), page 2, is concerned with the possibility of covering biological warfare in the plan and penalty system. As to the penalties, the same comment applies as in A above.

C. Paragraph number 2, pages 3 to 6, deals with *Raw Materials* control. This paragraph is in substantial conflict with the corresponding provisions of the memorandum of May 31, 1946 "Proposed Statement of United States Policy", which was discussed with the President (copy attached)⁶⁸ and with the Report on International Control of Atomic Energy which was the basis of the memorandum of May 31.

The effort made in the draft of June 4 to leave major production activities relating to uranium and thorium in private or national hands would nullify one of the keystones of the Report on International Control of Atomic Energy. It is believed that the memorandum

⁶⁷ The June 4 Hancock draft is printed on p. 827. On the basis of the comments contained in the present document, Messrs. Acheson and Marks completed revision of the June 4 Hancock statement on June 6. The document presented to and approved by President Truman on the following day (*post*, p. 846) was identical with the Acheson-Marks revision with two exceptions. In paragraph 2b of the final statement, the word "penalties" replaced the word "procedure" in the Acheson-Marks draft. Secondly, paragraph 7a of the final statement had not appeared in the draft. (Department of State Atomic Energy Files)

⁶⁸ Not printed.

of May 31 indicates the maximum degree of flexibility that can safely be suggested in a general statement of position on Raw Materials. The draft of June 4 goes very much further and in so doing opens the door to an insistence by other nations on national or private operation of mines under inspection arrangements which the United States could never accept as adequate for security.

D. Paragraph number 4, page 6, "*Atomic Explosives*", is similar to the corresponding paragraph of the memorandum of May 31 except for the omission of the sentence, "When the plan is fully in operation there would be no stockpiles of atomic bombs anywhere in the world, either in national or international hands." Possibly the same thought was intended in paragraph 2(d), page 2, June 4 draft, and in that case the omission in question could be supplied by merely making paragraph 2(d) somewhat more explicit.

E. Paragraph number 5, page 6, "*Strategic Distribution of Activities and Materials*", is phrased somewhat differently from the corresponding provision of the May 31 memorandum. It is not clear whether the change was intended to alter the substance of the earlier paper. Specifically, the suggestion in this paragraph of the June 4 draft that intrinsically dangerous activities should be distributed throughout the world with the approval of the Security Council has serious implications which it is believed require further consideration before the United States position becomes fixed.

F. Paragraph 7, page 8, "*Definition of Dangerous and Non-Dangerous Activities*", proposes that the Atomic Development Authority should have power to decide what activities relating to atomic energy are dangerous or non-dangerous and to change its decisions as conditions change. Within limits, the Authority should have this power but the problem is so complicated that it is believed the initial United States position should be left more fluid (Compare Report on International Control of Atomic Energy, G.P.O. edition, page 46). Omission of the first sentence in this paragraph would be helpful on this point.

G. Paragraph 8, page 8, is headed "*Management and Licensing*". The purpose and effect of this provision is not clearly understood.

H. It is assumed that paragraph 12, page 10, "*Disclosures*", would not foreclose the plan of procedure outlined in pages 2-4 of Mr. Marks' memorandum of May 30 (copy attached).⁶⁹

I. It is not clear whether the first full paragraph on page 11 relates to protection against surprise attack during the transition period or is intended to cover both the transition and the period of full operation. The paragraph seems to require clarification.

⁶⁹ *Ante*, p. 806.

Department of State Atomic Energy Files

*Memorandum by the United States Representative on the Atomic Energy Commission (Baruch) to President Truman*⁷⁰

CONFIDENTIAL

[WASHINGTON,] June 6, 1946.

I have no other purpose than to serve. My presence here is, first, to get from you my instructions as to major policy and, second, to decide with your help and JFB's, whether I am the best instrument of carrying out your policy.

Frankly, I believe that the only possible issue that can arise is as to how far this country wants to go in the declaration of policy. I have been immersed in this for almost two months now, with greater intentness than in any other work that I have assumed. I am deeply convinced that any expression which falls short of bringing a sense of security and a sense of truth to the public would be a gigantic error.

In fact, I have convinced myself that this is the only course I can follow with justice to the job. It may not be the best from the standpoint of the country—on that I shall not presume to judge—but I know it is the best from the standpoint of my serviceability.

That policy is to set a goal for which we should strive. Necessarily it must be inclusive of a statement of regulations, controls, and above all, punishment or sanctions. In this last lies the essential difference between the Acheson-Lilienthal Report and my own position.

There is no difference between the Acheson Report and my own view, except this:

I want to go further than the text of that document, while the authors are content with its limitations. Those limitations I regard as dangerously restrictive. Quite apart from the fact that no punishment is provided or indicated for violators of the regulations, it is admitted that we would only have from 3 months to a year in the way of warning, and as time goes on and as the art and science of the bomb improve, that factor of safety will be diminished.

I give you this high light, relating to the Acheson-Lilienthal Report, because of my unrest at a disposition I have observed, to take that document as our basic policy and to have further policy grow out of committee meetings and negotiations.

If you will permit me to say so, I doubt that that is the proper method. It may be the best course to pursue in the ordinary processes of diplomacy but, as I see this question, it is one that strikes to the

⁷⁰ Mr. Baruch prepared this memorandum for his meeting with the President and the Secretary of State on June 7. At that meeting, the President signed it as an indication of general approval. (Hewlett and Anderson, p. 574)

very heart of public thinking and feeling and, therefore, you and this country should be the first to proclaim an intention of reaching not merely a basis of negotiations but a formula of a secure peace.

There are two courses open to us:

1. To . . .⁷¹ these people and express the hopes of finding a solution to the problem, as laid down by the terms of reference, in the statement of Messrs. Truman, Attlee and King, and at the Moscow Conference, and which has been laid down by Mr. Byrnes on many occasions. "Here is the Acheson Report which we give you as an approach to the subject and, as has been indicated by some, there will be developed in the discussions and negotiations an understanding and a meeting of minds that will bring results."

2. The other course is to state the necessity of the Atomic Development Authority, of an international organization, outlining it not in complete detail but so that it can be grasped with its control of raw materials up to the final use of atomic energy. And further bringing to the attention of the American people the short-comings so as not to have their hopes or that of the world raised, and showing the necessity of adding enforcement to the engagements entered into by the nations. At this time I must bring to your attention that denaturing, which has raised the hopes of the people, has been overplayed in the Acheson plan. At the same time I want to tell you that our secrets are not as secret as we think they are.

Let me make plain to you, Mr. President, that I think the Acheson Report is a very good document within very sharp limitations. I do not believe that it represents a plan on which you can stand, but it is an important plank in that platform. And incidentally, may I add, that I have a very high opinion of the Under Secretary personally.

In saying to you that I regard penalization as being the *sine qua non* of our policy, I am quite aware of the fact that it may bring us athwart of the veto power, for this particular purpose, since it might require war as an ultimate penalization. If so, then either the penalty must be dropped or the structure of the United Nations must be changed or this is a separate body functioning outside of the provisions of the United Nations Charter.

I cannot, at the moment, supply an outline of the mechanism whereby punishment is to come, but that might be developed in the course of negotiations, if there were true intent on the part of all the nations to eliminate the atomic bomb—eventually to eliminate war—

⁷¹ Word or words omitted in the source text.

and eventually to abolish the use of other instrumentalities of destruction with the eventual purpose of eliminating war.

Department of State Disarmament Files

*Memorandum Prepared in the Central Secretariat of the Policy
Committee on Arms and Armaments*⁷²

TOP SECRET
PCA D-5

[WASHINGTON,] June 7, 1946.

ARMS CONTROL POLICY AND PROBLEMS

GENERAL POSITION

The Department does not have an explicit general policy on arms control. The President and the Secretary of State have publicly endorsed the principle of limiting world armament by international agreement; and this country is committed to the use of procedures for the regulation of armaments such as those found in Articles 11 and 47 of the United Nations Charter. The Department's representative has presented to SWNCC the view that plans for the regulation of arms traffic by the United Nations Organization fall within the jurisdiction of the Security Council, acting with the advice and assistance of the Military Staff Committee, and that its discussions should not be limited to private traffic in arms (see SWNCC 219 series).⁷³

PRESENT POLICY

Policy has been formulated on such points as:

⁷² The Secretary of State established the Policy Committee on Arms and Armaments by a directive dated May 20, 1946, and circulated as document PCA D-1, May 27. The directive designated Assistant Secretary for Occupied Areas John H. Hildring Chairman of the Committee. The Chairman of PCA, also Department of State Representative on the State-War-Navy Coordinating Committee, was responsible for the coordination of Department of State policy with respect to all matters concerning arms and armaments. The membership of PCA included representatives of the Assistant Secretary for Economic Affairs, the geographic offices, the Office of Special Political Affairs, and the Office of Controls. With the establishment of PCA, the Armaments Working Committee, the Arms Policy Committee, and the Working Committee on Arms Control were abolished. PCA first met on May 31. The Committee's minutes, numbered documents, and other papers are located in the consolidated disarmament lot file.

The present memorandum was considered by PCA at its 3rd Meeting, June 12. Various questions discussed in the document were referred to competent sub-committees for study.

For documentation on general United States policy on the question of military assistance to foreign governments, see pp. 1110-1196 *passim*.

For documentation on United States policy with respect to military assistance to specific areas of the world or individual nations, see regional and bilateral compilations elsewhere in the *Foreign Relations* series.

⁷³ See documents SWNCC 219/4, January 15, and SWNCC 219/5D, January 18, pp. 730 and 731, respectively.

1. The disarmament and demilitarization of Germany (SC-106,⁷⁴ SC-107,⁷⁵ the Potsdam Communiqué);
2. The disarmament and demilitarization of Japan (SWNCC 70/10⁷⁶ and the publication, 22 Sept 45, of the U.S. Initial Post-Surrender Policy Document for Japan);⁷⁷
3. The limitation of military establishments for Italy and the principal satellite states to what is necessary to maintain order and protect borders (Secretary's statement in Press Conference, 12 Feb 46; a document [SWNCC 244 series]^{77a} on the treaties of peace with Rumania, Bulgaria and Hungary is before SWNCC);⁷⁸
4. The prevention of shipments of military equipment and capital equipment for arms manufacture to Argentina, and the attempt to secure the cooperation of the United Kingdom and Sweden in this policy (Secret Summary of Developments for 16, 18 Jan 46,⁷⁹ the Working Committee on Arms Control⁸⁰ and the Staff Committee have considered documents on this);
5. The refusal to sell military equipment of any kind to Spain (Secret Summary of Developments, 3 Jan 46,⁸¹ Public Statement, 29 Jan 46);⁸²
6. The reduction to a minimum of plans for military assistance to China (SWNCC 83/16, approved on 10 Jan 46);⁸¹
7. The restriction of the use of United States surplus military-type equipment for arming other nations to those special cases where specific commitments exist (Secretary's Staff Committee, 5 Feb 46);⁸⁴
8. The reduction to a minimum of the supply of arms and military equipment to the other American republics under the Arms Standardization Program, and the Department's recommendation of a full review of the Arms Standardization Program particularly in view of its possible effect on international efforts to control arms traffic (Secretary's Staff Committee, 12 Jan 46);
9. The rigid limitation of disclosures of classified military information to foreign governments and their nationals (Armaments Committee Document approved by the Coordinating Committee 17 Oct 45 and by SWNCC 206/9, 21 Jan 46);⁸¹

⁷⁴ "SC" is the designation of documents circulated in the Secretary of State's Staff Committee; for information on that body, see footnote 15, p. 1118. SC-106 consists of the directive to the Commander-in-Chief of United States forces of occupation regarding the military government of Germany, April 26, 1945, the Acting Secretary of State's memorandum of March 23, 1945, on which the above directive was based, and the Acting Secretary of State's memorandum of April 26, 1945, transmitting the directive to the President for his approval; for texts, see *Foreign Relations*, 1945, vol. III, pp. 484, 471, and 483, respectively.

⁷⁵ Comments of the Joint Chiefs of Staff on the April 26, 1945, directive cited in footnote 74 above; for text, see *Foreign Relations*, 1945, vol. III, p. 509.

⁷⁶ September 10, 1945, not printed.

⁷⁷ Department of State *Bulletin*, September 23, 1945, pp. 423-427.

^{77a} Brackets appear in the source text.

⁷⁸ SWNCC 244, June 5, 1946, not printed.

⁷⁹ None printed.

⁸⁰ A predecessor of the Policy Committee on Arms and Armaments in the Department of State.

⁸¹ Not printed.

⁸² Department of State *Bulletin*, February 10, 1946, p. 218.

⁸⁴ See the Summary of Action of the 184th Meeting of the Secretary of State's Staff Committee, February 5, 1946, p. 1141.

10. The creation of the Atomic Energy Commission, as part of a program to seek world agreement on means for preventing the destructive use of atomic energy (Joint US-UK Declaration 15 Nov 45 and the terms of reference of the Atomic Energy Commission).⁸⁶

POLICY PROBLEMS

Policy problems relating to arms control which are now facing the Department can be divided into two groups: (a) those arising directly from the liquidation of the war; and (b) those emerging in the post-war world.

LIQUIDATION OF THE WAR

The first includes the disarmament and industrial demilitarization of former enemy states and the disposal of captured matériel and Allied surplus military equipment. The principal remaining problems in this area for which no clear policy has been developed are:

1. The size of military establishments to be allowed to Italy and the satellite powers;
2. Final questions on the de-industrialization of Germany, particularly the disposition of the Ruhr and Rhineland; and
3. The possibility that another Allied power might seek to dispose of surplus military equipment to some third state, especially in Latin America.

LIMITATION OF ARMS

The second group of policy problems includes: (a) the limitation and concerted reduction of military establishments throughout the world; and (b) the control of future international arms traffic. On the question of arms limitation, our existing policy is extremely general and leaves most of the specific problems to be decided. The Department should formulate its position on such questions as:

1. Whether we should take the lead in an effort to achieve international arms limitation;
2. The extent of multilateral disarmament which we should be prepared to propose, support or accept;
3. The relation of our announced general policy of favoring disarmament to existing programs for military assistance to certain other states (especially China, France and Turkey);
4. The relation of our national security program to the same overall policy objective (See SC-169b, *Action of Joint Chiefs of Staff Statement of United States Military Policy*);⁸⁷ and
5. The military use of atomic energy.

CONTROL OF ARMS TRAFFIC

At present there is no stated policy on the control of international arms traffic; but recommendations for an interim agreement on arms

⁸⁶ Department of State Treaties and Other International Acts Series (TIAS) No. 1504, or 60 Stat. (pt. 2), 1479.

⁸⁷ *Post*, p. 1123.

traffic are pending before the Working Committee on Arms Control, and the Department has referred our policy of military cooperation with the other American republics to SWNCC for thorough review. The whole problem of control of arms traffic is particularly acute for this country because the chief market for such trade is in Latin America. Specific problems to be dealt with in the near future are:

1. The interim agreement on arms traffic;
2. The relation of our military assistance program for Latin America to our general policy objectives;
3. The practicality of closing the Latin American market by other means than the program for the standardization of Latin American arms on American models.

Department of State Atomic Energy Files

Memorandum by the United States Representatives on the Military Staff Committee to the Joint Chiefs of Staff

TOP SECRET

[NEW YORK,] 7 June 1946.

USMS 334 CCAE

Subject: Visit to Office of Mr. Bernard Baruch.

1. At 1030 hours on 6 June

General Kenney⁸⁸
 Admiral Turner⁸⁹
 Lt. General Ridgway⁹⁰
 Rear Admiral Ballentine⁹¹
 Colonel Gilmer⁹²

called at the Office of the Chairman of the U.S. Atomic Control Commission⁹³ on the 64th floor of the Empire State Building.

2. The members of the Atomic Control Commission present were:

Mr. Bernard Baruch, Chairman
 Dr. Richard C. Tolman, Scientist
 Mr. Ferdinand Eberstadt, Adviser
 Mr. Fred Searls, Jr., Adviser
 Mr. John Parks Davis, Executive [Officer]

3. No representatives of the State Department were present.

⁸⁸ Gen. George C. Kenney, United States Representative on the Military Staff Committee.

⁸⁹ Adm. Richmond K. Turner, United States Representative on the Military Staff Committee.

⁹⁰ Lt. Gen. Matthew B. Ridgway, United States Representative on the Military Staff Committee.

⁹¹ Rear Adm. J. J. Ballentine, Member of the United States Delegation to the Military Staff Committee.

⁹² Col. Dan Gilmer, Adviser, United States Delegation to the Military Staff Committee.

⁹³ The organization under reference is the United States Delegation to the United Nations Atomic Energy Commission.

4. It was explained to Mr. Baruch that the US MSC Representatives had made the visit in order to become acquainted and to offer assistance.

5. Mr. Baruch indicated that he had taken the job but that a clear piece of paper had not been given him; that there were many reservations already indicated such as the Acheson Report, the personal thoughts of President Truman, those of Mr. King (Canada), and those of Mr. Attlee (Great Britain). He mentioned also that Mr. Stassen⁹⁴ and a Mr. Woodward of Oxford University had propounded certain theories on this subject.

6. The matter of a treaty was discussed in considerable detail. Mention was made that such treaty would cause a profound change on our entire governmental structure, the power of Congress and also the government structure of all nations as well.

7. Mr. Baruch stated that he was struck by General Arnold's⁹⁵ exposition on a series of bases around the world. Here he mentioned that our methods of offense and defense would be changed drastically now that we have to deal with the atomic bomb.

8. Mention was made by Mr. Searls of the possibility of establishing bases of strategic readiness with stock piles of four to six bombs at specific locations over the world; that base commanders could have sealed orders. It was pointed out (1) that with different nationalities under the security force it would be difficult to expect them to participate against their own countries, and (2) that the United States would not desire to have foreign powers near the United States with atomic bombs at their disposal to drop on us without notice.

9. Mr. Baruch said, "It will be too late, if something is not done by prior agreement outside the Security Council on such happenings. The need is so great that we must re-examine every possibility for an international authority. If it can't be done the whole argument (for an international Atomic Authority) is no good."

10. Mr. Baruch stated that he proposed to be very frank with the President on this matter; that he felt "dreadfully hobbled."

11. Mr. Baruch felt that the military should be warned on the great implications of the atomic matter and that he would like to get the J.C.S. answer "before the President approves the proposal."

12. The following statement was made by Mr. Eberstadt: "Can we do anything worth while or is what ever we do worthless." He felt that the elimination of bombs was not in itself important.

13. General Kenney pointed out the difficulties we were having in

⁹⁴ Harold E. Stassen, former Governor of Minnesota; Member, United States Delegation to the San Francisco Conference, 1945.

⁹⁵ General of the Army Henry H. Arnold, Commanding General, Army Air Forces, 1942-March 1946.

the MSC; that the J.C.S. of no nation agree; that the policies must stem from the politicians before the military can operate.

14. Mr. Baruch stated that he did not want to offer anything that the Army or the Navy does not consider feasible; that the safety factor of from three months to one year, now estimated by the scientists under a strict method of inspection, would diminish rapidly.

15. Mr. Baruch stated that a warning by itself was not "worth a damn."

16. Mention was made that General Groves had "consented to the Acheson Report."

17. Mr. Baruch stated that if Atomic Control could not be made an international matter that it (a treaty) would not be worth "ten cents"; that if we did have international control that it would mean "an immediate and drastic transformation of our form of government."

18. Mr. Eberstadt offered three possibilities:

a. Effective world control of war (counter-part of our own Federal Government).

b. Warning approach implemented by prompt action.

c. Warning approach *without* prompt action.

19. There was considerable discussion of these three approaches. Some felt that if the bomb was eliminated war would be eliminated.

20. Admiral Turner stated as a personal opinion that he believed it would be impossible to obtain agreement at present on an over-all sovereign world government having an International Army constantly ready, and believed any such proposal would involve a very prolonged debate. He felt that about all that should now be proposed (and referred to world action on Chemical Warfare for an analogy) would be an agreement to:

a. Seek renunciation by all nations of the use of atomic energy in warfare, except in retaliation for the improper use of atomic bombs.

b. Agreement among all nations to accept international supervision of atomic energy, approximately along the lines of the Acheson Report.

c. Confine to the Big Five alone punitive action in case anyone violates agreement. Such punitive action would be taken after "consultation" among the Big Five.

d. It would be necessary also to agree that the veto power would be relinquished in deciding on such action.

21. It was made quite clear to the Baruch group that:

a. We in the MSC *were* discussing these matters among ourselves, but cannot give effective advice without going to the J.C.S. We, of course, cannot discuss this matter with representatives of the other nations until so instructed by the J.C.S. (Mr. Searls has gained the impression that nothing is being done.)

b. General Ridgway gave his personal opinion (and General Kenney and Admiral Turner concurred) that of course there should be a penalty clause—sanctions for violations of agreements.

c. General Ridgway made it clear that military men agree that a plan is needed, however improbable we think the success of it might be. That as far as we know to date no such plan exists.

d. General Ridgway made it clear to the Baruch group that “we withhold nothing” from them.

The meeting ended at 1220 hours.

DENYS W. KNOLL
Secretary

501.BC Atomic/6-746

*Memorandum by President Truman to the United States Representative on the Atomic Energy Commission (Baruch)*⁹⁶

CONFIDENTIAL

WASHINGTON, June 7, 1946.

MEMORANDUM FOR MR. BARUCH: Because you requested it I herewith attach a statement of the United States policy with reference to atomic energy. This statement is solely for your guidance in your deliberations as the Representative of the United States on the Atomic Energy Commission of the United Nations.

The statement is general in character because I want you to have authority to exercise your judgment as to the method by which the stated objectives can be accomplished.

If as negotiations progress you conclude that there should be changes in this statement of policy, I will expect you to advise me and to frankly give me your views.

I know that you will keep me advised as to the negotiations. However, I want you to know that I am relying upon you to exercise your own discretion in those negotiations, subject only to the general statement of policy attached, unless you should receive from me through the Secretary of State a further statement of policy.

HARRY S. TRUMAN

[Annex]

June 7, 1946.

STATEMENT OF UNITED STATES POLICY⁹⁷

The proposals in this paper, put forth as a basis of discussion, grow out of three basic conclusions:

⁹⁶ The President approved the enclosure in the presence of Mr. Baruch and Secretary Byrnes on June 7. He dictated the covering memorandum to formalize his approval. (Hewlett and Anderson, p. 574)

⁹⁷ In the source text, the President's initials appear opposite most paragraphs.

1. It is believed that an international agreement leaving the development of atomic energy in national hands, subject to an obligation not to develop atomic energy for war purposes and relying solely on an international inspection system to detect evasions, will not provide adequate security and indeed may be a source of insecurity.

2. It is believed

(a) That a treaty merely outlawing possession or use of the atomic bomb would not be an effective fulfillment of the directions under which the Commission is to proceed; therefore, that an international atomic development authority be set up, with adequate powers;

(b) That in connection with the greatest safeguards which can be established through a competent international authority in this field, there should be a clear statement of the consequences of violations of the system of control, including definitions of the acts which would constitute such violations and the penalties and concerted action which would follow such violations;

(c) That one of the objectives of the plan should be that when the system of control is fully in operation there would be no stockpiles of bombs in existence;

(d) That the plan might also include a parallel statement as to a system of control for biological warfare.⁹⁸

3. It is further believed that the aim of preventing atomic warfare can only be achieved by entrusting to an international organization

(a) Managerial control of all atomic energy activities intrinsically dangerous to world security;

(b) Power to control, inspect, and license all other activities and stages.

If an international agency is given sole responsibility for the dangerous activities, leaving the non-dangerous open to nations and their citizens and if the international agency is given and carries forward affirmative development responsibility, furthering among other things the beneficial uses of atomic energy and enabling itself to comprehend and therefore detect the misuse of atomic energy, these afford the best prospect of security.

For purposes of discussion, the following measures are proposed as representing the fundamental features of a plan which would give effect to the conclusions just stated. In this paper the proposed international agency is referred to as the Atomic Development Authority.

1. *General*—The Atomic Development Authority should seek to set up a thorough plan of control through various *forms of ownership, dominion, licenses, operation, inspection, research and management by competent personnel.*

It is believed that the plan of control in all its aspects must be adequate not only in concept—a combination of responsibility for devel-

⁹⁸ Opposite this sub-paragraph, the President placed a check mark rather than his initials.

opments as well as control—but in type of organization and in choice of personnel to guarantee the most effective control required to provide for the security of the nations.

2. *Raw Materials*—The Atomic Development Authority when set up should have as one of its earliest purposes to bring under its complete dominion world supplies of uranium and thorium. The precise pattern of control for various types of deposits of such materials will have to depend upon the geological, mining, refining, and economic facts involved in different situations.

The Authority should conduct continuous surveys so that it will have the most complete knowledge of the world geology of uranium and thorium. The agency should also constantly investigate new methods for recovering these materials where they occur in small quantities so that as their recovery from such sources becomes practical, means of control can be devised.

3. *Primary Production Plants*—The Atomic Development Authority should exercise complete managerial control of the production of fissionable materials. This means that it should control and operate all plants producing fissionable materials in dangerous quantities and own and control the product of these plants.

4. *Atomic Explosives*—The Authority should be given exclusive authority to conduct research in the field of atomic explosives. Research activities in the field of atomic explosives are essential in order that the Authority may keep in the forefront of knowledge in the field of atomic energy and fulfill the objective of preventing illicit manufacture of bombs. Only by preserving its position as the best informed agency will the Authority be able to tell where the line between the intrinsically dangerous and the non-dangerous should be drawn. If it turns out at some time in the future, as a result of new discoveries, that other materials or other processes lend themselves to dangerous atomic developments, it is important that the Authority should be the first to know. At that time measures would have to be taken to extend the boundaries of safeguards.

5. *Strategic Distribution of Activities and Materials*—The activities entrusted exclusively to the Authority because they are intrinsically dangerous to security should be distributed throughout the world. Similarly, stockpiles of raw materials and fissionable materials should not be centralized.

6. *Non-Dangerous Activities*—Atomic research (except in explosives), the use of research reactors, the production of radioactive tracers by means of non-dangerous reactors, the use of such tracers, and to some extent the production of power should be open to nations and their citizens under reasonable licensing arrangements from the Au-

thority. Denatured materials necessary for these activities should be furnished, under lease or other suitable arrangement by the Atomic Development Authority.

It should be an essential function of the Atomic Development Authority to promote to the fullest possible extent the peace-time benefits that can be obtained from the use of atomic energy.

It is necessary at all times to take advantage of the opportunity for promoting decentralized and diversified national and private developments and of avoiding unnecessary concentration of functions in the Authority. It should, therefore, be a primary function of the Authority to encourage developments by nations and private enterprise in the broad field of non-dangerous activities.

7. Definition of Dangerous and Non-Dangerous Activities—Although a reasonable dividing line can be drawn between the dangerous and the non-dangerous, it is not hard and fast. Machinery should, therefore, be provided to assure constant examination and re-examination of the question, and to permit revision of the dividing line as changing conditions and new discoveries may require.

7(a) Any plant dealing with uranium or thorium after it once reaches the potential of dangerous use must be not only subject to the most rigorous and competent inspection by the international Authority, but its actual operation shall be under the management, supervision and control of the international Authority.

8. Inspection Activities—By assigning intrinsically dangerous activities exclusively to management by the Atomic Development Authority, the difficulties of inspection are thereby reduced to manageable proportions. For if the Atomic Development Authority is the only agency which may lawfully conduct the dangerous activities in the field of raw materials, primary production plants, and research in explosives, then visible operation by others than the Authority will constitute a danger signal.

The plan does not contemplate any systematic or large-scale inspection procedures covering the whole of industry. The delegation of authority for making inspections will have to be carefully drawn so that the inspection may be adequate for the needs and responsibilities of the Authority and yet not go beyond this point. Many of the inspection activities of the Authority should grow out of and be incidental to its other functions. An important measure of inspection will be those associated with the tight control of raw materials, for this is one of the keystones of the plan. The continuing activities of prospecting, survey and research in relation to raw materials will be designed not only to serve the affirmative development functions of the agency but also to assure that no surreptitious operations are con-

ducted in the raw materials field by nations or their citizens. Inspection will also occur in connection with the licensing functions of the Authority. Finally, a means should be provided to enable the international organization to make special "spot" investigations of any suspicious national or private activities.

9. *Personnel*—The personnel of the Atomic Development Authority should be recruited on a basis of proven competence but also so far as possible on an international basis, giving much weight to geographical and national distribution. Although the problem of recruitment of the high-quality personnel required for the top executive and technical positions will be difficult, it will certainly be far less difficult than the recruitment of the similarly high-quality personnel that would be necessary for any purely policing organization.

10. *Negotiation Stage*—The first step in the creation of the system of control is the spelling out in comprehensive terms of the functions, responsibilities, authority, and limitations of the Atomic Development Authority. Once a Charter for the agency has been written, and adopted, the Authority and the system of control for which it will be responsible will require time to become fully organized and effective.⁹⁹ The plan of control will therefore have to come into effect in successive stages. These should be specifically fixed in the Charter or means should be otherwise set forth in the Charter for transitions from one stage to another, as contemplated in the resolution of the U.N. Assembly which created this Commission.

11. *Disclosures*—In the deliberations of the United Nations Commission on Atomic Energy, the United States must be prepared to make available the information essential to a reasonable understanding of the proposals which it advocates. Further disclosures must be dependent, in the interests of all, upon the effective ratification of this treaty. If and when the Authority is actually created, the United States must then also be prepared to make available other information essential to that organization for the performance of its functions. And as the successive stages of international control are reached, the United States must further be prepared to yield, to the extent required by each stage, national control of activities in this field to the international agency.

12. *International Control*—There will be questions about the extent of control allowed to national bodies, should an international body be established and in this respect, it is believed that any control by an atomic energy authority set up by any state should to the extent necessary for the effective operation of the international control system be

⁹⁹ At this point the President made the marginal comment: "most important."

subordinate to direction and absolute dominion on the part of the international authority. It will readily be seen at this time that this is not an endorsement or disapproval of the creation of national authorities, or a definition of their jurisdiction. This problem will be before the Commission and it should deal with a clear separation of duties and responsibilities of such state authorities if such are included in any plan, with the purpose of preventing possible conflicts of jurisdiction.¹

HARRY S. TRUMAN

811.2423/6-846

Memorandum of Conversation, by the Secretary of State

TOP SECRET

[WASHINGTON,] June 8, 1946.

Participants: British Ambassador, Lord Inverchapel;
Canadian Ambassador, Mr. Lester B. Pearson;
Secretary Byrnes

I asked the British and Canadian Ambassadors to call at my office this morning, so that I might present to them a statement of United States policy with reference to atomic energy.

Using the President's memorandum of June 7² as a basis, I explained the plan fully and in some detail.

I told the Ambassadors that Mr. Baruch would get in touch with Sir Alexander Cadogan and General MacNaughton (Canadian representative)³ the early part of next week to discuss the plan, at which time their two representatives might wish to present their views and submit any plans which they might have as a basis for discussion.

Department of State Atomic Energy Files

The Chief of Staff to the Commander in Chief of the Army and Navy (Leahy) to the United States Representative on the Atomic Energy Commission (Baruch)

WASHINGTON, 11 June 1946.

DEAR MR. BARUCH: Thank you for the compliment contained in your request for advice in the problem faced by you in obtaining a

¹ The President wrote the following above his signature: "Above general principles approved June 7, 1946."

² *Supra.*

³ Gen. Andrew G. L. McNaughton, Canadian Representative on the Atomic Energy Commission.

treaty that will be effective in preventing the employment of atomic bombs in war.⁴

I realize that the difficulties before you must appear almost insurmountable and I believe that from a military point of view and in the interest of the National Defense of the United States, the only practicable line of approach is to endeavor to obtain from the United Nations an agreement that the employment of atomic bombs in war is outlawed except when authorized by a *majority* vote of the Security Council in retaliation for an unlawful use of atomic bombs.

Acceptance by the United Nations of the use of atomic bombs in retaliation when authorized by a majority vote of the Security Council involves a repeal of the "veto" provision of the United Nations Charter on this one particular problem.

Difficulty in obtaining agreement on such a repeal is foreseen. It is my belief that the most aggressive nations that can now be foreseen would hesitate long before becoming outlaws under such a world statute as the charter of the United Nations by the use of atomic bombs in war with a practically certain retaliation in kind by a majority of the United Nations of the world.

The present advantage held by the English speaking world through possession of atomic bombs should be advantageous in negotiating with our former enemies treaties that are designed to preserve world peace.

It therefore appears apparent that the United States should not enter into a treaty that would limit our possibilities of producing atomic bombs until:

1. Treaties of peace with our former enemies are ratified by the Allied Nations.
2. Effective and workable methods of inspection and control of manufacture are developed, tested, and found effective.

The only promising means of creating in the minds of all men a desire to comply with such a treaty is through fear of punishment for its violation.

Automatic and certain punishment for violation of the treaty must be within the authority of a majority vote of the Security Council.

I do not know of any short cut to the elimination of war that appears

⁴Mr. Baruch had solicited the views of Generals Eisenhower, Spaatz, MacArthur, and McNarney, and Admirals Leahy, Nimitz, and King in letters of May 24. He had requested suggestions on not only international control of atomic energy, but also as to how war itself could be outlawed. The Baruch letters and replies from those mentioned above with the exception of General MacArthur exist in the Department of State Atomic Energy Files. The United States Delegation to the Atomic Energy Commission received additional military guidance in the form of a memorandum by General Groves dated January 2, 1946, "Our Army of the Future—As Influenced by Atomic Weapons," which General Groves transmitted to Mr. Hancock on June 10; for text, see p. 1197.

to be an intermittent acute disease with which the human animal has been afflicted since his appearance upon the earth.

Widespread education in the material advantages of peace, illustrations of the horrors of war, convincing assurances that net losses in war are shared by the victor and the vanquished and that there can be no profit to anybody in an international war spread to all people of all nations by every possible means of modern methods of communication, and with world approval through the United Nations, might incline even the "have not" peoples toward our desire to keep the peace between nations and induce those people that already have more than their just share to meticulously avoid interfering with the governments of other nations.

I realize fully that these brief observations of mine based on military considerations of the national defense of the United States, which is my principal interest, will be of very little assistance to you in the solution of your most difficult problem, but they are the best reply that I can make to your inquiries.

With expressions of high regard, I remain always

Most sincerely,

WILLIAM D. LEAHY

Department of State Atomic Energy Files

*The Chief of Naval Operations (Nimitz) to the United States
Representative on the Atomic Energy Commission (Baruch)*

CONFIDENTIAL

WASHINGTON, 11 June 1946.

DEAR MR. BARUCH: I will attempt to give you briefly my views concerning the atomic bomb. The fundamental objective is to outlaw the bomb and prevent its use.

The only course which now appears to offer real prospect of reaching the objective is through a program which by stages will attain international control of the mining and reduction of uranium and thorium ores, the distribution of the metals, and the production and use of fissionable matter together with completely effective international inspection to assure compliance with the control agreement. This program, to be fully effective, should ultimately include a prohibition against the possession of atomic bombs by any individual nation.

The United States is now in a position of advantage with respect to the atomic bomb. We should exploit that advantage to assist in the early establishment of a satisfactory peace and should relinquish it no more rapidly than is justified by the proven development of agreed controls. It will be desirable for international agreements concerning the atomic bomb to follow the European peace treaties and definitely to precede the time when other countries could have atomic bombs.

No plan of peacetime control will surely prevent the use of atomic weapons in a prolonged war. However, a plan which prevents the possession of atomic bombs by individual nations will prevent their use in a surprise attack.

The problem of punishment for violations of a treaty concerning atomic warfare is difficult. I have grave misgivings about the effectiveness of any international agreement to take concerted action, and I urge that no program be adopted which places major reliance on one. I feel that despite the sincerity with which all parties might enter into any such agreement, the formation of blocs or coalitions, particularly around powerful nations, will impair or destroy the will and power to carry it out.

I do not believe that the people of this country are prepared now to enter into an agreement for automatic punishment of other nations for acts which do not directly concern the United States. In other words, the people of the United States will in fact insist on the power of their elected representatives to veto the deliberate entry of the United States into war. I do believe that after it became known that another nation was violating the treaty and preparing to use atomic weapons, the people of the United States could then be induced to take action.

The ideal way to outlaw the bomb would be to outlaw war itself. In my opinion, it will not be possible to outlaw war or to dispense with armaments in our time. It will probably be possible to outlaw atomic bombs long before we could succeed in outlawing war. The method may be to make the penalties attendant on its use greatly outweigh the potential advantages.

I can offer no formula for surely preventing wars. The likelihood of war can be reduced only by eliminating conditions which breed wars. The likelihood of defeat in war can be reduced by keeping our own country sufficiently strong to make the eventual penalties of attacking us severe, obvious, and certain.

Very sincerely yours,

C. W. NIMITZ,
Fleet Admiral, U. S. Navy

Department of State Atomic Energy Files

The Chief of Staff of the United States Army (Eisenhower) to the United States Representative on the Atomic Energy Commission (Baruch)

SECRET

WASHINGTON, 14 June 1946.

DEAR MR. BARUCH: The Joint Chiefs of Staff have agreed that their views on the complex questions raised in your letters of 24 May 1946 can best be dealt with individually. My personal views follow.

General. I completely agree with you that only through effective international control of atomic energy can we hope to prevent atomic war. Arriving at the methods for such control is, of course, the difficult task. The national security requires that those methods be tested and proven before the U.S. can enter any international agreement limiting the production or use of atomic bombs.

Approach to the Problem. The procedures outlined in the Acheson report appear to offer the most practicable initial steps towards international control, provided that in the step by step accomplishment of those procedures, the U.S. does not recede from its position of advantage faster than realistic and practical reciprocal concessions are made by other powerful nations. We must not further unbalance against us world power relationships.

Inspection, the First Step. An essential primary step is to establish, and prove in operation, a system of free and complete inspection. We must satisfy ourselves of complete good faith on the part of the other great powers; their past and current policies are not altogether reassuring. In this connection, as I understand present atomic energy production techniques, no system of inspection can be expected to guarantee completely against the construction of some atomic bombs.

Preventive Measures. For the present, I am sure you agree that there must be force behind any system for *preventing* aggression. There must exist for deterrent purposes, provisions for *retaliation* in the event other control and prevention devices should fail. Further, the sanctions employed against a willful aggressor by law-abiding nations can be no less effective in character than the weapons the aggressor nation is capable of using. To my mind, this means, for the present, that to *prevent* the use of atomic weapons there must exist the capability of employing atomic weapons against the recalcitrant.

Decisive Weapons in War. Biological, chemical, and other as yet unforeseen weapons may prove no less effective than the atomic bomb, and even less susceptible to control. Another major war may see the use of such destructive weapons, however horrible, including the atomic bomb. The problem of controlling, and finally preventing, the use of atomic bombs (and other decisive weapons) thus becomes the problem of preventing war itself.

The Dilemma. If we enter too hurriedly into an international agreement to abolish all atomic weapons, we may find ourselves in the position of having no restraining means in the world capable of effective action if a great power violates the agreement. Such a power might, in fact, deliberately avoid the use of atomic weapons and embark on aggression with other equally decisive weapons. If, on the other hand, we enter into agreements providing for the maintenance of atomic

weapons under international control, we face extraordinary difficulties. First, in providing adequate control and inspection systems and second, the possibility that the national leaders of a totalitarian state, possessing a supply of the weapons, might choose to strike first rather than to compromise. This dilemma, unless other approaches to a solution come to hand, must be solved before we should proceed to any treaty, abolishing atomic weapons.

Fundamental National Interest. The U.S. should be party to no control treaty which militates against our vital security interests. I have touched upon aspects of this scarcely debatable point. However, the fundamental interest and security of the American people is bound up with a solution to the problem you face. We can yield much, even certain points of our sovereignty, to reach this solution. Whether our people could be brought to see this necessity at present is a question. There will exist practical difficulties in keying up the American people to accept even the necessity for immediate preventive military action with conventional weapons in case an aggressor violates measures for inspection and control. Historically, in the face of threats of unmistakable import and seriousness, our practice has been to indulge in wishful thinking rather than to undertake decisive action.

To summarize:

a. The existence of the atomic bomb in our hands is a deterrent, in fact, to aggression in the world. We cannot at this time limit our capability to produce or use this weapon.

b. We must move, by steps, toward international control of atomic energy if we are to avoid an atomic war. The Acheson report is a practicable suggestion for an approach to such control. A first step is to *prove* a system of inspection.

c. Atomic weapons are only a part of the problem. There will be other equally terrible weapons of mass destruction. The whole problem must be solved concurrently with the problem of controlling atomic energy. To control atomic weapons, in which field we are preeminent, without provision for equally adequate control of other weapons of mass destruction can seriously endanger our national security.

I will continue to consider this problem and will communicate to you any ideas which might assist your difficult decisions.

Sincerely,

DWIGHT D. EISENHOWER

[At the First Meeting of the United Nations Atomic Energy Commission at Hunter College, The Bronx, New York, June 14, Mr. Baruch presented the United States proposal for the international control of atomic energy. The U.S. plan provided for the creation of an international Atomic Development Authority to which all phases of atomic

energy development and control were to be entrusted. For the text of Mr. Baruch's statement, see United Nations, *Official Records of the Atomic Energy Commission, First Year, Plenary Meetings* (hereafter cited as *AEC (I), Plenary*), pages 4-14 or Department of State *Bulletin*, June 23, 1946, pages 1057-1062. A complete set of the records of the AEC and its committees and subcommittees is located in the files of the Office of International Organization Affairs, Department of State. For an account of negotiations in the AEC in 1946, see Hewlett and Anderson, pages 576-619.]

501.BC Atomic/6-2746

Memorandum by the Chief of the Division of Eastern European Affairs (Thompson) to the Deputy Director of the Office of European Affairs (Hickerson)

[WASHINGTON,] June 27, 1946.

Ambassador Smith's view as reported in his telegram 2013, June 27 [26],⁵ that basic issue in the atomic control question is that of inspection is certainly correct. If his proposal that we state we are prepared to discuss regulation and control of all weapons of war would in fact recapture moral ascendancy for us and re-emphasize the basic issue of inspection, then it might be worth trying. I feel obliged to point out, however, that such a move might have the opposite effect and obscure the issue.

So far as the Soviet Union is concerned, I fear that they would interpret such a move as indicating that our basic motive in our atomic control proposal is to break down the present "closed shop" system upon which the Soviet Union operates. Also, by getting involved in a discussion of this wider field of control, they may be able to detract attention from the essential matter of atomic control. The Russians are probably not concerned about our basic military establishment as they will always tend to maintain a larger standing army than our own.

LLEWELLYN E. THOMPSON

⁵ Telegram 2013 is printed in vol. VI, p. 766. Ambassador Smith feared that Gromyko's remarks at the 2nd Meeting of the Atomic Energy Commission, June 19, had had the effect of seizing the initiative for the Soviet Union. The Soviet Representative had proposed an international convention prohibiting the production, possession, and use of atomic weapons. The Soviet proposal made no provision for international control of atomic energy, inspection, or penalties in the event of violation. For the text of Gromyko's statement, see *AEC (I) Plenary*, pp. 23-30, or Department of State, *Documents on Disarmament 1945-1959*, vol. I, pp. 17-24. The Ambassador suggested that the United States recapture leadership by re-emphasizing the issue of inspection and stating the willingness of the United States to discuss the regulation and control of all weapons.

501.BC Atomic/6-2746

Memorandum by Mr. James E. Doyle, Assistant to the Counselor (Cohen), to the Under Secretary of State (Acheson) ⁷

[WASHINGTON,] June 27, 1946.

I think the most important thing by far is that the current negotiations on the UN Atomic Energy Commission should be held strictly to exploring the nature of the problem of the control of atomic energy. This means that the discussions should be directed to the functions of an international authority on atomic energy. It seems to me unwise even to branch out to the enforcement problem now, and clearly unwise to branch out from atomic energy to the entire field of disarmament.

SPA's views on the telegram (through Mr. Blaisdell) are that the USSR has not in fact seized the moral leadership, that inspection is probably not the "basic issue" presently, that the USSR has not grasped the initiative, that the United States may not desire to agree to "unhampered inspection of military establishments and means of production", and that the Embassy in Moscow may be unable to evaluate more than "the one vital factor" to which it refers.

Department of State Atomic Energy Files

The Acting Secretary of State to the United States Representative on the Atomic Energy Commission (Baruch)

WASHINGTON, July 1, 1946.

DEAR MR. BARUCH: In my memorandum to you of June 26 ⁸ I replied to that portion of your letter of June 23 ⁸ which concerned the dissemination of your opening statement before the Atomic Energy Commission and the reaction to it abroad. You may be sure that we are doing and shall continue to do everything we can to give your statement the widest circulation throughout the world.

I have delayed answering the other points in your letter until I could talk to the President about them. While I was awaiting that opportunity, a telegram on this subject arrived from Ambassador Smith in Moscow. I am attaching to this letter a copy of the telegram.

When I saw the President, we discussed your letter and Ambassador Smith's telegram.⁹ The President's desire, and he expressed it very

⁷ The source text bears the following handwritten addition by Mr. Doyle: "This refers to Moscow's 2013 of June 27, 1946."

⁸ Not printed.

⁹ The discussion occurred on June 27.

clearly, is that the efforts of the Atomic Energy Commission not be diverted by the Soviet or by anyone from the task of devising practical and specific measures for the international control of atomic energy. He feels that for us to raise the question of general disarmament would be to distract attention from the task at hand and to confuse the public mind about the nature of our proposals.

As he told you in his letter,¹⁰ the President believes that you are off to a fine start. He does not share Ambassador Smith's opinion that the Soviet has seized the initiative and feels, on the contrary, that through your efforts the United States has the initiative and shall keep it. The best way to maintain the initiative, the best way to achieve some tangible progress in the negotiations, and the best way to discover whether the others genuinely desire to get on with the work, he thinks, is to confine the discussions as closely as possible to the stubborn and real difficulties connected with the control of atomic energy.

I explained to the President your general plan of procedure for the immediate future, as I have understood it from my conversations with you and Mr. Eberstadt and Mr. Evatt.¹¹ I told him that you did not contemplate further general discussions and that you and your staff were working with Mr. Fahy¹² on an outline of the specific topics or subjects raised by your proposal. I explained your hope that as these topics are thrashed out in the Commission it will become possible to start drafting on specific points. The President considers this a very intelligent plan and feels that it promises the greatest chance for success.

I am sure that you will find Mr. Fahy and his associates very helpful. Whenever you feel that the Department can be of assistance in any way, I hope that you will let me know.

Sincerely yours,

DEAN ACHESON

¹⁰ President Truman had written Baruch on June 27 expressing support. That communication is quoted in Joseph I. Lieberman, *The Scorpion and the Tarantula: The Struggle to Control Atomic Weapons 1945-1949* (Boston, Houghton Mifflin Company, 1970), p. 316. In his memoirs, Baruch quotes a letter he addressed to President Truman on July 2 summarizing the differences between the United States and Soviet positions and recommending that the United States should remain firm on its position (Bernard M. Baruch, *The Public Years*, New York, Holt, Rinehart, and Winston, 1960, p. 373). In a letter to Baruch dated July 10, the President agreed that "we should stand pat on our program." (Baruch, p. 374; Lieberman, p. 327)

¹¹ Herbert V. Evatt, Australian Minister of External Affairs; Representative on the Security Council and Atomic Energy Commission (Chairman at 2nd, 3rd, and 4th Meetings).

¹² Mr. Fahy, the Department's Legal Adviser, had been instructed to have a draft treaty for the control of atomic energy prepared in his office. Henry G. Ingraham, Special Assistant to Mr. Fahy, had been detailed to Mr. Baruch's office. (Department of State Atomic Energy Files)

501.BC Atomic/7-946

*The United States Representative on the Atomic Energy Commission
(Baruch) to the Under Secretary of State (Acheson)*

NEW YORK, July 9, 1946.

MY DEAR MR. ACHESON: Referring to your letter of July 1st, as to the dissemination of the atomic energy statement, that can best be done by sending copies of the full text to the embassies. General Smith would have had a different idea if he had gotten the full text and not the garbled report prepared for their own purposes in Pravda. I presume that General Smith will, by this time, have received a copy of the full report.

You misunderstood my reference to disarmament. It wasn't that I wanted to raise the point but to say that a wide opening had been left if there was anybody considering that matter. Everyone discussing atomic energy or other weapons of mass destruction says that elimination and outlawing of war are the only answer. But, as the President and you say, that is not my task. My associates and myself have gone ahead with ours as expeditiously and unremittingly as possible.

I wish there was some way of saying to the Australian Government how helpful Evatt has been, especially in his understanding of the matter and of his driving it forward.

I understand there is to be a meeting of the National Committee for Civilian Control of Atomic Energy, at which the Secretary of the Lilienthal Board of Consultants, by the name of Carroll Wilson, is to speak and, also, Secretary Wallace.¹³ I hope they understand that the statement delivered by me to the Atomic Energy Commission is the proposal of *our Government*, the *President* and the *Secretary of State* and is *not* to be considered the Baruch proposal. Word might be sent to them in order that men representing the Government should not be taking a position contrary to the American position.

I know you are being kept posted as to what is going on.

Sincerely yours,

BERNARD M. BARUCH

Department of State Atomic Energy Files

Mr. George F. Kennan to the Under Secretary of State (Acheson)

[WASHINGTON,] July 18, 1946.

MR. ACHESON: The demands of my new job with the War College have forced me to study a good deal of the basic material on the problem of the international control of atomic energy.

¹³ Henry A. Wallace, Secretary of Commerce.

To clarify my own thoughts on the position of the USSR with relation to this subject, I have written them out in the form of a few questions and answers.

I thought you might find these of interest, and attach a copy.

I am off for a speaking tour in the far west, and will be back in the end of August.

GEORGE KENNAN

[Enclosure]

THE SOVIET POSITION WITH RESPECT TO INTERNATIONAL CONTROL
OF ATOMIC ENERGY
(As of July, 1946)

1. Original Effect on the Russians of our Development of Atomic Weapons.

Q. Has our monopoly of atomic weapons made the Russians more hostile towards us?

A. No. To the Soviet leaders all forces are considered hostile which they cannot control, quite regardless of the weapons these forces may possess. We were viewed as an inimical element before we developed atomic energy. We continue to be viewed as an inimical element today. Thus, atomic energy has changed nothing in the basic attitude and objectives of the Soviet Union with respect to us.

Q. Did our monopoly of atomic weapons have *any* effect on the behavior of the Russians and their attitude toward us?

A. Yes. It upset their previous estimate of the military-political potential of the Soviet Union in the immediate post-war period. It caused them to revise this estimate basically. It forced them to modify their internal economic and their foreign political plans. For these reasons, it has caused them intense vexation and irritation.

Q. Has it made them more suspicious of our actions?

A. Probably it has; but principally in the sense that it has given a welcome set of opportunities to those elements within the Soviet system who have reason to fear improved relations between Russia and the west and who lose no chance to cast suspicion deliberately on the actions of the United States. Presumably, these elements have not been slow to interpret as threats of atomic retaliation any instances of American firmness in the face of Soviet demands and in this way to fan the existing bitterness over our possession of atomic weapons. It must not be forgotten that the men in the Kremlin, who would themselves never hesitate to use atomic energy as a means of extortion if they themselves had the exclusive possession of it, would

be particularly loathe to believe that we could really withstand the temptation to do this.

2. Background of the present Soviet Proposals.

Q. What is the predominant motive of the proposals which Gromyko has advanced in the U.N. Atomic Energy Commission?

A. The predominant motive is a desire to turn the tables on us and to produce a situation in which the Soviet Union, rather than the United States, would be the sole power able to use atomic energy in war.

Q. How does this jibe with the Soviet proposal that existing stocks of atomic bombs be destroyed and that further production and storing of the weapons be prohibited?

A. This proposal is designed primarily to effect the earliest possible disarming of the United States with respect to atomic weapons. Once that disarming had been achieved, the Soviet Government would feel itself in a far stronger position to put forward its further desiderata in connection with the international control of atomic energy.

Q. But would not the Soviet Union then likewise be inhibited from developing atomic weapons?

A. Not at all. In making this proposal, the Russians are counting on the American conscience and on the merciless spot-light of free information and publicity in the United States, supplemented by the vigilance of the communist fifth-column, to guarantee the faithful fulfillments of such obligations on our part. At the same time, they are counting no less confidently on their own security controls to enable them to proceed undisturbed with the development of atomic weapons in secrecy within the Soviet Union. If their proposal were to be accepted, they could thus look forward with confidence to the day when the democratic powers, caught in their traditional respect for solemn international engagements and in the overriding power of public opinion, would be stripped of atomic weapons where as Russia, having been secretly developing them behind the scenes, would be their sole possessor.

Q. But the Russians have implicitly acknowledged the desirability of some scheme of control. Do they not fear that this would hamper them in secretly developing atomic energy?

A. No. They do not fear this. They feel that if they could once get the weapon formally abolished they could easily prevent the maturing of any international agreement which could seriously hamper the clandestine development of atomic weapons in the Soviet Union. Furthermore, they know that their internal controls are so elaborate that they would have good facilities for evading any ordinary international control system. They are well aware that the only really effec-

tive type of control would be that which we have proposed: namely the entrusting to an international atomic development authority of all phases of the development and use of atomic energy, starting with the raw material. Once they were able to get agreement to the abolition of atomic weapons as such, they could oppose the establishment of such an authority, as being illogical and unnecessary. Hence, their time-table, and particularly the emphasis on the early destruction of existing stocks.

Q. Is this not direct bad faith on the Soviet side?

A. To the communist mind, all words are relative. Once in possession of the bomb, Russia could confidently risk an outbreak of war between the Soviet Union and the western powers. In modern wars, all holds are fair; and once hostilities were in progress the sudden revelation that Russia had the bomb could be exploited propagandistically as a demonstration of the wisdom and foresight of Soviet leadership, which had once more outsmarted the capitalist world and foiled its most evil designs. It should be remembered that a state propaganda machine would find no difficulty in producing evidence to indicate that western nations, too, had been ratting on their obligations not to produce atomic weapons and that Russia had been saved only by the vigilance and decision of the Kremlin.

3. The Soviet Reaction to our Plan.

Q. What is the basic Soviet objection to our plan?

A. The basic objection is that our plan provides no loophole through which the Soviet Union could itself achieve monopolistic possession of the atomic weapon.

Q. Are there other objections as well?

A. Yes. Our plan implies a breaching of the security controls which exist in Russia and which are anchored in the selfish interests of the all-powerful secret police. It further implies a certain derogation of the absolute and unlimited power which the Soviet leaders now exercise over economic processes and property relationships within the Soviet Union. Finally, it implies the participation of foreign elements in scientific work conducted within the Soviet Union, thus introducing foreign influence into Soviet science and providing opportunities for the satisfaction of foreign scientific curiosity.

Q. Why are the Russians so averse to the limitation of the veto power in the case of atomic energy?

A. Partly because they see in it an attack on the veto power in the Security Council as well as on the principle of the veto in general. But also because they have every intention to proceed independently with the development of atomic weapons, regardless of any engagements they may have entered into, and do not want any international

agreement outstanding which could penalize them if there should be undesirable revelations. In this sense, it is precisely the penalties for the preliminary evasions of restrictions on atomic weapon production which worry them most and where they are most concerned for the preservation of the veto power.

4. Chances for obtaining Soviet acquiescence to our Plan.

Q. Is it then useless to hope that the Soviet Government can be brought to accept our plan, in its general outlines?

A. No—not if it can be proved to them that not only is there no possibility of their actually attaining monopolistic possession of the weapon, but that the further pursuit of it may even prove actually dangerous to the security of their state.

Q. By what arguments can this be proved to them?

A. There are no arguments by which this could be proved to them. It can be proved to them only by facts. They will not be amenable to any presentation of ideas on our part.

Q. By what set of facts could they then be influenced?

A. By the policies we ourselves adopt with relation to our own defense and our collective arrangements with other nations. If we follow a resolute policy of preparing for all eventualities: if, while carefully continuing to press for full international agreement, and holding the door open for such agreement, we quietly and vigorously proceed to develop the U.S. capacity to absorb atomic attack and to effect instant retaliation; if we adapt our armed forces to the demands of atomic warfare and effect intelligent dispersal and “compartmentation” of essential services within our own country; if we do not hesitate, in the absence of Soviet agreement, to enter into international agreements with other countries for the joint development of atomic energy as far as this is consistent with our own security; if in this way we make it evident to the Soviet Government that the idea of using atomic weapons against this country is a dangerous pipe dream that has little prospect of successful realization and might well lead to the atomic isolation rather than the atomic superiority of the Soviet Union—then there is a possibility that we might eventually maneuver Moscow into a grudging acceptance of the main points of our program.

Q. Could such a change of front on Russia’s part be a whole-hearted one which would mean clear sailing in the future for an eventual atomic energy development authority?

A. No. Unfortunately, the execution of Russia’s participation in any such a scheme would encounter deep-seated inhibitions in the nature of Soviet society and powerful elements within the Soviet Union would try at every turn to sabotage the efficacy of the authority, as far as the Soviet Union is concerned. Soviet acceptance of our proposals would mean only the beginning, not the end, of our difficulties;

and we would have to fight a long and practically constant battle to achieve a real and successful functioning of the authority within the Soviet Union itself. For this reason, we would have to maintain at all times some instruments of pressure, through which we could present the Soviet Government with some sort of ugly and undesirable alternatives, in the events that Soviet collaboration in the execution of the agreements should prove unsatisfactory.

501.BC Atomic/7-2446

Mr. John M. Hancock of the United States Delegation to the Atomic Energy Commission to the Secretary of State

NEW YORK, July 24, 1946.

MY DEAR MR. SECRETARY: In keeping with my promise on the phone a few minutes ago, I am inclosing three documents: ¹⁴ *one*, the tentative outline of items for Committee No. 2 as presented at the meeting today; *two*, a copy of the record of Mr. Gromyko's speech; ¹⁵ *three*, the copy of the press release given by the Press Division.

There wasn't anything unexpected in the speech and there wasn't any new problem presented by it. This speech had been in the making for some time and I think Mr. Gromyko felt that he was being thwarted in his desire to make it. When the question arose today about his right to comment upon our #3 Memorandum, ¹⁶ I advocated that we depart from the strict terms of the Agenda because his desire was quite well inside of the first item on the Agenda, which was then in tentative form and is now undergoing a minor textual revision. ¹⁷

As to the tentative agenda, Mr. Gromyko's four points were that the agenda did not cover these points: *First*, the prohibition of production of atomic weapons. (My reply was that I had no objection to any sharpening of the words but that I was willing to have the idea embodied in more specific terms. It already is included in the

¹⁴ The enclosures are not printed here.

¹⁵ At the 3rd Meeting of the Atomic Energy Commission, June 25, a Working Committee (Committee 1) consisting of one representative of each member of the Commission, was appointed. The Working Committee agreed to establish Committee 2 at its 2nd Meeting, July 12; the new body was directed to concern itself with the basic issue of international control. Regarding the development of the Commission's committee system in June and July, and negotiations during that period, see Hewlett and Anderson, pp. 584-590.

For the text of the summary record of the 2nd Meeting of Committee 2, July 24, during which Gromyko delivered the address cited here, see United Nations, *Official Records of the Atomic Energy Commission, First Year, Special Supplement, Report to the Security Council (1946)*, pp. 114-120 (hereafter cited as AEC, I, *Special Suppl.*)

¹⁶ In elaboration of its proposal of June 14, the United States Delegation submitted three memoranda to the Commission (July 2, July 5, and July 12); for texts, see AEC, I, *Special Suppl.*, pp. 92-102, and 106-111, or *Documents on Disarmament 1945-1959*, vol. I, pp. 25-42.

¹⁷ Mr. Hancock represented the United States on Committee 2.

first two (I and II) broad classifications.); *Second*, the destruction of bombs. (My comment was that that was included in I, in specific terms in the expression "elimination from national armaments of atomic weapons" and in IA in the word "storing."); *Third*, punishment by nations. (I pointed out that that was covered by our V on the Agenda in which we referred to enforcement agencies, actions by national governments, etc.); *Fourth*, definitive action and more definitive terms used as to the exchange of scientific and technical information. (I reminded him that this had already been specifically assigned to the Scientific and Technical Committee.)¹⁸

I don't want to show an impatience over the delay on purely procedural matters, but it is very irksome. I haven't wanted to argue about committee set-ups. I think the present attempt to split the problem into beneficial uses and dangerous uses by assignment to separate committees is unrealistic. The uses are safe up to the point that somebody decides to convert them into a dangerous use—as you so well know. The attempt to handle these problems as if they were separable will finally result in a merger, and finally the Working Committee will handle all policy matters. There seems to be a desire to handle policy matters as if they were unrelated to the scientific and legal aspects. People will have to learn that this is a problem in the whole, that one can view any problem from several aspects but one cannot insulate many bits of this problem until there is a general understanding of both the scientific and legal aspects and the reasons for the kind of control involved in our plan.

We are not going to fight for conducive votes on these matters. We have arranged to go along, develop points of agreement, ascertain points of disagreement without bringing the latter to a vote, and hope that in the orderly process of education, we will bring all to the same conclusion we have ourselves reached. I don't like to use this expression educational process because it might give the impression that we think we are the only educated ones. After the session was over today, I talked to Mr. Gromyko, told him we would have an answer for his observations—all of which we appreciated—when we came to the problems in the order set forth in the tentative Agenda. His objections, you will note, are not keyed to the order of points for study, nor did they contain any matter of substance.

¹⁸ Committee 3, the Scientific and Technical Committee, had been appointed at the 2nd Meeting of the Working Committee, July 12, to arrange the exchange of information and explore the peaceful uses of atomic energy. Committee 3 first met on July 19. Information submitted by the United States Delegation is contained in the following Department of State Publications: *The International Control of Atomic Energy; Scientific Information Transmitted to the United Nations Atomic Energy Commission, June 14, 1946–October 14, 1946* (Washington, n.d.) and *December 15, 1946* (Washington, 1947).

There was a curious misunderstanding during the meeting. The Chairman¹⁹ had proposed that the Agenda be modified and brought up at our fourth meeting a week from today. I deferred moderately to a week's delay on the procedural matters and argued that we get into the substance without waiting for a week for agreement upon the precise wording of the Agenda. The French alone were a little hesitant about pushing too fast but the French Delegate²⁰ had not been in touch with developments of the past three weeks. He made some reference of desiring to hear from his home government, but in a subsequent talk with his right-hand man, Lacoste,²¹ I think I cleared up that point with him.

Going back to my talk with Gromyko, he is willing to meet in Committee No. 2 every day and he plans to be actively interested in going ahead with the very long Agenda which might well occupy the Committee for some months.

I think this is all in accordance with your desires and while it is not a complete review of the day's events, it does cover the things at the top of my mind and those which would normally arise in the mind of anyone who might see the afternoon papers. We had a press conference this afternoon at 5:00 P. M., too late for the afternoon papers, and I think you will find a much saner atmosphere in the papers tomorrow.

Your Representative, Porter McKeever,²² was at the press conference and at the end of it, he was unreserved in his approval. I had emphasized that this was an explanation of Mr. Gromyko's previous document which we were glad to have, that in no respect were we surprised, that there was nothing in the nature of a crisis, and that we were going ahead with our long Agenda with the consent of all concerned. I took plenty of time to give the reporters a lot of background. I am not sure they will use it as intended but the conservative ones were very appreciative of the time I had given them. Of course, they wanted me to tell them what we were going to do next, and I had foreclosed that question in the early part of the conference by stating that I was willing to discuss history, but that at this time I was not prepared to state what we would do in the future. I did make it plain that when we took action they could expect to hear of it in normal course.²³

Very truly yours,

JOHN M. HANCOCK

¹⁹ Capt. Alvaro Alberto da Motta e Silva, Brazilian Representative on the Atomic Energy Commission.

²⁰ Alexandre Parodi, Permanent French Representative at the United Nations.

²¹ François Lacoste, Adviser, French Delegation to the Atomic Energy Commission.

²² Adviser, United States Delegation to the General Assembly.

²³ The following handwritten addition by Mr. Hancock appears at the bottom of the source text: "*No atomic bomb blew up here. We wanted to get their position defined a lot more and we will get it as the days go by—and in the process I hope we will get the educational process carried forward too.*"

Department of State Atomic Energy Files

Notes of an Informal Meeting of Members of the United States, French, Canadian, and Australian Delegations to the Atomic Energy Commission, New York, July 24, 1946, 3 p. m.

CONFIDENTIAL

Present :

United States: John M. Hancock, Dr. R. C. Tolman, John P. Davis, Lincoln Gordon, Frank Lindsay and Gordon Arneson.

France: M. LaCoste.

Canada: General A. G. L. McNaughton, G. C. Lawrence and G. Ignatieff.

Australia: Ralph Harry.

MR. HANCOCK felt that Committee #2 should be allowed to wither away since it is essentially a duplicate of the Working Committee. MR. LACOSTE and GENERAL MCNAUGHTON were in full agreement with this point.

As to the Legal Committee and the Scientific and Technical Committee, MR. IGNATIEFF felt that they were primarily advisory and could operate most effectively if the chairmanship were made relatively permanent. MR. LACOSTE felt, and GENERAL MCNAUGHTON agreed, that if rotation was to be continued, then it should be among all members and not merely between two such as Gromyko had proposed.

MR. HANCOCK suggested that the question of terms of office could be left to the Committees themselves with some provisions for continuity. DR. TOLMAN thought that the chairman should hold office "at the pleasure of the committee".

GENERAL MCNAUGHTON then stated that he favored allowing Gromyko to present his proposal for a convention at the next session.

MR. DAVIS asked if Mr. Gromyko should be cross-examined on his proposal. GENERAL MCNAUGHTON felt that there was danger that the preparation of fixed questions would appear to be a gangup on the Russians. At this point MR. HARRY arrived and the plan to consolidate the Working Committee and Committee #2 was reviewed for him. MR. HARRY did not favor this consolidation and suggested instead that the Chairmen should be the same for the two Committees.

MR. GORDON, in reference to questions that might be put to Gromyko, believed that a demonstration of the inadequacy of a convention should be stressed.

GENERAL MCNAUGHTON suggested that the question should be carefully phrased with the thought in mind that the record would be sent to Moscow and that it might influence the people who call the plays there. Suggested that the past experience of the U.S.S.R. with pacts of this sort should be brought out.

MR. HARRY expressed the fear that Gromyko will try to maneuver us into a position of refusing to sign a convention. MR. HARRY believed that ultimately there should be no bombs held by the Security Council or any other organization.

GENERAL McNAUGHTON agreed.

MR. HARRY suggested that the Russians might ask for disclosure of the records of bombs produced and for the right to supervise disassembly.

MR. HANCOCK expressed agreement, at the proper time.

GENERAL McNAUGHTON suggested that we should indicate that it is not the U.S.S.R. we fear but rather some unknown government which may be developed at some time in the future.

MR. LACOSTE believes that the initiative now lay with the United States as a result of Gromyko's reply to the United States' proposals. He suggested that it was not [*now?*] up to the United States to state that a convention is essential, but that it is not sufficient in itself. He thought that Gromyko's first speech was written before Mr. Baruch's speech was delivered and that Gromyko's plan must be fully answered at this time in order to force new instructions for Gromyko.

MR. IGNATIEFF believed we should now concentrate on developing the questions or plans which had already been presented.

Department of State Atomic Energy Files

*Notes on a Staff Conference of the United States Delegation to the Atomic Energy Commission, New York, August 1, 1946, a. m.*²⁴

RESTRICTED

Present: Mr. Bernard M. Baruch
 Mr. John M. Hancock
 Mr. F. Eberstadt
 Mr. John Parks Davis
 Mr. Lincoln Gordon

This conference was preceded by a general discussion of the meeting of Committee No. 2 on July 31²⁵ and the problems raised by the reference to the Scientific Committee of the question of the technical possibility of control of atomic energy and the most effective means of carrying out such control. There was some speculation as to the considerations which motivated Mr. Parodi in breaking into the discussion of the Soviet proposal with his suggestion for this reference to the Scientific Committee. Some concern was also expressed, particularly by Mr. Eberstadt, that the discussions in the Scientific Committee

²⁴ Drafted by Lincoln Gordon.

²⁵ For the summary record of the 4th Meeting of Committee 2, July 31, see AEC, I, *Special Suppl.*, pp. 123-128.

might eventuate in a complaint that the United States was impeding progress by withholding technical information necessary to an understanding of proposed control measures.

The conference then proceeded to a review of the present status of the work of the Atomic Energy Commission and the desirable course of action in the immediate future.

Mr. Baruch stated emphatically that he felt that we have no real cause for disappointment at the progress to date. He felt that we had come along as quickly and as well as we should expect at this time.

Our goal remains a unanimous report adopting the principles of the American Plan. He said that no alternative to this goal is now under consideration and that no member of the Delegation should suggest in any manner that any thought was being given to alternatives.

Mr. Baruch said that we must endeavor to draw out the Russians on their ideas as fully as possible, and that we must avoid at all costs any humiliation of the Russians—even to the extent, if necessary, of some personal humiliation to ourselves. If any breach in the negotiations arises at a later date, it must not originate with us, and we must make it crystal clear that we have explored every possible avenue of agreement.

Mr. Baruch also said that in his judgment our plan was generous and just, and that we had the right as well as the power on our side. He saw no reason to believe at this time that the Russians would not be brought around, when they had had an opportunity for complete understanding of our proposals.

Mr. Hancock then outlined four lines along which he thought work should progress. They were as follows:

1. *Continuing Educational Work* to attain complete understanding of the American proposals among the other Delegations. This should include a much more detailed explanation than had as yet been given of the considerations which led the Lilienthal Board members to the conclusions in the Acheson-Lilienthal report. He suggested the possibility of talks by Dr. Oppenheimer, Mr. Charles Thomas and General Groves to joint sessions of the scientific and political delegates. Mr. Eberstadt suggested that we lay out a specific program for carrying out this educational work. This will, of course, have to be preceded by clarification of the effect of Section 10 of the McMahon Act.

2. *Informal Contacts with Other Delegations.* Mr. Hancock noted that members of our staff had been making increasingly useful contacts with staff members of the other Delegations. He felt that there was a need for systematic informal discussion at frequent intervals with the heads of other Delegations by the heads of our Delegation. Mr. Eberstadt suggested that a regular timetable be developed for this purpose, so that we are sure that no Delegation is overlooked.

3. *Treaty Drafting.* Work is already under way on the early stages

of drafting a treaty incorporating the American proposals, under the supervision of Mr. Fahy. Mr. Hancock suggested that Professor Manley Hudson might usefully be brought into this work. There was no decision on this point.

4. *Stages.* The elaboration of the stages in which the American plan would be implemented is a major substantive task for the Delegation at this time. Mr. Hancock felt that it may be desirable to develop our proposal on stages as part of the draft treaty. Mr. Eberstadt suggested that a Working Committee including Dr. Oppenheimer (or Dr. Bacher) and Messrs. Fahy, Volpe and Gordon devote a period of two weeks of concentrated effort to this problem, developing a memorandum for further consideration by the Delegation.

Department of State Atomic Energy Files

*Notes on a Conference Between Members of the United States and Canadian Delegations to the Atomic Energy Commission, August 1, 1946*²⁶

CONFIDENTIAL

Present :	<i>U.S.</i>	<i>Canada</i>
	Mr. B. M. Baruch	Gen. McNaughton
	Mr. John M. Hancock	Mr. G. Ignatieff
	Mr. F. Eberstadt	
	Mr. John Parks Davis	
	Dr. R. C. Tolman	
	Mr. F. Lindsay	

General McNaughton referred to the interrelation between current negotiations at Paris Peace Conference and negotiations here. The French have told him that they believe that the Russians may attempt to shift the focus of world attention from the Paris Conference to New York. They may try to condemn the United States for its failure to implement its professed desire to eliminate the atom bomb because of its refusal to sign the proposed Russian convention.

Ignatieff referred to the French move during yesterday's meeting which resulted in diverting the questioning of Gromyko on his proposals.²⁷ He believed that Parodi was simply trying to be helpful and to forestall any possibility of an immediate crack-up.

Mr. Baruch felt that possibly the various delegations did not even now fully understand each other. For the present, discussion must continue.

Mr. Hancock believed that the Russians would consider it to their interests to continue negotiations and avoid an open break.

²⁶ Drafted by Franklin T. Lindsay.

²⁷ For the summary record of the 4th Meeting of Committee 2, July 31, see AEC, I, *Special Suppl.*, pp. 123-128.

Mr. Baruch stated there has been a tremendous change in public attitude toward Russia. We must do everything we can to reach an agreement; nevertheless, ultimately we must face the facts. If we have made every effort to reach an agreement, we can then face a break with a clear conscience. He further stated that the United States would not trade and that this problem was far too important to do any trading about.

Mr. Eberstadt agreed that our negotiations must be studied in light of concurrent negotiations at Paris and at the forthcoming General Assembly. He asked General McNaughton if he thought Russia had anything to gain by forcing a break at this time. General McNaughton replied that he believed that if Russia finds that she is going to lose the initiative at Paris with respect to her political domination of Europe, it may become advantageous to transfer the center of attention to New York.

Mr. Eberstadt believed there was an additional danger that the Scientific Committee might report that it was impossible to further consider the problem because of the refusal of the United States to make available the necessary scientific information.

General McNaughton suggested that the next meeting be opened by statement from one of the delegates requesting Gromyko to further elaborate his ideas on how effective control might be achieved through the Security Council. He added that Canada would assume the chair when the meetings would be resumed at Lake Success. He believed that it would be an opportune time to review the work that had been done and to re-focus the Commission's attention on the basic problems to be solved. He asked whether or not the United States Delegation had any suggestions for such a statement.

Mr. Baruch said that the American Delegation would be glad to review the situation and to make suggestions to General McNaughton.

Mr. Baruch made a further statement that we must be fair and decent in our relations with the Russians, but that at the same time we must also be fair and decent to those people we represent.

Dr. Tolman arrived and reported that the Scientific meeting today had gone along more successfully than any previous meeting.

Mr. Hancock stated that he still had not a definitive answer to the question General McNaughton had raised at the previous meeting concerning the interpretation in the McMahan Bill on the provisions limiting publications of technical information.

Mr. Gordon stated he felt there was a danger that there might be a premature discussion of the Security Council during the next session of the Legal Committee and that this discussion might upset plans for discussion on the same subject in the next meeting of Subcommittee No. 2.

It was decided that the United States Delegation would discuss this

problem with Van Kleffens²⁸ before the Legal Committee meeting and attempt to work out a solution with him. Mr. Ignatieff said that the Australians appear to be pushing for a showdown and that he was quite concerned over this. Apparently Evatt had left instructions to the Australian Delegation to force the issue on the veto as much as possible.

General McNaughton said that he planned to leave for Ottawa on August 8 and to return the 15th. He would then have a few days before the first meeting at Lake Success during which he could work out with United States and other delegations a plan of action to be followed.

Mr. Hancock suggested that general report from the various American scientific societies outlining research projects which they had on their books might be helpful to the general situation. General McNaughton suggested that visits to a few laboratories or plants, or to the Canadian Chalk River Plant might be desirable.

SWNCC Files

Minutes of the Twelfth Meeting of the State-War-Navy Coordinating Committee Ad Hoc Committee on Military and Security Functions of the United Nations Organization, Washington, August 14, 1946, 11:30 a. m.

SECRET

Present

Rear Admiral Davis²⁹
 Captain Gladney
 Commander Moore

Mr. Hiss, Chairman
 General Crain
 Mr. J. E. Johnson
 Mr. Haselton

Major General Lemnitzer³⁰
 Major General Anderson³¹
 Colonel Cress
 Colonel Griffin

Absent: Mr. Hickerson

Mr. Hiss opened the meeting by explaining that it had been called to review the present status of the work of the Military Staff Committee. The specific purpose was to deal with the problem created with

²⁸ Dr. Eelco Nicolaas van Kleffens, Foreign Minister of the Netherlands; Representative on the Security Council and the Atomic Energy Commission and in the General Assembly; presumably, at the time the present document was drafted, Chairman of the Legal Advisory Committee of the Atomic Energy Commission.

²⁹ Rear Adm. Arthur C. Davis of the Joint Strategic Survey Committee of the Joint Chiefs of Staff.

³⁰ Maj. Gen. Lyman L. Lemnitzer of the Joint Strategic Survey Committee of the Joint Chiefs of Staff.

³¹ Maj. Gen. Samuel E. Anderson of the Joint Strategic Survey Committee of the Joint Chiefs of Staff.

respect to work on the special military agreements provided for in Article 43 of the Charter by the fact that the Soviet Delegation to the Military Staff Committee has not yet submitted a statement of basic principles.

Mr. Hiss added that it has now been proposed by the U.S. Delegation to the Military Staff Committee that General Kenney, in his capacity as Chairman of the Military Staff Committee, address a letter to the Soviet military representative reminding them that they have promised the paper and asking them when it might be expected. Mr. Johnson then presented a brief history of the matter, stating that a Military Staff Committee subcommittee, charged with the formulation of recommendations as to basic principles, had agreed on March 28 that all delegations should hand in a statement of basic principles by April 3. This subcommittee has held only one meeting, on April 3. The statements of the other four delegations were submitted at that time, but the Soviets presented no paper. Being thus stymied in the subcommittee the other delegations agreed to establish a separate subcommittee to make recommendations regarding a standard form of agreement for the provision of armed forces. This body has met regularly; the Soviets, however, have not participated in its discussions although they have sat in the meetings.³²

The opinion was expressed by members of the *Ad Hoc* Committee that the Russians were doubtless waiting for all the other delegations to show their hands and that the present situation therefore placed the Soviet representatives in an advantageous position. It was also the view of the Army and Navy members of the *Ad Hoc* Committee that there might be further unfortunate publicity regarding this long delay which would, unless something were done about it, be directed not at the Soviets who deserve it, but at the Committee as a whole.

It was *agreed* that General Kenney should send such a letter as was proposed, doing so in his capacity as Chairman. It was suggested that, following the anticipated unsatisfactory reply from the Soviet delegation, General Kenney might propose in the Military Staff Committee that, since no further substantive business could be transacted in the circumstances, the Military Staff Committee might adjourn pending receipt of the Soviet paper. Mr. Hiss pointed out at this point that the U.S. Delegation to the Military Staff Committee should be careful not to give an impression that it was withdrawing from the Committee, but should merely indicate that there is no further business re-

³² On August 27 the subcommittee, considering a standard form of agreement, submitted to the Military Staff Committee a draft based on the United States proposal, not printed, which had been used as a basis for discussion. The Military Staff Committee, however, took no action on the subcommittee report pending agreement on basic principles. (IO Files)

quiring the Committee to meet. He thought that if other delegations desire periodic meetings, the U.S. Delegation could agree, leaving junior officers to attend. The *Ad Hoc* Committee agreed that this might be the best procedure.

General Lemnitzer stated that General Kenney, before sending his letter, desired direct assurance that the State Department has no objection on political grounds to this action. It was agreed that Mr. Hiss should confer with Mr. Acheson the following day and then transmit the State Department's views directly to General Kenney informing General Lemnitzer as well.³³

Admiral Davis asked whether the U.S. Delegation to the Military Staff Committee has instructions to reveal the U.S. position beyond submission of the statement of principles. In reply, it was stated that the U.S. views on a standard form of agreement have been presented to the appropriate subcommittee as authorized by instructions, but that no further material contained in SWNCC 219/8 has been given to other delegations on the Military Staff Committee.

Mr. Johnson raised the question whether there might be a way around the difficulties presented by the Soviet refusal to submit a paper on basic principles. Specifically, he suggested that, if the Soviet Delegation does not submit a statement of principles, the U.S. Delegation might inquire whether the Soviets have any suggestions as to other ways in which the Committee might proceed with its work. It was the *sense of the Committee* that such a procedure would not be desirable at the present time. It was also the *sense of the Committee* that the U.S. Delegation to the Military Staff Committee should pursue a less active and vigorous role and should not continue to press ahead in the absence of a Soviet paper on basic principles.

In reply to a question as to whether the State Department now feels that the matter might be taken up through diplomatic channels, a procedure that had been decided against when the question was raised in May by Mr. Stettinius, Mr. Hiss said that he had spoken to Mr. Hickerson on this matter and that the latter felt that any representations through diplomatic channels would be both ineffective and politically undesirable.

Colonel Griffin inquired as to the reason why the United States

³³ In a memorandum of August 15 Mr. Hiss indicated that he had discussed the subject with Mr. Acheson that morning. Mr. Acheson had felt that there were no objections from a political point of view to the General's proposed action. Mr. Hiss accordingly informed General Kenney of that by telephone and told General Lemnitzer of this action. (501.BC/8-1546) General Kenney addressed a letter, dated August 14, of the nature contemplated at the present meeting, to General Vasiliev, the Soviet Representative on the Military Staff Committee. General Vasiliev replied by letter on August 23 that the Soviet Delegation was continuing to study Article 43 but was not yet in a position to present its views or renew discussion. (IO Files)

wished to expedite arriving at special military agreements, apart from the fact that the Charter mentions haste in concluding the agreements. Mr. Hiss replied that public-relation-wise it would benefit the United Nations if the Military Staff Committee actually could conclude the special military agreements. It was pointed out at this juncture that some publicity might be discreetly given to the press if it were desired to indicate the cause of the delay in going forward with the agreements. Mr. Hiss remarked, however, that the press in the United States was already familiar with the delay in the Military Staff Committee and the cause of it, adding that the Military Staff Committee's report to the Security Council would, when published, indicate the lack of progress which the press, again, could not fail to see and analyze, since it already knew that the Military Staff Committee had a directive from the Security Council to proceed with this work.

Mr. Johnson indicated that at the San Francisco Conference a number of delegations indicated a suspicion that the U.S.S.R.'s support of Article 106 of the Charter was based on the possibility of using it to postpone indefinitely the conclusion of special military agreements.

General Lemnitzer inquired as to the result of the conference with certain Senators who had raised some objections to the United States statement of basic principles. Mr. Hiss informed him that at the last conference the Senators had agreed to withdraw their objections.

[Here follows brief discussion of other subjects.]

General Anderson pointed out that a British proposal had been received by the U.S. Delegation to the Military Staff Committee which provided for a member nation placing all of its military forces at the disposal of the Security Council. The opinion was expressed that agreement to such a plan would be very difficult to obtain in the United States. When the question was asked whether a working group should prepare a position on this subject, it was *decided* that the *Ad Hoc* Committee would wait until comment on the subject had been received from the U.S. Military Representative in New York. It was pointed out that General Kenney had indicated that a number of other Delegations apparently would favor such a proposal. It was further *agreed* that the *Ad Hoc* Committee would consider the matter further when the views of the U.S. Military Representative on this British suggestion had been received in Washington.

The Committee rose at 12:40.

JOSEPH E. JOHNSON
Executive Secretary

Department of State Atomic Energy Files

*The Commanding General, Manhattan Engineer District (Groves),
to Mr. John M. Hancock of the United States Delegation to the
Atomic Energy Commission*

SECRET

WASHINGTON, August 16, 1946.

DEAR MR. HANCOCK: I am inclosing two copies of the memorandum on stages which we have been working on and discussing over the past several weeks.

These are for your files.

Sincerely yours,

L. R. GROVES
Major General, USA

[Enclosure]

Memorandum for Discussion With the United States Delegation

Subject: Stages of Transition to Full Control by the Atomic Development Authority

The proposals put forward by the United States for the establishment of the ADA envision a series of progressive stages so designed as to furnish safeguards against breach of faith by any nation or nations. This is particularly important in view of the reliance now placed by the United States on the atom bomb as a counter balance to the enormous military establishment maintained by Russia. In the event of a breakdown in international cooperation, security, not only for the United States, but for the world, will be impossible if the military strength of this country, and this means the atomic bomb, is seriously impaired. While it is essential that our timing be such as to avoid an impasse, yet it is vital that we come to grips at the outset with troublesome political problems which are inherent in the proposed step-by-step evolution of an internationally controlled agency.

The spelling out of a comprehensive plan in terms of the functions, the responsibilities and the authority of a control agency will entail lengthy discussions to bring about a reasonable understanding of the proposals advocated. Yet such discussions should not require any material change in the special position of the United States. The information essential to this understanding has already been disclosed. A large body of additional scientific information will probably be published in the near future with the approval of the Manhattan District. Accordingly, an outline of proposed stages may be limited to that which will follow after a treaty or charter has been ratified by the necessary nations.

Recognizing that the preparation of a timetable or scheduling of

steps is dependent on negotiation and the requirement of agreement, the initial importance of any consideration of stages lies in the formulation of a plan which provides a basis for agreement and at the same time affords the security desired. The rights and obligations of the signatory powers will have to be most carefully defined. The problem of the participation of countries not now represented, and therefore without voice in the Atomic Energy Commission, cannot be postponed indefinitely. These countries must accept the plan before the initial stages are put into effect.

In the following outline an attempt is made to spell out a suitable sequence of events or stages. It will be evident that certain of the proposed stages leave little room for compromise. Where the authority or powers of ADA must be firmly fixed, comment is made outlining the reasons for this position.

First Stage: Unrestricted Survey by ADA of World Resources of Raw Materials in the Ground.

a. Establishment of complete access to all sections of the world by ADA representatives with the requirement that all countries will cooperate in facilitating their travel and work.

Note: ADA engineers, geologists, and surveyors must be able to inspect thoroughly all known mines and occurrences which they think are of interest and to explore all sections of the world to locate undisclosed or unknown deposits. They must be able to acquire such samples and make such assays as they desire.

b. Establishment of means for carrying forward development work and for setting up research facilities to determine new or improved methods of extraction and concentration particularly in the field of low-grade ores.

Note: This will assist in determining a safe cut-off percent. *The failure to achieve this stage in practice will mean that any cooperative effort will fail.*

Second Stage: Interchange of Information on Deposits of Raw Materials.

a. Disclosure by all countries of complete information on deposits of raw materials within the jurisdiction of each country. This would include the furnishing of all desired information concerning geological occurrences, specimens, prospects, assays, ores and residues.

b. Review of such data and other published information by ADA geologists, mining engineers, and surveyors.

c. Development of additional information as required by ADA.

d. Establishment of facilities for sampling and assaying and for obtaining samples or specimens by ADA representatives.

e. Organization and maintenance of inspection of known and newly discovered sources.

Note: This system should be progressively expanded as subsequent stages are undertaken.

f. Disclosure by all countries of current and past production figures of worked deposits.

Third Stage: Establishment and Maintenance of Control Over Deposits of Uranium and Thorium and Other Materials Vital to an Atomic Energy Program and Over Facilities Used for Their Extraction and Concentration.

a. Establishment of control over mines.

Note: The form of control will depend on the type of occurrence and the amount of the estimated reserves. It will also be greatly influenced by whether the materials occur in conjunction with other products of value and in such case whether they are the primary or the by-product. The form of control might be mere inspection; licensing of production with ADA control or ownership of tailings; exclusive purchasing plus inspection; or outright ownership.

b. Establishment of control over facilities used for extraction and concentration of uranium and thorium.

Note: Form of control may vary as in the control over mines. With full accomplishment of this stage some curtailment of U.S. operations in the atomic energy field will be inescapable.

Fourth Stage: Establishment and Maintenance of Control Over Any Facilities Devoted Exclusively to the Refining or Processing of Uranium or Thorium.

[Note:] The form of control may vary as in the control over mines. The possibility of illicit operations by industries in allied fields will be greatly reduced by rigid controls over the ore itself. The obligations of participating countries must be clearly defined.

Fifth Stage: Establishment of Research Facilities Under ADA.

a. Furnishing by U.S. of scientific and technical information essential to peacetime uses.

b. Establishment of ADA research facilities to carry on development work in the field of "safe" activities.

c. Establishment under ADA control and supervision of small nuclear reactors and similar scientific research tools within the several States.

Note: Such piles would be designed, constructed, and operated as determined by ADA.

Note: Once this stage is initiated the U.S. will be under great pressure to furnish active materials in increasing quantities of

enriched active materials of varying concentrations. This stage will require broad discretion and authority on the part of the U.S. government authorities to deal with private interests and governmental agencies.

Sixth Stage: Disclosure by U.S. of Scientific and Technical Information Including Data Dealing With Design, Construction and Operation of Large Scale Production Plants.

a. Disclosure of all data essential to "safe" operations.

b. Disclosure of all data essential to "dangerous" operations up to but not including the atomic bomb itself.

Seventh Stage: International Ownership and Operation of Primary Production Plants.

a. Turning over to ADA by the U.S. of its primary production plants, (and by any other country having such plants).

b. Construction and operation of similar plants in such places as might be provided for under the convention or by later agreement.

Note: Scientific and technical advances will determine the technical and economic desirability of duplicating U.S. plants or the feasibility of adopting new methods.

Eighth Stage: Turning Over to ADA by U.S. and by All Other Countries of All Scientific and Technical Data in Their Possession Concerning Atomic Weapons.

Ninth Stage: Destruction or Turning Over by U.S. of All Stocks of Bombs. Turning Over by U.S. of All Stocks of Material for Peaceful Endeavors (and by Any Other Country Having Such Stocks). The ADA Assumes Exclusive Control Over All Dangerous Activities.

Assuming that the ADA will develop into an effective operating agency and that there would be full and effective cooperation by the important participating countries the following timetable would seem to be reasonable. It must never be forgotten that the degree of completion of each stage must govern the rate of progress rather than any calendar.

<i>Stage</i>	<i>Possible Time of Starting Stage, Measured in Months from the Starting of the First Stage</i>
First	0
Second	18 to 24
Third	24 to 30
Fourth	30 to 38
Fifth	32 to 44
Sixth	33 to 50
Seventh	42 to 60
Eighth	48 to 66
Ninth	50 to 72

For the purpose of discussing this problem within the Commission itself when an appropriate occasion arises a paper should be prepared using this document as a basis. The paper, however, should be more general in its approach. The introductory remarks could well be expanded while the detailed schedule should be replaced with a discussion of the gradual evolution and development of the ADA as envisaged by the U.S.

Department of State Atomic Energy Files

*Notes of an Informal Meeting Between Members of the United States and Canadian Delegations to the Atomic Energy Commission, New York, August 20, 1946, 3: 30 p. m.*³⁴

RESTRICTED

Present: Mr. B. M. Baruch
Mr. Hancock
Mr. Eberstadt
General McNaughton
Mr. Ignatieff
Mr. Jarvis
Mr. Gordon
Mr. Lindsay
Mr. Arneson

MR. HANCOCK stated that he had been able to get no definite time schedule on the work of the Scientific and Technical Committee. It seemed likely that its preliminary report would be somewhat delayed.³⁵ He stated that we were prepared, now that we are perfectly clear on the interpretation of the McMahan bill, to bring such men as Lilienthal and Thomas to speak before the Scientific and Technical Committee, Committee No. 2, or both.

MR. BARUCH pointed out that he has been most anxious that the pace not be forced; that we do not drive Gromyko into a corner so that a reasonable attempt to understand could not be forthcoming. He stressed the conviction that a slower educative approach was necessary and that our present emphasis on the work of the Scientific and Technical Committee was a concrete manifestation of this conviction.

³⁴ This document was drafted by Mr. Arneson and dated August 21.

³⁵ At its 4th Meeting, July 31, Committee 2 had requested Committee 3 (the Scientific and Technical Committee) to present a report on whether effective control of atomic energy was possible and to provide an indication of the methods by which effective control could be achieved. Committee 3 completed this report by the end of August, but final action was not taken until September 26 due to reluctance on the part of the Soviet Union to accept it. For text of the report, see AEC, I, *Special Suppl.*, part IV.

GENERAL McNAUGHTON agreed emphatically that we could not push for a break now simply because the matter has not as yet been fully explored.

MR. IGNATIEFF reported on his recent conversations in Ottawa with the Undersecretary of State. Mr. Ignatieff said that the Undersecretary felt as we did that any further pursuing of the political aspects would simply bring about a deadlock or a complete breakdown of the negotiations. He felt, therefore, that we should concentrate for the present on the scientific and technical aspects of the problem. Mr. Ignatieff suggested that it would be wise strategy to allow the break if it must come between the Western World and the U.S.S.R. to occur somewhere else in the world, rather than in these particular negotiations. He urged that we must concentrate on securing the allegiance of world opinion to our plan and that every endeavor should be made to secure the support of all nations who must join in any international control which may be established if that control is to be effective.

In reply to a query from Mr. Gordon as to how the Scientific and Technical Committee report might be discussed in Committee No. 2, MR. IGNATIEFF suggested that the report should be considered only an interim report and that Committee No. 2 should refer back to the S. & T. Committee requests for more detailed information.

MR. EBERSTADT [said] that he thought the S. & T. Committee report was an admirable document, one which had avoided quite successfully the ticklish political aspects of the problem. For example, while setting off danger points against points of control, the report does not say *who* shall exercise the control that seems necessary. He thought it was perfectly clear that even if the Soviets do eventually accept international control of atomic energy they would make every attempt to secure all the advantages they could possibly obtain by a program of delay. Yet, it must be remembered that our work is only a part of a much larger picture and that our tactics would have to be oriented to the progress of negotiations in other places, as, for example, the Paris Peace Conference. He felt that, whatever we do and however we may proceed in the negotiations, it was quite likely that we would finally come out with a 10 to 2 report. We must have patience but that patience must be tempered with the realization that we may not get a unanimous AEC report.

MR. EBERSTADT suggested three alternatives:

1. A preliminary progress report by the AEC to the Security Council—

The AEC might very well prepare a preliminary progress report as a means of summarizing negotiations to date. This might well be done at the end of General McNaughton's chairmanship and should not

contain any recommendations or hard-and-fast conclusions, but merely bring the events of the preceding 90 days together in one document. Mr. Eberstadt thought this procedure would constitute a sort of minor warning to the world and to the United Nations that time was running out and that soon the AEC would have to come to close quarters with the real points of divergence.

2. A draft convention.

The draft convention might be presented toward the end of General McNaughton's term after the preliminary report of the S. & T. Committee had been received. Preparation of the draft convention obviously would be difficult at this stage, inasmuch as many facets of the problem had not yet been fully explored, as, for example, the matter of "stages". This alternative would be a much sharper challenge to the Soviets and would bring the disagreements to a head more sharply.

3. Continuation of the seminar technique.

Continuation of more detailed discussion of the elements of control and of the scientific and technical facts lying behind the American proposal would, if not supplemented by more specific action, bring about increased public impatience with the progress of negotiations.

MR. IGNATIEFF felt that public opinion was already resigned to the concept of two worlds. The public was thinking that a break was inevitable and was resigning itself to it. He queried whether something could be done to change this public attitude.

MR. EBERSTADT replied that he thought a statement could be in the preliminary report of the AEC to the Security Council which would help to dissipate this prejudgment which the public has been tending to make. He thought that after reviewing the record of proceedings for the past three months the report might state that the next stage of negotiations would be a reconciliation of points of view and a further analysis of the technical and scientific facts underlying the problem.

MR. BARUCH felt that General McNaughton might very well make an opening statement, as the new chairman, in which he would review the proceedings of the past two months, ending with a statement of the problem as indicated by the discussion thus far but without any specific recommendations. He went on to say that he planned to talk with Gromyko on Wednesday³⁶ in order to ascertain, if possible, just what was going on in the Soviet mind. He supported the idea of a preliminary survey of negotiations to date with stress on the fact-

³⁶ August 21.

finding character of the next stage of negotiations and the attempt to secure a reconciliation of points of view.

GENERAL McNAUGHTON expressed strong approval of the report of the S. & T. Committee, pointing out that it was in reality the first official report of the Atomic Energy Commission and its subcommittees. He thought that the report was essentially sound, that it did not weaken the American view, and that it had the real merit of being a new source document to which all could refer in future discussions. In other words, while it followed the lines of the Acheson report and the Baruch Plan, it did not suffer from their disabilities in that it was not an American report but an AEC report.

MR. EBERSTADT said it was more important that we have a sound report, even if that meant a split in voting, than simply to get a unanimous vote on a report which was too weak.

MR. BARUCH pointed out that the tide of public opinion is running very strongly against the Soviets. He remarked that even many of the so-called liberal groups had commented to him that they were no longer able to support many of the actions which the Russians have recently taken. Jokingly, he commented that he was being branded a communist, since he was trying to work with Gromyko in a patient and understanding fashion. He remarked cryptically that we must be prepared one day to say: "Good Morning Death!"

MR. IGNATIEFF remarked that the chief preoccupation of all nations was for security and that the concept of two worlds offered precious little in the way of security. Therefore, we must make every attempt to join these two worlds.

MR. EBERSTADT asked what the alternatives would be if a real split occurred. He pointed out the difficulties of determining what nations would have to be excluded from *our* world, citing, as an example, Poland. He mentioned Section 51 of the United Nations Charter, commenting that we might, at some time in the future, have to remind the Soviets of the power inherent in that Section. He pointed out the danger that was inherent in any two world alternative. If this came to pass we would be accused by public opinion of having devised a plan which was obviously unacceptable to the Soviets with the full realization that they would reject it and then having revealed our real intentions by proposing an atomic alliance against them.

GENERAL McNAUGHTON stated that he would press for the completion of the preliminary report of the S. & T. Committee with the idea of having it presented formally to the full Atomic Energy Commission. He promised to talk to Captain Alberto about some sort of resume of the past two months of negotiations.

Department of State Atomic Energy Files

*Notes of a Meeting Between the United States Delegation to the Atomic Energy Commission and the United States Representatives on the Military Staff Committee, New York, August 22, 1946, 3 p. m.*³⁷

CONFIDENTIAL

Present: Mr. Baruch	Admiral Turner
Mr. Hancock	General Kenney
Mr. Eberstadt	Lt. Gen. Ridgway
Mr. Searls	Lt. Gen. Haislip
Dr. Tolman	Maj. Gen. Lemnitzer
Mr. Gordon	Maj. Gen. Groves
Dr. Fleming	Brig. Gen. Kibler
Mr. Johnson	Brig. Gen. Cabell
Mr. Lindsay	Colonel Gilmer
Mr. Howard	Colonel Harris
Mr. Arneson	

In welcoming the United States Members of the Military Staff Committee to the meeting, Mr. Hancock stressed our desire to have any views they might wish to make at any time. He said that we were open to suggestions and observations of whatever sort they would care to make on any occasion. This meeting was called primarily to cast up a number of problems on which we thought the Military Staff Committee would be especially well qualified to make recommendations. Taking up the points raised by the memorandum distributed to the group the discussion that ensued was as follows:

A. Relations of the Atomic Energy Commission to the Security Council on security matters

MR. HANCOCK suggested that the Military Staff Committee might attempt to formulate a precise meaning of Paragraph 2(b) of the Resolution of the General Assembly of January 24, 1946, which states that any matters affecting security the Security Council shall issue directions to the Commission and that on security matters the Commission shall be accountable for its work to the Security Council.

B. Other major weapons adaptable to mass destruction

Pointing out that the terms of reference of the AEC included recommendations for the elimination from national armaments not only of atomic weapons but of all other major weapons adaptable to mass

³⁷ This document was drafted by Mr. Arneson and dated August 23.

destruction, MR. HANCOCK asked for the views of the Military on this point.

GENERAL RIDGWAY felt strongly that we should not attempt to expand the scope of our work at this time to include other weapons. GENERAL KENNEY strongly concurred in this view, as did General GROVES. GENERAL GROVES expressed the view that the problem would become hopelessly complicated if effort were made to expand the terms of reference at this time. He thought that we should keep the "other weapons" in mind and plan to recommend at a later stage that negotiations be started on them. ADMIRAL TURNER pointed out that if the terms of reference were expanded at this time we would be faced with a very difficult job of definition, that, in fact, the term "weapons of mass destruction" was as vague as the term aggression which the United Nations has carefully avoided trying to define.

MR. HANCOCK expressed concern about the fact that there is no known means of effective control over biological warfare and that an attempt to include BW in our work might play into the hands of Gromyko, inasmuch as all we could propose for BW would be a mere convention. MR. SEARLS said that the problem was further complicated by the fact that the Commission might very well end up with a split report.

C. Stages

Referring to the U.S. proposal which recommends that the establishment of an ADA should proceed by stages, MR. HANCOCK enquired whether the Military had any concern about this phase of our proposal. No criticism was raised. He stated that we were anxious to get the views of the Military on this as quickly as possible, since we would probably have to be prepared to make some presentation to the Commission on this question within the next three or four weeks.

MR. BARUCH pointed out that both Senators Connally and Vandenburg had been most emphatic on the need to proceed by stages and that the stages idea was deeply embedded in the Acheson-Lilienthal report.

GENERAL GROVES differentiated two different concepts on stages as follows:

- (1) the stages relating to the progressive inclusion of other weapons after the atomic bomb had been handled, and
- (2) a sort of stages-within-stages concept in which control over a given weapon would proceed step by step. He reported that Secretary Byrnes had assured and reassured him on several occasions that it was the Secretary's intention that the problem of atomic energy and the establishment of an international control body should proceed stage by stage.

ADMIRAL TURNER pointed out that there was some confusion between the idea of stages in the establishment of the ADA and the idea of

having the work of the AEC proceed by separate stages. The original tri-partite statement (Truman, Attlee, King) called for the establishment of an International Authority by separate stages. On the other hand the Resolution of the General Assembly stated that the work of the Commission should proceed by stages. When Senator Vandenburg saw the Resolution he insisted on a clarification. On his return from London Secretary Byrnes did clarify the meaning of this concept, insisting that the establishment of an International Authority should be by separate stages so devised as to assure a balance of security among the participating nations.

1. *Destruction of the bombs.*

ADMIRAL TURNER pointed out that we have made no definite commitment to destroy our stocks of atomic bombs. We have simply stated that we propose that existing stocks of bombs should be disposed of at a late stage in the establishment of the ADA "pursuant to the terms of the treaty". There seems to be a general feeling in the public mind that the United States has agreed to destroy the bombs once an ADA has been established and is in effective operation. Admiral Turner felt that this opinion might be dangerous and there might be some occasion to clarify this at a later date. He felt that before we give any definite commitment on this point we should seek a final opinion of the Joint Chiefs of Staff.

MR. HANCOCK stated that our thinking had not completely jelled on the question whether there should be any atomic bombs anywhere in the world or not. He did indicate, however, that the problem would seem to be an easier one if there were no bombs anywhere in the world. That, of course, raised the question of how a violator would be dealt with if no bombs existed. MR. BARUCH considered this a question on which we wanted help from the Military people.

GENERAL RIDGWAY remarked that it was his understanding that our position was that bombs would be disposed of only after actual proof of good faith on the part of all nations had been demonstrated through every stage of the establishment of the ADA. This he thought was the only sound position that could be taken on the matter. MR. HANCOCK pointed out this difficulty however: the decision as to when bombs should be disposed of could not be made in our discretion alone. It is probable that some formula would be written into the treaty which would leave that decision to the ADA itself. In any event the treaty would have to state very specifically just what conditions had to be met and who would decide that those conditions had been met.

GENERAL KENNEY suggested that the Military Staff Committee should be the organ to check on whether specified conditions actually had been reached. This would have the merit of retaining the veto, in the sense that the Military Staff Committee reports to the Security

Council. MR. EBERSTADT thought that General Kenney's suggestion was a very good one, at least on certain types of conditions. GENERAL GROVES pointed out that the stages will probably have to overlap in order to avoid undue delay. Even in providing for overlap he found that a minimum of five years was required. The overlap feature might complicate this matter of certification and make it more difficult for the Military Staff Committee to check. He suggested that the Military Staff Committee would probably have to take the testimony of the ADA as first evidence that a particular stage had been met. This was so because many technical considerations were involved which only the ADA would really be in a position to understand. MR. EBERSTADT pointed out that giving this kind of function to the Military Staff Committee would tie in very nicely with their general responsibility for recommendations on disarmament.

MR. HANCOCK asked whether this question of Military Staff Committee participation in the stages picture could be raised formally with the military. In reply ADMIRAL TURNER said he thought that the question should be raised by us directly with the Government. He thought that the Joint Chiefs of Staff would need a specific request in writing in order to consider the question. MR. HANCOCK replied that much discussion would be needed on this point and said he was not sure that it should be raised formally at the moment. He hoped that the Military Staff people would think about this question.

MR. BARUCH remarked that we had been depending on General Groves to keep the Chiefs of Staff fully informed of our operations and likewise to keep us informed of questions that the Joint Chiefs had on their minds.

2. *Alternative plans.*

GENERAL GROVES felt that if we were unable to get a unanimous report through the Security Council the alternative would be nothing at all. MR. EBERSTADT felt very strongly that we should not even contemplate an alternative plan at this stage. He felt that there was grave danger inherent in any situation that might lead to our proposing an alternative plan simply because many would think that we had purposely put forward an original plan which was obviously unacceptable, and that what we were really trying to do was to come out with an atomic alliance against Russia.

MR. HANCOCK said that it is not our job to consider alternative plans but that this question was one with which the Military Staff Committee should be very much concerned. GENERAL GROVES remarked that the Military Staff Committee might inform the Joint Chiefs of Staff that the Delegation has no alternative plan in mind.

MR. SEARLS remarked that we were obliged to report *a* plan, even if that plan could not be unanimously agreed to. Mr. Eberstadt in-

sisted that this plan must be fully adequate and must be one which would necessarily provide that all nations must join in.

MR. BARUCH stated that we would be interested in another plan only if it were stronger and better than the one we have already put forward.

GENERAL GROVES stressed the need of conducting the negotiations in such a fashion as to make it perfectly clear to the world that the plan we sponsor is a fair and reasonable plan which has been worked out openly and patiently. It must be clear that Russia had been given every possible chance to understand and to accept. He thought this sort of procedure was essential whether we felt that the Russians would accept it or not. Then in the event that the plan is rejected by the Russians we could be sure of the support of the world and especially the support of American scientists on any course of action we might then find necessary.

MR. HANCOCK explained that he had carefully avoided using the word compromise in reply to Gromyko's accusation that we were offering a take-it-or-leave-it proposition. This was a bit of tight rope-walking with the view in mind of not falling into Gromyko's trap, while at the same time, avoiding any implication that we were willing to compromise. He stated categorically that we have no intention whatever of compromising the basic principles of our plan. In fact, our plan represents the minimum that is required to bring about an effective, workable system of control. He pointed out that there were, of course, certain aspects of the plan that had not yet been elaborated and that in these cases we would want to accommodate the views of other delegations as far as this was possible without compromising our basic requirements.

D. *Strategic balance*

MR. EBERSTADT expressed the view that the ADA could not be given unlimited power to decide the location of plants and the general question of strategic balance. He thought that the ADA might be required to confer with the Military Staff Committee on this kind of question and, indeed, to secure approval from the Military Staff Committee on its proposals. GENERAL KENNEY thought that the ADA might be required to secure at least recommendations from the Military Staff Committee. GENERAL GROVES felt that the Military Staff Committee might be given the same power on the question of location of plants as on the question of stages. He did not feel that the Military Staff Committee should be empowered to pass on location of all ADA installations but primarily on the location of large plants. In response to a question from Admiral Turner, General Groves said he thought the

Military Staff Committee's power should extend to the physical location of individual large plants.

ADMIRAL TURNER thought that the question of locating plants would not be very difficult, inasmuch as the Big Five are not only strong militarily, but are the chief industrial powers and that primary production plants would logically be placed in their respective territories. MR. EBERSTADT, however, pointed out that there would be considerable pressure from backward countries to have power plants located in their territory.

E. Destruction of Atomic Bombs

MR. HANCOCK stated that this was one of the most difficult of problems on which to arrive at a sound decision and that he was anxious to have views of the Military men present.

GENERAL KENNEY thought that the United States should retain a stockpile of bombs to be held in trust and available to the Military Staff Committee force on call from the Security Council. MR. EBERSTADT posed two alternatives: (1) a quota of bombs to be turned over to a common pool, or (2) to have no bombs in existence. He did not think that the proposal that the U.S. keep a stock of bombs as its contribution to the Military Staff Committee force would be an acceptable one to other nations. He felt that if bombs were to remain in existence they would have to be possessed physically by the United Nations force. He felt, furthermore, that not to have any bombs was more in accord with the overall objectives of the United Nations. GENERAL LEMNITZER remarked that while it might be much easier to get agreement on a treaty which provided there would be no bombs, he felt that the absence of bombs in the hands of an international body would put a premium on a nation's getting atomic bombs and using them.

MR. EBERSTADT suggested that the stages concept might be a useful one to consider here. A formula might be devised looking toward a period when bombs would finally be destroyed, but that a series of stages leading up to this final objective might provide first, for a period of trusteeship by the U.S., later possession of bombs by the United Nations force and so on to final destruction. He pointed out that calculated risks must be taken all the way along in this problem. Risks cannot be avoided. We must simply try to make them as balanced as possible. MR. SEARLS expressed full agreement with this idea. MR. GORDON pointed out that one of the more serious aspects of this question was the fact that with bombs existing in the world, the warning period would be very short, while, if all bombs were destroyed and possession of them made illegal, nations would have a considerably longer period of warning.

ADMIRAL TURNER pointed out this difficulty: in an atomic age a premium will be put on speed of reprisal for any violation of the treaty. If atomic bombs remain in existence reprisal could be much quicker and more effective.

There was some discussion of a point raised by GENERAL CABELL that bomb components might well be distributed among several powers in such a way that no one nation could use them. These components could be called in by the Security Council for use, if this were necessary. Among the objections raised to this idea were the following:

1. Big Power veto.
2. Loss of instantaneous use of the weapon which would in turn negate the purpose of having bombs available at all. This objection would apply even if it were provided that the bombs could be called into use by a simple majority vote of the Security Council.

F. *Other uses of atomic energy*

GENERAL KENNEY asked if atomic energy were prohibited for use in bombs, could it be used to make other weapons more effective. DR. TOLMAN replied that in the present state of the art, the use of atomic energy for ship propulsion seemed to offer some real possibilities. GENERAL KENNEY then asked whether such a possibility was prohibited. MR. EBERSTADT'S view was that such use would be prohibited, inasmuch as the terms of reference speak of atomic *weapons*, rather than merely atomic *bombs*. He said this was not an easy question to answer but that it was his impression that this interpretation was correct. He cited the fact that Gromyko always refers to atomic weapons and not to atomic bombs.

ADMIRAL TURNER expressed the view that it would be absurd to encourage the utilization of atomic power for freighters, while prohibiting its use for warships. DR. TOLMAN pointed out, however, that there was far less likelihood of, or need for, use of atomic power in freighters than in warships. MR. HANCOCK pointed out that there would be real danger in allowing battleships to employ atomic power plants, inasmuch as these power plants could manufacture fissionable material.

On the question of the use of radio-active materials as a kind of weapon for war, DR. TOLMAN felt that this possibility did not now seem feasible and could not be until a satisfactory method of dispersing the material by fine sprays had been worked out.

G. *Commercial Problems*

MR. HANCOCK raised the question about providing some sort of quota system on raw materials to prevent on the one hand, hoarding of fissionable materials by any one nation, and on the other hand, the

depletion of supply in another country. GENERAL GROVES pointed out that the value of uranium and thorium is so great in a national security sense that there would be tremendous pressure to search out all possible sources of supply. There would also be great pressure to increase technical mining efficiency so as to get at the low-grade deposits. He stated that it was within the realm of possibility that one day a method would be devised for recovering uranium from the ocean.

H. *Inspection*

There was some general discussion about the question of opening industrial plants and military reservations to inspection by an International Authority. GENERAL GROVES felt that it would not be difficult to hide any of the Oak Ridge processes in some of our larger industrial plants. ADMIRAL TURNER thought that we should be willing to open up all of our industrial plants to inspection, provided reciprocal concessions were received from other countries. He recognized that the chief difficulty with this idea had to do with preservation of trade secrets in industry.

I. *The moral issue of using the bomb*

MR. HANCOCK mentioned that he was somewhat concerned that pressure would be built up in this country condemning the use, and continued manufacture, of the atomic bomb. He queried whether we should not take steps in the near future to ward off this sort of public opinion development. GENERAL GROVES felt that it would be quite unwise to have this question debated but thought that it might be wise to do whatever could be done privately to head off this kind of development.

In closing the meeting, MR. HANCOCK said that we might have to be ready with specific proposals on stages within a period of three or four weeks. He hoped that the Military Staff Committee members would give us the benefit of their views on this question as soon as possible. He reiterated that the Military Staff Committee members should feel free to talk with us at any time on any problem on which they might care to express their views.

501.BC/8-2946 : Telegram

*The Acting United States Representative at the United Nations
(Johnson) to the Secretary of State*

URGENT

NEW YORK, August 29, 1946—midnight.

[Received August 29—11:30 p. m.]

527. The following is an unofficial translation for the press of statement by Ambassador Gromyko, before the Security Council, 29 August,

1946 proposing that UN members report on their troops stationed in certain foreign territories :

“In connection with the war the United Nations waged against their common foes—Hitler Germany and militaristic Japan—troops of certain powers, members of the United Nations, were situated on the territory of several countries, members of the United Nations, and certain countries which had not participated in the war, for the purpose of driving out the German and Japanese aggressors, or to prevent invasion by Axis troops. After these tasks had been completed and the war had ended and Germany and Japan were put under the control of Allied occupation forces, some Allied troops were withdrawn from the above-mentioned territories. However, according to the available information, Allied troops still continue to be situated on the territory of several member states of the United Nations and other states, not including the former enemy territories.

The presence of Allied troops for so long a time after the end of the war, a presence which is not called for by military necessity, must provoke natural uneasiness in the peoples of those countries in which foreign troops are still stationed. Further, world public opinion, which is interested in the establishment of peace as soon as possible and the maintenance of collective security, follows with open concern the situation which has been created in the above-mentioned countries.

The Security Council should therefore study the question of the maintenance of Allied troops at the present time on the territory of member states of the United Nations and other states, with the exception of former enemy territories. The Security Council, however, has not at its disposal information on where in the territory of member states of the United Nations and other states, excepting former enemy territories, troops of other member states of the United Nations are situated, and on the number of these troops. Taking into account the duties of the Security Council provided for in Chapter 7 of the Charter of the United Nations, the Security Council should be informed on the question of where the armed forces of member nations of the United Nations are stationed in the above-mentioned territories and on the number of these troops. In connection with this, I submit, on instruction of the Soviet Government, the proposal that the Security Council should take the decision to require states members of the United Nations to submit to the Security Council within two weeks the following information :

1. In which places in the territories of member states of the United Nations or other states, with the exception of former enemy territories, and in what number are armed forces of other members of the United Nations stationed.

2. In what places in the above-mentioned territories are situated air and naval bases, and the strength of their garrisons, belonging to the armed forces of other member states of the United Nations.

3. The information mentioned in paragraphs 1 and 2 should be submitted as of August 1, 1946.”³⁸

JOHNSON

³⁸ For the official translation of Gromyko's statement including the Soviet proposal, see United Nations, *Official Records of the Security Council, First Year, Second Series, No. 5*, pp. 141-142. Hereafter cited as SC, *1st yr., 1st series, No. 5*.

740.00119 Council/8-3046: Telegram

The Acting Secretary of State to the Secretary of State, in Paris

TOP SECRET

WASHINGTON, August 30, 1946—6 p. m.

4508. Secdel 791. I discussed with Judge Patterson³⁹ and Acting Secretary of Navy Kenney this morning Gromyko's statement to SC yesterday (unofficial translation being relayed to you separately)⁴⁰ proposing that UN members report on their troops in foreign territories. We agreed as follows:

1. Purpose of Soviet proposal is obviously propaganda.
2. Best counter propaganda would be for our representative to state in SC when proposal comes up, possibly next Tuesday or Wednesday, that we see no objection in principle, that we have nothing to hide, but we feel basis should be broadened to include armed forces located in former enemy territories. We would then move that Soviet proposal be amended by striking out exception of former enemy territories.
3. If Soviet vetoed our amendment we would then feel free to veto their original proposal.
4. If Soviet accepted our amendment we would make all information called for available; reporting all combined U.S. forces in excess of 100.
5. With regard to bases referred to in section 2 of Soviet proposal we interpret meaning as calling for report from us only on eight 99-year lease bases plus Panama and Cuba.

We urge that you discuss foregoing with Bevin before making such a proposal in view of UK position in Greece and the Near East. If you approve proposed course of action we shall instruct Johnson in New York accordingly.

ACHESON

501.BC/8-3146: Telegram

The Acting United States Representative at the United Nations (Johnson) to the Secretary of State

SECRET

URGENT

NEW YORK, August 31, 1946—10 p. m.

[Received August 31—9:48 p. m.]

534. Cadogan has received instructions from the Foreign Office and comment from Mr. Bevin regarding Soviet proposal that the Security Council ask for full data regarding military forces stationed in foreign countries.

Following is substance of Foreign Office instructions to Cadogan.

³⁹ Robert P. Patterson, Secretary of War.

⁴⁰ Telegram 527 from New York, August 29, *supra*.

This telegram was repeated to Mr. Bevin in Paris and his comment will be outlined later.

British Foreign Office comments that the scope of the Soviet proposal is by no means clear. They suggest two alternatives.

(1) That a robust line be taken by the British representative as soon as the provisional agenda on which this item appears is under discussion. Cadogan should denounce the Soviet move as another typical and irresponsible maneuver designed to damage the prestige of the Security Council, and to declare that he will vote against placing it on the agenda provided his U.S. and French colleagues can be brought to agree.

(2) It is suggested that the British representative inquire at the Council meeting what provisions of the Charter are involved in the Russian proposal and on what grounds the Security Council could properly call for such information. Perhaps the Russians have chapter 7 of the Charter in mind. British Foreign Office points out that this line of approach would afford an opening to comment on the manner by which the Military Staff Committee has been hamstrung in its work through lack of instructions to the Soviet representative. The type of information called for by the Soviet demand should normally be asked for by the Council on the advice of the Military Staff Committee. The fact that this is not so in the present case coupled with the urgency of the Soviet demand suggests that the Council is being asked by Russia to presume some danger to the maintenance of international peace exists in the presence of troops in foreign countries. If that is the real intention of the Russians, their request should be re-framed to make this point clear. Until this is done, the Soviet proposal is irrelevant and inconsistent with the procedure of the Charter.

The British Foreign Office itself prefers this second alternative. It feels that this method would serve to expose to public view the Russian attitude to the Military Staff Committee and would also offer an opportunity to force into the open the Russian attitude toward foreign troops in former enemy countries, expressly excluded in the Russian request. (See penetrating comment in leading editorial, *New York Times*, August 31.)

Mr. Bevin has sent a telegram to Cadogan commenting on the foregoing. He states that he prefers the first alternative providing Cadogan can bring his U.S. colleague to concur. Mr. Bevin says the British cannot take a stronger line than the U.S. and points out that the Russian proposal is aimed at the presence of U.S. troops in China as well as British troops in Greece and elsewhere. Cadogan is instructed by Mr. Bevin to make every effort to secure concurrence of both his American and French colleagues in this matter. In a passage of his telegram which was garbled and the meaning of which the British here consider to be uncertain, Mr. Bevin apparently instructed Cadogan under no circumstances to vote in favor of the Russian request being placed on the Council's agenda.

I understand from telephone conversations with officers in the Department that we are considering meeting the Russian demand openly and giving full information as we have nothing to hide or apologize

for. There may well be advantages in following this line rather than either of the lines suggested by the British. I think it important, however, that our action in this matter be carefully concerted with the British and that we agree together and follow the same line. From the Russian point of view, we are both in the same position and our rejoinder would be greatly weakened in effect if we take divergent lines. Whatever line we take, we should consider a counterblast at Russia with well-documented details.

There was nothing in Cadogan's message from the Foreign Office or the one from Mr. Bevin to indicate that Mr. Bevin had discussed this matter with the Secretary. He may have done so. In any event, I request that this telegram be immediately repeated to the Secretary in Paris for his consideration.

JOHNSON

501.BC/9-246

The British Secretary of State for Foreign Affairs (Bevin) to the Secretary of State

TOP SECRET AND PERSONAL
IMMEDIATE

PARIS, 2 September, 1946.

DEAR JAMES: Before we meet this afternoon I ought to let you know that I have been in touch with London about the suggestion which you made to me yesterday that we should counter the Gromyko resolution at New York by challenging the Russians on their troops in the ex-enemy countries.⁴¹ I am confirmed, after these consultations, in my original conclusion that your suggestion would lead to very grave difficulties for the British Commonwealth and I must tell you frankly that we are absolutely opposed to it. There are very fundamental reasons for this attitude which I will explain to you confidentially this afternoon.

For our part we shall feel obliged to instruct Cadogan to vote against the question being put on the agenda of the Security Council.

Yours sincerely,

ERNEST BEVIN

501.BC/9-246 : Telegram

The Secretary of State to the Acting Secretary of State

SECRET

URGENT

PARIS, September 2, 1946—11 p. m.

[Received 8:18 p. m.]

4396. For Acting Secretary for Johnson from the Secretary. Reference New York's 534, August 31. Soviet proposal that the Council ask

⁴¹ No record of the conversations under reference has been found in the Department of State files.

for full data regarding military forces is of course propaganda. My first reaction was to advise offering an amendment to make certain that it would apply to Russian troops in ex-enemy states. However, British believe it would be followed by request for number and location of naval vessels. They will oppose placing subject on the agenda. Therefore, I advise that we take same position showing that request would not require statement from Soviets as to their troops in ex-enemy states. Johnson should assert it is ridiculous so far as we are concerned because newspapers daily publish the number of our troops in foreign territories and that no American soldier is in any country which has not requested the presence of such soldiers except those in ex-enemy states.

[BYRNES]

Department of State Atomic Energy Files

Memorandum by the United States Representative on the Atomic Energy Commission (Baruch)

CONFIDENTIAL

[NEW YORK,] September 3, 1946.

On reading the scientific reports, the only query I had—because of my ignorance of the subject—was whether we were releasing information that was not necessary to an understanding of the subject. Dr. Tolman, General Farrell⁴² and General Groves have assured us that practically all of it is information that has been given out at different times in the Smyth and Acheson-Lilienthal reports and various scientific newspaper and magazine articles. It only has been correlated here—something that could be done and doubtless has been done by others.

I have always been puzzled about the amount of secrecy that was connected with the production of atomic energy. We do know that certain pumps have been ordered by the Russian government. We do know they try to buy certain raw materials. We do know they have received information and small samples through their spies in Canada and probably in other places.

The object of the scientific report was to show the necessity of controls at various points. I think it clearly does that. I hope that it will convince those who heretofore did not approve of the American proposals that the proposals were fair and just in the circumstances. The acceptance of this report will be evidence that controls and inspections are necessary. The public should be acquainted with the facts that there

⁴² Maj. Gen. Thomas F. Farrell, Associate United States Representative on the Atomic Energy Commission.

is nothing new and the security of the United States has not been affected, as evidenced by the statement of those who best know (Dr. Tolman, Gen. Farrell and Gen. Groves). We should be careful not to put ourselves in the position of really having told anything that was not necessary. As a matter of fact, it now appears that they already had all that was necessary and it had only to be correlated—which, as stated above, they doubtless had already done.

This makes all the more puzzling to me the paragraph referring to the necessary giving of information to make the proposals more understandable in the Acheson-Lilienthal report. I appreciate that later on, if the A. D. A. is set up and it progresses, that more information of a secret nature will have to be made available, but only after a treaty is signed for controls, inspections and punishment.

We have to face very soon the fact that Brazil, Egypt and Mexico will be replaced. Therefore, some decisions must be heard before their exit and others come on the scene.

BERNARD M. BARUCH

USUN Files ⁴³

*Memorandum of Conversation, by Mr. M. Gordon Knox, Adviser,
Permanent United States Delegation to the United Nations*

[NEW YORK,] September 4, 1946.

De Rose (France), in answer to a query, said his delegation had received no instructions on the Soviet request for military information. He added it was his personal and unofficial guess that France would support the U.K. and U.S. in this matter.

He said that the matter did not concern France directly, but that France was concerned by the Soviet attitude at the Peace Conference ⁴⁴ during recent weeks and might be inclined to adopt an anti-Russian viewpoint to this Soviet inquiry if it should become a political rather than a purely technical matter. His delegation would not want to discuss the question now because it lacked instructions. However, if instructed to oppose its placement on the Agenda he could think of many reasons. Two reasons he advanced were: There was no complaint, hence the matter was outside the Charter; the question is properly the concern of the MSC which has been blocked for months by Russian recalcitrance.

⁴³ Files of the United States Mission at the United Nations.

⁴⁴ For documentation on the Paris Peace Conference of 1946, see volumes III and IV.

USUN Files

*Memorandum of Conversation, by Mr. M. Gordon Knox, Adviser,
Permanent United States Delegation to the United Nations*

[NEW YORK,] September 5, 1946.

Dr. Hsu⁴⁵ told USdel on September 5 that his chief (Hsia)⁴⁶ had strong opinions on the Soviet request for military information, but would be influenced by the American viewpoint. He said China would not like a prominent part in any debate, because of the present situation in China.⁴⁷

The Chinese delegation's opinion was that the matter should not be admitted to the Agenda because it is not covered by the Charter and to admit it would open a "floodgate" for other inappropriate inquiries. An alternative possibility of broadening the inquiry to include enemy states would be useful, but would not offset these objections, in the view of the Chinese.

Department of State Disarmament Files

*Position Paper Prepared in the Office of Special Political Affairs*⁴⁸

SECRET

[WASHINGTON,] September 5, 1946.

PCA D-5/2

TENTATIVE UNITED STATES POSITION AT THE FORTHCOMING MEETING OF
THE GENERAL ASSEMBLY WITH REGARD TO REGULATION OF ARMAMENTS

STATEMENT OF THE PROBLEM

If it is proposed that the subject of the regulation of armaments or disarmament be placed on the agenda of the General Assembly what position should the United States take?

RECOMMENDATIONS

1. While it is the traditional and present policy of the United States to support the regulation of armaments this Government does not believe an effective system for the regulation of armaments, except as regards atomic weapons and the international traffic in arms, can be established under present world conditions. Thus the United

⁴⁵ Dr. Shunsi Hsu of the Chinese Delegation to the Security Council.

⁴⁶ C. L. Hsia, Alternate Chinese Representative to the Security Council.

⁴⁷ For documentation on United States policy with respect to China, see volumes IX and X.

⁴⁸ This paper was a revision of an earlier draft in accordance with the suggestions of the Policy Committee on Arms and Armaments of September 3. It was transmitted to the United States Delegation at the United Nations as position paper SD/A/C.1/29, undated, titled "Regulation of Armaments." (IO Files)

States is not prepared to take the initiative of placing the matter on the agenda of the General Assembly and would prefer that the question not be raised at this meeting of the Assembly. If the general subject of the regulation of armaments or that specific phase of regulation dealing with the international traffic in arms is formally proposed for inclusion on the agenda, the United States representative should not oppose and should vote in favor of placing the matter on the agenda.

2. Once the matter is placed on the agenda of the General Assembly, the United States should recommend its reference to the Political and Security Committee for study and for report at the next session of the General Assembly.

3. If the Political and Security Committee should have the subject of the regulation of armaments under discussion, the United States representative at an appropriate time should propose the examination of the problems of the international traffic in arms by a subcommittee established for that purpose.

4. Should the subject of arms regulation arise in informal discussions, representatives of the United States should express to other delegations the view of this Government that while progress is possible at this time toward the regulation of atomic weapons and the international traffic in arms, action with respect to the overall regulation of other armaments appears premature in view of the major unsettled problems of peace and security. Foremost in their relation to armaments are the problems of the peace settlements, the enforcement of disarmament of the enemy states and the provision of forces to the Security Council in accordance with Article 43 of the Charter. It should be emphasized that the United States considers that the manner of the solution of these problems will affect substantially the eventual military requirements of member states, particularly the states having permanent membership on the Security Council.

DISCUSSION

1. *Charter Provisions*

a. Article 11 (1) of the Charter of the United Nations states that "The General Assembly may consider 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".

b. The jurisdiction of the General Assembly on this subject should be considered in connection with Article 26 which makes the Security Council "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". Although the right of the General Assembly to discuss the problems of armament regulation and make recommendations thereon cannot be questioned the responsibility for making plans in this field lies with the Security Council.

2. *United States position on regulation of armaments*

A definitive position on the regulation of armaments has not been formulated by this Government primarily because of the unsettled problems of peace and security referred to (3) below. However, careful study of the problem is being made and it is possible that the United States may initiate discussion of the subject in the Security Council or the Military Staff Committee sometime within the coming year. As the Security Council is responsible for formulating plans in this field it appears highly desirable that substantive proposals for armament regulation originate in the Security Council.

3. *Factors affecting timeliness of regulation proposals*

There is nothing to be found in the Charter or in the discussions leading up to its adoption to show that steps toward the regulation of armaments or disarmament should be taken prior to or independently of the solution of other problems affecting peace and security. Instead, the Charter provisions relating to the regulation of armaments reflect the current and widely accepted concept that armaments are a factor contributing to security and cannot be considered independently of other problems affecting international security. It can be argued that the adoption by the General Assembly at this time of a declaration of principles to govern armament regulation in the postwar period might accelerate action toward the settlement of other pending problems of peace and security. The pending problems are of such a nature, however, that until they are settled the armament requirements of the United States cannot be determined. Included among these problems are:

- a. The conclusion of the peace treaties,
- b. the enforcement of the disarmament upon the enemy states, and
- c. the conclusion of agreements for providing contingents to the Security Council pursuant to Article 43 of the Charter.

It can hardly be expected that an effective system for the regulation of armaments, exclusive of the urgent and special problems now being dealt with by the Atomic Energy Commission or of the international traffic in arms, the United States position on which is discussed elsewhere in this paper, can be established while these issues remain unsettled.

4. *Procedure for dealing with proposals, if submitted*

There has been no intimation that proposals for the regulation of armaments or disarmament will be submitted to the General Assem-

bly nor has the subject reached the agenda of the Assembly. It appears unlikely, therefore, that the General Assembly will consider this matter at the coming session. It is possible, however, that a member will submit a resolution on the subject or will request its inclusion on the agenda. In such event the United States should take no formal action which might be construed as opposing the consideration of the subject. The representative of this Government should support any formal action to include the regulation of armaments on the agenda.

If the General Assembly determines that the regulation of armaments should be considered at this time, the United States should recommend reference of the matter to the Political and Security Committee for study and for report to the General Assembly at its next session.

5. *International Traffic in Arms*

At the first session of the General Assembly in London, it was expected that the British would advance a proposal relating to the distinct phase of armament regulation which deals with the international traffic in arms. A tentative United States position was adopted with regard to the supervision of this traffic but the matter did not reach the agenda of the General Assembly at this meeting. Should a member propose the inclusion of the international traffic in arms on the agenda of the General Assembly the United States should give the proposal its full support. On the other hand if a proposal of this nature is not made and there is referred to the Political and Security Committee the question of the over-all regulation of armaments, the United States representative should at an appropriate time propose that consideration be given to the problem of the international traffic in arms. The United States should also propose the establishment of a subcommittee of the Political and Security Committee to examine this matter. A position along the line of that set forth in the addendum should be adopted. A more specific position on this subject will be made available if necessary.

Addendum

UNITED STATES POSITION WITH REGARD TO THE SUPERVISION OF THE INTERNATIONAL TRAFFIC IN ARMS

If the occasion arises the United States should be prepared to discuss the establishment of an international system of supervision over the traffic in arms (other than atomic weapons) in the forthcoming meeting of the General Assembly.

The position of this Government should be that a system of this nature can be instituted despite the unsettled character of arrangements for peace or the delay in establishing the security system pro-

vided for by the Charter. Generally speaking, it is felt that any system for the supervision of the international traffic in arms should contain the following elements:

1. Uniform domestic legislation to be enacted by states signatory to a convention for the supervision of this traffic. Such legislation should provide for:

- a.* Supervision by each government of the manufacture of arms, ammunition and implements of war within its jurisdiction, and
- b.* Licensing of exports and imports of arms, ammunition and implements of war.

2. A uniform definition of all articles to be considered as arms, ammunition and implements of war for the purposes of the system.

3. The systematic reporting to the United Nations of all manufacturing for export, and export of arms, ammunition, and implements of war.

4. The undertaking that exports of arms, ammunition and implements of war will be sanctioned by their governments only if such exports can be regarded as contributing to conditions of stability in recipient countries and to international peace and security. The interest of the Security Council in significant shipment of arms should be specifically recognized.

Department of State Atomic Energy Files

*Memorandum of Conversation, by the Chief of the Division of International Security Affairs (Johnson)*⁴⁹

SECRET

[WASHINGTON,] September 9, 1946.

PLANS AND PROSPECTS RELATING TO THE WORK OF THE ATOMIC ENERGY COMMISSION AND THE RELATION OF THE COMMISSION'S ACTIVITIES TO OTHER ASPECTS OF AMERICAN FOREIGN POLICY

Mr. John Hancock	} of Mr. Baruch's staff
Mr. Lincoln Gordon	
Mr. Frank Lindsay	
Mr. Joseph E. Johnson—IS	
Mr. Marks—U	
Mr. Blaisdell—IS	
Mr. Hiss—SPA	

I went to New York by previous agreement to have a discussion with Mr. Hancock and other members of Mr. Baruch's staff, on matters of common interest. During the discussion they indicated that:

(1) Mr. Baruch, and they themselves, have become increasingly conscious of the fact that their plans and activities have to be conceived

⁴⁹ The conversation here described occurred in New York on September 5.

in terms of the fact that U.S. participation in the work of the Atomic Energy Commission is very closely related to other aspects of U.S. foreign policy. They demonstrated a strong desire to make sure that what they are doing and will do is in line with over-all foreign policy considerations.

(2) They stated that the first report of the Scientific and Technical Committee had been completed and that it was expected the report would be adopted by the Committee at a meeting on Friday, September 6. They believed that there was a fair chance that the Soviet Representative, who had already indicated his personal agreement with the report, would receive instructions to accept it. (They realized that such instructions might not be forthcoming.)

(3) They desire to avoid raising political issues for as long as possible and believe it may be feasible to postpone any further discussion of political issues for a period of from a month to three months.

(4) They hope that the Scientific and Technical Committee can continue its work for as long as six weeks, exploring technical problems related to raw materials and production of atomic energy. They are not yet clear as to how much can be done in this field within the limitations imposed by considerations of security of information.

(5) There is also a possibility that the Soviets may again raise, at any time in the next three months, major political questions, possibly by forcing a vote on the original Soviet proposal.

With respect to (1) above, they asked me what bearing I thought the present acrimonious temper of discussions in the Security Council might have on the work of the Atomic Energy Commission. In reply I stated in effect that the temper of discussions and character of issues in the Security Council are not primary considerations. They result from general over-all relations to which the key is, in my opinion, the situation in Paris. I added that we in the Department who are concerned with Security Council affairs, constantly refer important policy decisions to the Secretary in Paris. This is done not so much because he is the Secretary of State but primarily because the peace conference and the Council of Foreign Ministers are at the present time the focal points in major international relations, particularly those with the Soviet Union. I endeavored to hint as strongly as I could that I felt Mr. Baruch would wish to consult the Secretary in Paris before making major policy decisions, for precisely the same reason. Mr. Hancock and his colleagues appeared to concur in my views and to agree that the policy decisions should be made in the light of over-all developments, particularly of the Secretary's policy in Paris.

With respect to (5) I was asked whether I thought it likely that Mr. Gromyko would force a decision soon on the Soviet proposal for the control of atomic energy. I replied that while I could speak with no assurance on this point I felt it unlikely that he would do so, saying that I could see no advantage from the Soviet point of view in forcing an early decision on this matter. Moreover, it seemed to me if the Soviets seek additional issues with which to point up their differences

with the West there are a number which they would choose before they choose that of the international control of atomic energy. Mr. Hancock and his colleagues appeared to agree that my estimate might be the correct one. Mr. Hancock added, however, that they are preparing material to be used when the political issues are raised again in the Atomic Energy Commission. Mr. Hancock nevertheless indicated clearly that Mr. Baruch's present desire is to avoid such issues. In this connection he inquired whether it might not be desirable for the Atomic Energy Commission to take a recess during the meeting of the General Assembly. I gave it as my personal opinion that this might be a good idea and suggested that it might be quite feasible to bring about such an adjournment. I pointed out that many of the Delegates on the Commission have several roles already and that the sessions of the Assembly would greatly add to their labors. I thought, therefore, that they might welcome, and possibly even initiate, a move for the adjournment of the Commission's work.

JOSEPH E. JOHNSON

501.BC/9-246 : Telegram

The Acting Secretary of State to the Acting United States Representative at the United Nations (Johnson)

SECRET

WASHINGTON, September 9, 1946—7 p. m.

185. 1. The following comments concern USSR proposal that Council obtain certain information regarding military forces and take into account Secretary's instructions on this subject (reference secret telegram 4396, September 2 from Paris).

2. We believe you should informally sound out those Council members likely to oppose USSR proposal to determine their positions and indicate to them we desire USSR proposal should be kept off agenda pointing out obvious propaganda nature of USSR proposal, inconclusive manner in which the Council's jurisdiction is invoked, and, if desirable, any further arguments mentioned hereafter. If it appears that there will be sufficient votes to preclude placing USSR proposal on the agenda in its present form, we feel that extended discussion in Council should be avoided. We hope in this manner to bring on early vote so Council can pass on to matters more in keeping with its responsibilities and dignity. It seems to us that under these circumstances short statement by you to this effect would suffice.

3. Should it appear doubtful from your informal conversations with other members that there is assurance of keeping this matter off agenda, and if you, therefore, will need to make extended arguments in Council, then you may in your discretion take initiative in Council in seeking to keep matter off agenda, provided others are unwilling

to do so. You may argue that we do not stand on technicalities when complaints are brought to attention of Council and indeed encourage full discussion of problems that concern Council. However, in this instance, USSR statement in no way indicates any relation to international peace and security or to the work of the Council.

a. The statements of "unconcealed anxiety" of world public opinion or of "natural uneasiness" cannot conceivably establish basis for considering the matter as dispute or situation under Chapter VI. Furthermore, USSR statement does not refer to Chapter VI.

b. While USSR statement refers to Chapter VII, there is nothing in that statement that can be construed as being threat to peace, breach of peace, or act of aggression.

c. We do not see what useful purpose, in relation to work of Council, desired information would serve. It is pertinent to inquire whether information is intended to relate to matters at present assigned by Council to MSC. How will it facilitate work of MSC if that is intention? ⁵⁰

CLAYTON

Department of State Atomic Energy Files

Notes of the Meeting of the United States Delegation to the Atomic Energy Commission, New York, September 10, 1946, 11 a. m.

CONFIDENTIAL

Present: Mr. Bernard M. Baruch
 Mr. John M. Hancock
 Mr. Ferdinand Eberstadt
 Mr. Fred Searls
 Mr. Herbert B. Swope
 Mr. T. F. Farrell
 Dr. Richard C. Tolman
 Dr. D. F. Fleming
 Mr. Lincoln Gordon
 Mr. Franklin A. Lindsay
 Mr. Albin E. Johnson
 Mr. Henry G. Ingraham
 Mr. Joseph Chase
 Mr. R. Gordon Arneson

The staff had before it a draft of a letter to the President concerning the status of negotiations and possible alternatives of future

⁵⁰ The Security Council considered the question of placing the Soviet proposal on its agenda at its 71st Meeting, September 23, and 72nd Meeting, September 24; see SC, *1st yr., 2nd Series*, pp. 423-442 and 443-460, respectively. At its 72nd Meeting, the Council decided not to admit the subject to the agenda by a vote of seven to two (Soviet Union and Poland) with two abstentions (France and Egypt).

action. The alternatives were: (1) to push ahead toward an open break, or (2) to proceed cautiously avoiding any votes and any aggressive action against the Russian intransigence.

MR. HANCOCK: While the draft memorandum to the President is an excellent one, it should not leave the President in the dark as to the course we would propose to take unless instructed otherwise by him.

MR. BARUCH: We have a clear duty to report in writing to the President the present status of the negotiations. It is obvious that the AEC negotiations are now only a sideshow in the international picture. In fact, these negotiations seem to have become more and more a State Department affair, rather than our affair. The sideshow must be tied in with the main rings of the circus. It may be that our group should become advisory to the State Department, thereby tying it in with general diplomatic maneuvers. In any event, it is important that we inform the President now how things stand.

We are handicapped by the failure of the President to appoint members of the domestic Atomic Energy Commission. Until this Commission is appointed, the situation regarding the disclosure of information remains very foggy.

MR. HANCOCK: Whether the members of the domestic Atomic Energy Commission are appointed soon or not, makes little difference to our operations. It cannot materially influence the course of our negotiations, nor can it simplify the problem of disclosure of information.

MR. BARUCH: Two alternatives that we could consider are these: (1) get work started in the Commission on the drafting of the treaty, or (2) prepare an interim report from the Commission to the Security Council. If we must adopt a temporizing procedure this might better be carried out by the bureaucrats.

MR. EBERSTADT: The draft statement should be amended to include this third alternative of preparing an interim report to the Security Council. (Mr. Eberstadt presented a draft paragraph which would accomplish this end).

MR. SEARLS: The statement should contain a specific recommendation from us as to the course of procedure we think should be followed. The statement should remind the President that whatever course of action is taken serious consideration must be given to the military needs of the country in the event negotiations break down.

MR. HANCOCK: In his statement of 27 August, Secretary Patterson clearly stated that the War Department must plan its operations on the contingency that no international agreement for the control of atomic energy may be reached.

MR. BARUCH: In strengthening our military potential against the day that negotiations may break down, efforts should be redoubled to accumulate stockpiles with raw materials and atomic bombs.

MR. HANCOCK: We should follow our present course of avoiding any definite break and avoid the taking of any votes and inform the President that we are doing so unless we receive different instructions. At the same time we must consider the question of whether it may be necessary to begin using threats to force the issue. We might raise this question with the President in the interim.

Concerning the report of the Military Staff Committee about which Mr. Baruch inquired, it is being sent to the Joint Chiefs of Staff in part as a means of needling them into action. As far as military policy as it relates to our negotiations is concerned, our group should receive these instructions not from the Joint Chiefs of Staff, but from the President.

MR. EBERSTADT: The value of using the Military Staff Committee in determining when the various stages to the treaty have been reached lies in the fact that the veto remains with the Big Five in the Security Council. There are four possibilities that might be considered in deciding when certain stages have been completed.

(1) The decision might be left with the United States alone. (It is most unlikely that any other nations would agree to this).

(2) Give the Military Staff Committee responsibility for determining when the stages have been completed.

(3) Leave this decision to the Security Council; and

(4) use the present Atomic Energy Commission as the review board to determine when stages have been completed. (Mr. Hancock felt this was the best alternative, since it would obviate the veto).

MR. EBERSTADT: We should describe to the President very clearly the impasse we have now reached and state that unless we receive instructions to the contrary we will continue our present methods of avoiding a break. We should express regret that the members of the domestic Atomic Energy Commission have not yet been appointed. We should point out that even though we continue to attempt to avoid a break, the President should be aware of the necessity of laying plans concerning our national security in the event negotiations fail, and should appoint the members of the domestic Atomic Energy Commission as soon as possible.

MR. BARUCH: There is urgent need for a coordination of our work with that of the domestic Atomic Energy Commission, the State Department, and the military authorities.

MR. FARRELL: We should press for a vote on the report of the Scientific and Technical Committee and throw the discussion of the whole issue back into the political committees.

MR. HANCOCK: We cannot afford to let the issue come to a head in the Atomic Energy Commission before the middle of November.

MR. EBERSTADT: We must bear in mind that we cannot control the

other delegates to the AEC. The British, French, and Canadian delegations had indicated pretty clearly that they do not want the issue forced. If the decisions were taken, however, to present an interim report to the Security Council, the other delegations would probably go along with us on this proposal.

MR. HANCOCK: Our group is not directly concerned with the nation's military policy. Responsibility on these matters rests with the President. We are charged with responsibility of carrying out an already established policy as regards negotiations leading to the establishment of an ADA and we must proceed in carrying out that objective unless and until our instructions are changed by the President. While we can remind the President of the military implications that flow from the progress of our negotiations, we should not presume to tell him how the military problem should be handled.

MR. FARRELL: An important point to make in connection with the need for the prompt appointment of the domestic commission is that until the commission is established no thorough program for the procurement of raw materials can be established.

MR. EBERSTADT: The advantage of the first alternative of pressing for a break lies in the fact that the public would be aroused to the dangers that confront us and the world, and it would result in widespread, popular support for military preparedness. Adoption of a policy of avoiding a break makes the necessity of prompt military preparations nonetheless imperative but the necessity appears less clear-cut.

MR. BARUCH: The statement to the President should point out the deleterious effect on the international situation of the disintegration of our economy at home.

MR. SWOPE: It may be necessary to effect an open rupture with the U.S.S.R. on the return of Secretary Byrnes from the Paris Peace Conference. The memorandum to the President should underscore Gromyko's specific refusal to accept our proposals either in whole or in part.

MR. BARUCH: In the absence of Secretary Byrnes there is no alternative but to report directly to the President on this situation. The President is entitled to know how things stand in order that he may decide whether any change of instructions is indicated. He is entitled to know all of the things we know about the negotiations and what our views are.

MR. SWOPE: Mr. Baruch should see the President personally and talk to him at length on the basis of points prepared in advance. There is no use kidding ourselves about the main issue. Russia is the stumbling block.

MR. BARUCH: It is quite clear that the other delegations would not go along with us at this time if we attempted to force the issue with the Russians. We have lost the initiative to Russia, and other nations are beginning to waver more and more. The longer we hesitate and the more we retreat, the more other nations will shift away from us. We are losing ground every day and we are in danger of losing the support of some of the nine we have had with us. It was quite clear in the discussion with Mr. Ignatieff that Canada wants delay. The same appears to be true of other delegations, notably the British and French and probably the Chinese as well.

MR. EBERSTADT: If we attempt to set a deadline for a vote on our proposal versus the Russian, it is quite probable that the French, British, Canadian, and Chinese delegates would not support us.

MR. HANCOCK: In the memorandum to the President we should point out that we are continuing to push forward on the policy established with the approval of the President immediately prior to the opening of the negotiations. We should remind him of the need for considering what steps this nation should take in the event our negotiations fail.

MR. BARUCH: We are all perfectly clear in our own minds that we must do everything we can to bring about the successful conclusions of our negotiations. Nevertheless, we are also clear in our own minds that we must tell the President now what the situation is.

MR. FARRELL: Whatever the outcome of these negotiations may be, our position will be strengthened if we refuse to retreat from our basic proposals. Even if we fail we must be able to say that we stood firm on our position.

MR. HANCOCK: The initiative has passed to the Russians and they may take advantage of these in forcing a break. For our parts we must not push for a breakdown unless we are instructed to do so by the President.

Concerning the report of the Military Staff Committee to the Joint Chiefs of Staff, it contains three recommendations which are quite controversial:—

(1) That the Navy should go ahead to develop atomic power for use in battleships. This proposal is absolutely contrary to established U. S. policy as transmitted to Mr. Baruch and cannot be countenanced if we are to have any effective system of international control of atomic energy.

(2) That a set of bombs should remain in existence for punitive purposes after the ADA is established. Strong arguments can be made on either side of this question. It is obvious that the chances of getting a treaty are much better if it provides that there should be no bombs in existence.

(3) That the Military Staff Committee should have responsibility

for deciding when the various stages have been reached and for passing upon the location of large atomic energy installations, including power plants. This raises the question of whether the Military Staff Committee would be infringing on the administrative operations of the ADA.

MR. SWOPE: In view of the confusion that exists in the public mind as to the provisions to the Baruch Plan, it would seem desirable to put out a reaffirmation of the Baruch proposals.

It was generally agreed that the draft of the memorandum to the President should be rewritten in the light of the comments above and that when rewritten it should be sent to Mr. Swope for final editing.

Department of State Atomic Energy Files

*Position Paper Prepared in the Division of International Security Affairs*⁵¹

WASHINGTON, September 11, 1946.

STATEMENT OF THE PROBLEM

If the question arises in the forthcoming General Assembly session as to whether the General Assembly should ask for a report on the work of the Atomic Energy Commission, what position should the United States take?

RECOMMENDATIONS

1. The United States should not take the initiative to request a report on the Atomic Energy Commission.

2. If another member of the General Assembly proposes that a report be requested on the Atomic Energy Commission, the United States Delegation might attempt to discourage the move informally but if there is substantial support for such a request he should not formally oppose it.

3. If a report is requested, the United States Delegation should take the position that it would be preferable that the Security Council be asked to request a report from the Atomic Energy Commission for the information of the General Assembly.

The United States Delegation should give the following reasons for the above positions:

⁵¹ This paper was transmitted by the Chief of the Division (Johnson) to Lincoln Gordon at the Delegation to the Atomic Energy Commission on September 11. Mr. Gordon replied in a letter of September 20 that it was entirely satisfactory to the Delegation. (Department of State Atomic Energy Files)

A report from the Atomic Energy Commission at this time would be preliminary and inconclusive and of little value to the General Assembly.

Since the General Assembly by its own Resolution of January 24, 1946, has obligated the Security Council to forward reports when appropriate, it is to be expected that the General Assembly will receive a report from the Security Council on the Atomic Energy Commission after the Commission has had more time to consider the problem. However, in line with the policy of this Government not to oppose discussion of questions it will not oppose any move to request a report if there is a substantial desire on the part of the members to request a report.

If a request for a report is initiated, it should be communicated preferably to the Security Council and not directly to the Atomic Energy Commission, in order that the Security Council, which is responsible for directing the security aspects of the Commission's work in accordance with the General Assembly Resolution, could establish guidance in terms of security directions for the preparation of the report.

DISCUSSION

1. *Can the General Assembly request a report on the Atomic Energy Commission?*

Article 15 of the Charter states, "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". Article 24, paragraph 3 states, "The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration". It is clear from the above Charter provisions that the Security Council has an obligation to make reports and the General Assembly has a right to receive reports.

The General Assembly, however, by its own resolution of January 24, 1946 established the procedure for the transmission of atomic energy reports to the General Assembly. "The Commission shall submit the reports and recommendations to the Security Council, and such reports and recommendations shall be made public unless the Security Council, in the interest of peace and security otherwise directs. In the appropriate cases the Security Council shall transmit these reports to the General Assembly and the members of the United Nations . . .".

The General Assembly, therefore, will receive reports on the Atomic Energy Commission in appropriate cases from the Security Council. However, there appears to be no restriction on the General Assembly assuming the initiative to request the Security Council for a report

on the Atomic Energy Commission. The General Assembly has a right to receive reports from the Security Council. The General Assembly established the Atomic Energy Commission and could modify its terms of reference, although as a political actuality this would be extremely difficult without general concurrence and backing of the permanent members of the Security Council. Finally, there is no evidence that the Charter silence on the question as to whether the General Assembly can take the initiative and ask for a report establishes a prohibition on the General Assembly action.

There is also no specific provision which would bar the General Assembly from requesting the Atomic Energy Commission directly for a report. However, inasmuch as the Security Council is responsible for directing the Commission on certain aspects of its work in accordance with the General Assembly Resolution of January 24, 1946, which states, "In view of the Security Council's primary responsibility under the Charter of the United Nations for the maintenance of international peace and security the Security Council shall issue directions to the Commission in matters affecting security", and inasmuch as the reports from the Commission must be cleared by the Security Council, it would seem preferable that the request for a report should be communicated to the Security Council for transmittal to the Atomic Energy Commission. This would allow the Security Council to send security directions, if considered necessary, to the Commission in order to provide guidance for preparing the report. The substance of the report and its time of transmittal might be affected, however, by questions of international peace and security which the Security Council alone can decide.

Conclusion: The General Assembly, therefore, has a right to request a report on the Atomic Energy Commission, and it would appear preferable that the Security Council be asked to request a report from the Atomic Energy Commission for the information of the General Assembly.

2. *Should the General Assembly request a report on the Atomic Energy Commission this year?*

The Atomic Energy Commission has been organized less than four months. In that time concrete but general proposals have been placed before the Commission. These proposals have been discussed but not in conclusive detail. It would not appear fruitful to the General Assembly nor judicious at this time to open up the discussion of these general proposals in the General Assembly through the vehicle of a report from the Commission. There would be the danger that the special problem of atomic energy control would be closely associated with the political lines drawn in the Assembly on general international

problems. The development of such a situation at this preliminary stage might decrease the chances of resolving the problems before the Atomic Energy Commission.

The General Assembly itself has recognized the special nature of the atomic energy problem. That special nature is being examined at the present time in the Atomic Energy Commission by scientists as well as representatives on the Commission. Until the Commission has had more time to examine the problem and discuss the proposals in detail a report would be inconclusive.

Conclusion: It would be inadvisable to have a report from the Commission at this time because such a report would be preliminary and inconclusive and, therefore, of little value to the General Assembly. Also a discussion on the report at this time might intensify problems rather than assist in their solution in the Atomic Energy Commission.

IO Files

*Summary of the Sequence of Events Relating to Work of the United Nations Military Staff Committee on Article 43 of the United Nations Charter, New York, September 12–September 18, 1946*⁵²

SECRET

On 12 September 1946, General Kenney arranged a private visit with General Vasiliev with a view to encouraging some action on the part of the Soviet Representatives. General Vasiliev was advised that the U.S. Delegation was about to submit a proposal for the subcommittee on basic principles to reconvene and continue with its work. General Vasiliev was encouraged to do everything possible in order that the Soviet Delegation could take part in the work of the subcommittee when it was reconvened.

On 13 September 1946, to further confirm the comment General Kenney had made to General Vasiliev, the U.S. Delegation submitted a proposal outlining the directive which the Military Staff Committee had received. The resolution which the subcommittee had adopted was also reviewed with emphasis placed on the fact that four members had complied with the resolution but since all members had not complied, the second meeting of the subcommittee had been delayed indefinitely. The U.S. Delegation therefore proposed that the Military Staff Committee consider whether or not it was desirable for the sub-

⁵² This document is an excerpt from document USMS/54/2, Enclosure "B," a summary covering the period February 15–October 24, 1946, submitted to the Joint Chiefs of Staff by the United States Representatives on the Military Staff Committee on October 25. Paragraph letter designations and references by document symbol to unprinted Military Staff Committee documentation which appear in the source text have been omitted. (IO Files)

committee to resume its work at an early date with instructions to study all available oral and written statements which may be presented by any members and to submit recommendations to the Military Staff Committee as soon as possible.

On 18 September 1946, at the 18th meeting of the Military Staff Committee, the U.S. proposal to resume work of the subcommittee on basic principles was considered. The Soviet Delegation made a long statement, it pointed out the question of the armed forces to be made available to the Security Council was a new question in history and a rather complicated one. In the course of the statement, the Soviet Delegation submitted a proposal entitled "The Purpose of the United Nations Armed Forces".⁵³ In submitting the proposal, the Soviet Representatives pointed out that they were only submitting the first question, namely the question of the Purpose of the United Nations Armed Forces, for consideration. It was pointed out that it was quite obvious that other questions such as the basic principles governing the organization of the armed forces and the employment of the armed forces would have to be discussed. General Kenney proposed that the subcommittee should resume meetings at an early date. The Soviet Representatives proposed further that the subcommittee should keep to an order of sequence in their discussions. The first principle questions which the subcommittee should consider and discuss was the question

⁵³ The Soviet proposal was as follows :

"1. All Armed Forces, made available to the Security Council by Member Nations of the United Nations, in accordance with Articles 42 and 43 of the Charter, are intended for the sole purpose of prevention or suppression of acts of aggression with the object of maintaining or restoring international peace and security.

2. The Armed Forces, made available to the Security Council by Member Nations, are placed at its disposal only for the period necessary to prevent or to suppress aggression.

3. The Armed Forces, made available to the Security Council by Member Nations of the United Nations, may be employed only by decision of the Security Council and only in such cases when measures, taken in accordance with Article 41, would be or have proved inadequate to prevent or suppress aggression and when the threat to world peace and security is such that it necessitates the employment of these Armed Forces.

4. These Armed Forces may not be employed for purposes inconsistent with the principles and the spirit of the United Nations Charter, with principles of equal rights and self-determination of nations, or for the purpose of suppressing national liberating movements or interfering in the internal affairs of a State.

5. After the Armed Forces, made available to the Security Council, have fulfilled their task of prevention or the suppression of aggression, they shall be withdrawn to their national territories in not more than days from the date of the termination of such activities, unless otherwise decided by the Security Council.

6. If for any reasons these Armed Forces remain in territories or territorial waters granted for the use of such Forces, under special agreements between the Security Council and other Member Nations, for the passage, stationing or action of these Forces against an aggressor, they shall be withdrawn to their national territories not later than 30 days after the termination of activities undertaken for the purpose of prevention or suppression of aggression, unless otherwise decided by the Security Council." (IO Files)

of the Purpose of the United Nations Forces. After the subcommittee had completed work on the subject of "Purpose" it should submit its recommendations to the Military Staff Committee for its consideration and approval. The proposal of General Kenney with the modifications proposed by the Soviet Delegation were adopted by the Military Staff Committee.

Department of State Atomic Energy Files

Memorandum by Mr. Franklin A. Lindsay⁵⁴ to the United States Representative on the Atomic Energy Commission (Baruch)

CONFIDENTIAL

[NEW YORK,] September 14, 1946.

Subject: Notes on Conversations With Australian, Canadian and Netherlands Delegations.

Mr. Ralph Harry, Evatts' Deputy, returned to New York yesterday after two weeks in Washington. He, together with McNaughton and Ignatieff, made a round of the other delegations in order to determine the general attitude toward the future of negotiations. Harry stated that he found among delegations other than Russia and Poland a fairly widespread feeling that agreement would prove to be impossible. They believe that the main consideration has now become the determination of the proper issues and timing so that the break will be made on terms to our advantage rather than to the Russians' advantage.

He indicated that there is general approval of the McNaughton plan of procedure for the next phase,⁵⁵ and that a major break should be avoided until after the minor treaties have been completed at Paris. However, he felt strongly that there was no weakening in any of the delegations on the substance of the American Plan.

He stated that it was his own opinion that very shortly work should be initiated on an outline treaty which could be submitted by majority vote to the Security Council. This treaty should be in sufficient detail to permit the possibility of last-minute Russian acceptance in the Security Council.

Such an outline treaty might be submitted to the Security Council together with a request for approval. If approval was forthcoming (including the five permanent members), the Security Council might then refer the document back to the Commission to be used as the basis of preparing a final treaty for signature. If, on the other hand, we are not to get acceptance by the five permanent members, the outline treaty

⁵⁴ United States Delegation staff member.

⁵⁵ Regarding General McNaughton's proposal, see Mr. Baruch's memorandum to the President, September 17, part III, p. 926.

would be far more desirable from our standpoint as it would not be necessary to settle all the questions upon which disagreement between the "friendly" members might arise. If we were to attempt to settle such disagreements at this stage, we would give the Russians the opportunity to exploit our differences to their own advantage.

At luncheon today, Beelaerts van Blokland, of the Netherlands Delegation, said that apparently there is a general stop order out from Moscow on the signing of all pending United Nations documents. The Russian Member of the Headquarters Commission has refused to sign their report pending approval from Moscow. In the Security Council, Russian approval of the report to the General Assembly has been likewise held up. He thought that the delay in signing our scientific report was due to a general order and was not directed specifically against atomic energy negotiations. It was probably a result of Paris disagreements.

He indicated approval of the McNaughton proposal and stated further that a break should be avoided until after the Paris conference.

He and van Kleffens have been working on a draft treaty which he stated was a "dressed-up edition of the American Plan". They had in mind that this might be submitted to the Commission to be used as a basis of discussion in preparation of recommendations to the Security Council. It seems to me that if we find that this document does not basically differ from the United States' proposals, it would be extremely advantageous to have it used as a basis of discussion, rather than submitting an American draft. He also expressed an opinion that if useful work can be done, there should be no adjournment during the period in which the General Assembly will be meeting.

FRANKLIN A. LINDSAY

501.BC/9-1446

The State-War-Navy Coordinating Committee to the Secretary of State

SECRET

WASHINGTON, 14 September 1946.

SWN-4744

Subject: Guidance for J.C.S. Representatives on the Military Staff Committee, U.N., on Making all National Forces Available to the Security Council.

Reference: SWNCC 219/8. The following memorandum is forwarded to the Secretary of State at the request of the Joint Chiefs of Staff:

"The United Kingdom representatives on a subcommittee of the Military Staff Committee of the United Nations have proposed inclu-

sion in the Standard Form of Agreement concerning the size and composition of the armed forces to be made available to the Security Council an article as follows:

'[Member Nation] guarantees to place, if requested by the Security Council, the whole of its national forces at the disposal of the Security Council so far as its other commitments and transport resources permit.'⁵⁸

"The British members on the subcommittee of the Military Staff Committee presently drafting a Standard Form of Agreement have already agreed to inclusion of Article II as set forth in the draft agreement in SWNCC 219/8. It is, therefore, concluded that the British intend their proposed article to be in addition to Article II instead of a replacement for it. It is noted, however, that in the memorandum proposing the new article to the subcommittee, the British representatives stated, 'An agreement of this nature would seem to eliminate the need for large predetermined forces under Article II,' and that a British representative stated in effect in a subcommittee meeting on 22 August that national contributions should be kept as small as possible and that, in order to do this, member nations should agree to reinforce these contributions by the method set forth in the proposed article. These statements indicate a trend of thought which, if adopted by all other member nations, might result in the Security Council having on call armed forces insufficient to cope with even foreseeable situations. The purpose of making contributions under Article 43 of the Charter which is 'in order to contribute to the maintenance of international peace and security' may be vitiated by this trend. Aside from the proposed article itself, this trend of thought on the part of the British is objectionable from the military point of view.

"If member nations pledge quotas commensurate with their resources, the forces permanently available under the provisions of Article 43 of the Charter should be ample for any need that can develop, short of major war. The outbreak of war among the major powers will mean that the United Nations has failed to achieve its purpose and will terminate the organization as constituted under the present Charter.

"It is considered that the political importance of the matter is paramount. Its military implications are nebulous because of the indefiniteness of the phrase 'so far as its other commitments and transport resources permit' and because possible political and popular interpretations of the proposed article are unknown. The question

⁵⁸ At the 3rd Meeting of the Sub-Committee for the Consideration of a Standard Form of Agreement Between the Security Council and Member Nations of the United Nations Concerning the Provision of United Nations Forces, the British representative raised the possibility of including such an article. The United Kingdom mentioned the proposal at several subsequent meetings without eliciting support from the other delegations. At the 7th Meeting, August 23, the United Kingdom offered two alternative drafts which simply specified that member nations had an obligation to provide additional forces should those listed in the annexes to the initial agreements prove inadequate. Later in the meeting, the United Kingdom accepted the view of the United States that the purview of the Sub-Committee was limited to agreements with respect to agreements providing for specific forces. It did not abandon the principle upon which its proposal was based. Therefore, while the Sub-Committee took no action on the British proposal, the possibility of subsequent discussion of it by the Military Staff Committee existed. (IO Files)

is primarily whether additional forces, if required, will be made available to the Security Council by negotiation between the Security Council and member nations *when or after* an emergency arises, or whether the United States will agree *beforehand* that all forces not required for other commitments will be made available if needed. This and other political implications contained in the British proposal are outside the competence of the Joint Chiefs of Staff but appear to be of major importance to the United States. The Joint Chiefs of Staff, therefore, feel they should have advice from proper governmental authority as to the attitude of the United States Government toward the British proposal before preparing and forwarding to their representatives on the Military Staff Committee a statement of the position to be assumed toward it. It is possible that in the light of the advice received, military objections will become apparent which are not now perceived because of the obscure nature of the implications surrounding the British proposal.

"It is requested that this memorandum be forwarded to the Secretary of State with the request that he furnish the Joint Chiefs of Staff, as a matter of priority, a statement of the United States Government's attitude toward the British proposal."

It is requested that the information desired by the Joint Chiefs of Staff be forwarded to the State-War-Navy Coordinating Committee for transmittal to the Joint Chiefs of Staff.

For the State-War-Navy Coordinating Committee:

ERNEST A. GROSS
for J. H. Hilldring,
Chairman

501.BC Atomic/9-2046

*Memorandum by The United States Representative on the Atomic Energy Commission (Baruch) to President Truman*⁵⁷

SECRET

NEW YORK, September 17, 1946.

Subject: Request for Further Statement of Policy for U.S. Representative, United Nations Atomic Energy Commission, in the Light of Proceedings to Date

The first stage of the work of the Atomic Energy Commission, which began three months ago with my statement of the United States

⁵⁷ Mr. Baruch came to Washington on September 18 to report to the President, but due to the fact that their conversation was devoted to the Wallace incident (see Mr. Hancock's memorandum, p. 932), Mr. Baruch did not deliver this paper at that time, instead transmitting it from New York on the following day. On September 26, the Department forwarded a copy to Secretary Byrnes in Paris. On September 25, Acting Secretary Clayton asked President Truman to defer a decision on Mr. Baruch's recommendations until the Acting Secretary had studied the memorandum and had had an opportunity to discuss it with the Chief Executive. (Department of State Atomic Energy Files)

plan for international control, is now coming to an end. A new phase is about to begin. The Commission's future course is so dominated by the general development of international policy that I feel it essential to report to you on the progress of our negotiations to date, to acquaint you with the issues, and to seek your instructions as to the alternative courses of action likely to face us in the near future.

I. ORGANIZATION AND APPROACH OF THE U.S. DELEGATION

The Staff of the United States Delegation has been organized so as to include experts in all of the various specialties required for our task. In my long experience, I have never been associated with a group of men of such outstanding calibre and unqualified devotion to the public interest. Many are serving entirely at their own expense. All are unstintingly sacrificing their personal interests and willingly undergoing inconvenience in order to further this work, so important to this nation and to the entire world.

In addition to the distinguished full-time scientific members of our staff, we have had the continuous assistance of a panel of outstanding scientists through whom we have kept closely in touch with the scientific profession at large. We have also maintained close contact with the Department of State, with the Joint Chiefs of Staff, with the United States members of the United Nations Military Staff Committee, with Major General Leslie R. Groves, representing the Manhattan Project, and with members of the Lilienthal Board of Consultants who prepared, last March, the State Department "Report on the International Control of Atomic Energy".

In accordance with the basic United States policy, confirmed in your instructions to us, we have provided other members of the Commission with the underlying scientific information "essential to a reasonable understanding of the proposals" we have advocated. It has been possible for our Delegation to fulfill this commitment without disclosing any information not contained in previously published scientific or official literature or not properly cleared under security provisions.

No secret information has been released in the course of the discussions. Obviously, even the mere discussion of published information inevitably helps to clarify the picture to some extent for the scientists of other countries. Such clarification has been contemplated as a part of our national policy ever since the Agreed Declaration of Washington announced by you and Prime Ministers Attlee and MacKenzie King last November, and is, of course, a prerequisite to any attempt to negotiate a treaty of the kind sought by our government.

In this connection, you should be aware that there is considerable doubt as to the precise extent of real secrecy surrounding the science

and technology of atomic energy. Much information has necessarily been revealed through the publication of the Smyth Report, the Acheson-Lilienthal Report, and scientific literature authorized for release in accordance with our national policy. Information has also been given in publications not presented for official clearance. We know of efforts by other nations to acquire a few items of industrial equipment specially adapted for use in certain atomic energy manufacturing processes. We also know of attempts by other nations to acquire atomic raw materials. Certain secret information and small samples of secret materials have been obtained through espionage activities in Canada, which are now a matter of public record. Similar activities are probably going on in this country. While expert testimony suggests a period of at least five years before any other country will be in a position to produce atomic weapons, we are not ourselves able to assess accurately the length of this margin of time. It is conceivable that this margin may be cut, especially under the pressure of an atomic bomb race.

Throughout the deliberations to date, we have adhered rigorously to your original instructions, on which my initial statement of the U.S. position was based. We have encouraged the presentation of other proposals which would meet the mandate given the Commission by the General Assembly last January, and have indicated that we would welcome suggestions to strengthen the U.S. proposals. Yet only a single alternative proposal has been put forward—that of the Soviet Union—and, for the reasons stated below, their plan in no way meets the Commission's instructions from the General Assembly.

We have steadfastly refrained from the use of pressure or threats of any variety. Nor have we suggested plans for dealing with the situation which might arise if unanimous agreement on effective international control proves impossible. We have regarded it as our single task to work toward complete agreement on a plan fully satisfying the Commission's terms of reference as interpreted in your instructions to us.

II. WORK OF THE COMMISSION TO DATE

The work of the Commission to date may be briefly summarized in three phases as follows:

1. *Presentation of Original Positions of the Several Delegates*

This phase occupied the Commission in meetings from June 14 through July 15. Only two proposals were put forward. In my address of June 14, I stated in broad outline the United States proposals as approved by you. Our plan was subsequently elaborated in three supplemental memoranda.

As you know, the U. S. plan called for the establishment of an international Atomic Development Authority responsible for the supervision, inspection, and control of all activities in the field of atomic energy, starting with the raw materials as they come out of the ground and including ownership or management of the necessary refineries, plants for the production of nuclear fuels, and major installations producing atomic energy for peaceful purposes.

The Authority would be supported by a system of rapid and effective punishments for violations and by free access for geological surveyors and other necessary inspectors to prevent misuse and insure compliance. The Great Powers' veto in the Security Council would not be permitted as a device for nations to protect themselves or their friends from punishment for violations of a treaty controlling atomic energy which they had previously accepted. Thus we proposed to eliminate the veto in the atomic energy field, not on unforeseeable policy issues which might arise in the future, but on punishment for crimes specifically defined in advance by voluntary agreement.

After a system of international control has been brought into effective operation by appropriate stages, we proposed to cease bomb production and dispose of then existing bombs pursuant to a treaty, properly ratified according to our constitutional processes. We left open the question as to whether the treaty should provide for dismantling of the bombs or for their transfer to an international agency for possible use against aggressors.

The Soviet proposal, presented on June 19, called for an international convention merely outlawing the production and use of atomic weapons and requiring the destruction of all stocks of atomic weapons, whether in a finished or unfinished state, within three months after entry into force of the convention.

This agreement would be implemented only through national legislation and through international action by the Security Council under the present provisions of the U. N. Charter. Other features of the Soviet position are discussed in point 2 below.

The U.S. position was generally supported by nine other delegates, representing Australia, Brazil, Canada, China, Egypt, France, Mexico, the Netherlands, and the United Kingdom. Their statements ranged from an unqualified endorsement by Egypt to a general indication of agreement by others. The Soviet position was supported only by Poland.

2. Consideration of the Soviet Views

The Soviet views were elaborated by Ambassador Gromyko in a series of closed meetings from July 24 to August 6. We then learned that the Soviet plan envisages no systematic measures of prevention,

control or inspection, other than through national legislation. Such national legislation might prevent misuse of atomic energy by private individuals within a country, but it would of course have no effect on the national governments themselves.

As a practical matter, the Soviet proposal bears a strong resemblance to the many abortive and ineffectual agreements of the past for disarmament or nonaggression. The only form of international implementing action which the Soviet plan contemplates is punitive measures to be taken by the Security Council under the present provisions of the Charter. We do not see how such measures could be either swift or certain, as is essential from the very nature of the problem, or how they could be kept free from willful obstructionism through the employment of the veto.

Although Mr. Gromyko repeatedly stated a willingness to discuss details of "how the Security Council should carry out its functions as regards sanctions against a possible violator", he consistently failed to indicate any fruitful line which such discussion of "details" might take. Despite repeated efforts by the Mexican, Netherlands, French, Australian, and other Delegates, as well as ourselves, to have the Soviet representative make plain the workings of his proposal, he refused to consider international preventive control measures (as contrasted with punishment after an offense) and failed to recognize any need for special international arrangements to aid the Security Council in enforcing an atomic energy agreement. He stated, in effect, that the atomic bomb was to be viewed exactly as any other weapon and that it could be handled entirely within the existing framework of the U.N. Charter.

In our judgment preventive measures are the very essence of control. Without them, we do not see how the Security Council could even have knowledge of prospective violations. The very establishment of the Commission and the terms of the Moscow Resolution demand the creation of special safeguards aimed at anticipating and preventing the use of atomic weapons. In the face of this, the Soviet government is apparently proposing that a convention outlawing atomic weapons be signed immediately and that the Commission proceed later to the discussion of controls, safeguards, and sanctions, although every indication suggests that such later discussion would be utterly fruitless.

These meetings had the effect of building up a clear record before the entire Commission of the weakness of the Soviet position, which completely violates the express mandate to work out effective controls and safeguards. That mandate, as you know, was unanimously approved by the General Assembly last January on the basis of the

Moscow Declaration of the Soviet Union, the United Kingdom, and the United States. Thus the Soviet Government's present position is sharply at variance with the position it endorsed only a few months ago.

In fact, as pointed out by Dr. Padilla Nervo⁵⁸ of Mexico, the Soviet proposal adds almost nothing to the commitments already undertaken in the United Nations Charter itself, since all members have already agreed to "settle their international disputes by peaceful means" and to "refrain in their international relations from the threat or use of force". (Article 2)

During these same discussions, the Soviet representative stated flatly that his Government could not accept the U.S. proposals as now presented, "either as a whole or in their separate parts." He regarded our plan as incompatible with Soviet views on national sovereignty which would be violated, he asserted, by any form of international inspection. He also objected vigorously to any change in the application of the veto, although we have proposed to forbid the use of the veto only (1) to prevent escape from punishment for violation of crimes specifically defined in a treaty voluntarily agreed to by all participants, and (2) in the day-to-day administrative operations of the Atomic Development Authority. He assailed any suggestion for modifying the veto as "undermining" the United Nations, although in our opinion adoption of the U.S. proposals would greatly strengthen the United Nations. In his view, the importance of inspection, which, along with access, we regard as essential, was "greatly exaggerated" and "a superficial approach" to the problem.

Two of the chief fundamental issues separating the Soviet and Polish views from those held by other ten nations may be summarized as follows:

(1) The Soviet proposal relies for compliance solely on the good faith and mutual trust of nations, backed up by punitive action through the Security Council with the Great Power veto intact, and without any systematic means of warning the Security Council of prospective violations; whereas the U.S. plan calls for an effective international organization to prevent in advance, so far as possible, the misuse of atomic energy, and to provide adequate warning and swift and certain punishment, unimpeded by the veto, for violations if they do occur.

(2) The Soviet proposal calls for the immediate outlawry of the production and use of atomic weapons, and the destruction of existing stocks, prior to the erection of international safeguards to ensure

⁵⁸ Dr. Luis Padilla Nervo, Mexican Representative at the General Assembly and on the Security Council and the Atomic Energy Commission.

compliance and without any provision for swift and certain punishment of violators; whereas the U.S. proposal requires as a prerequisite to the elimination of atomic weapons that there be established effective preventive safeguards and machinery for punishment.

The U.S. plan includes the Soviet proposal in the sense of also embracing a convention outlawing atomic weapons. But the Soviet plan stops at that point, while we insist on simultaneous, effective, and enforceable safeguards to ensure that the production and use of atomic weapons is not merely illegal but is in fact prevented.

We see no possibility of reconciling these views. Agreement could be effected only through a drastic change in the Soviet position or through a sacrifice by us of the very principles which were unanimously endorsed by the United Nations last January and restated in your instructions to me. Abandonment of those principles would mean defrauding the peoples of the world.

3. Work of the Scientific and Technical Committee

By the end of July, it was generally recognized that no further progress could be made by discussions on the policy plane, without serious risk of breaking negotiations in advance of a general understanding of the scientific aspects of the problem. We also appreciated the particular importance of avoiding any open rupture at that time, when the Peace Conference in Paris was just getting under way.

In view of our instructions from the State Department, we therefore acquiesced in the motion of the French Delegate, to adjourn the discussion of policy for the time being, and to request the Scientific and Technical Committee to prepare a report on "the question of whether the effective control of atomic energy is possible, together with an indication of the methods by which the Scientific and Technical Committee considers that effective control can be achieved." The Scientific Committee has been working intensively over the last five weeks. Its report was completed on September 3rd, but still awaits formal action by the Soviet Delegate.

Early in the discussions of the scientists, it was found that a direct reply to the request before their Committee would inevitably involve policy considerations. The Committee, therefore, limited itself to a discussion of the basic underlying facts in the production and use of atomic energy, together with an indication of the possibilities of misuse at each stage through diversion of nuclear materials, through seizure of installations, or through clandestine activities. The members also reached the important conclusion that there is no basis in the available scientific facts for supposing that effective control is not technologically feasible.

The report is significant in providing a general international scien-

tific recognition, in contrast with *ex parte* American assertion, of the basic facts on which our proposals for control are based. While the report on its face avoids reference to any particular system of control, the facts there set forth point inescapably, in our opinion, toward the U.S. proposals, once the necessity for effective control is recognized.

The report received the unanimous concurrence of the members of the Scientific Committee, including Soviet members, in informal meetings. However, the Soviet Government has not yet authorized formal approval of the report. This step has been promised and then postponed, without stated reasons, on three successive occasions. In a conversation on September 11 with the Chairman of the Commission, Ambassador Gromyko indicated that he was in personal agreement with the report, but that he would like a little more time for the experts of the Soviet Union to study it. He indicated that their report would be ready very soon, perhaps in a few days. If other delegations thought it was important to proceed earlier, he had no objection, and in this case the Soviet Union would merely refrain from voting for the present. Mr. Gromyko indicated that he did not think that particular importance should be attached to the report of the Scientific Committee in the work of the Atomic Energy Commission.

If formal Soviet approval is not forthcoming in the near future, the Scientific Committee will presumably submit its report without Soviet (and probably without Polish) concurrence.

III. FURTHER WORK IN THE IMMEDIATE FUTURE

The late Chairman of the Commission, General McNaughton of Canada (who was succeeded by Dr. Hsia⁵⁹ of China on September 15), has proposed that immediately on receipt of the Scientific Report, and working with it as a foundation, the policy committee proceed to a further development of the factual problems of control, delaying for the time being any crystallization of the political issues. This process would involve a review of each stage in the production and use of atomic energy, with a discussion of the types of technical control measures needed to prevent diversion or clandestine operations. This course would not require the disclosure of additional scientific or technical information.

This line of discussion appears useful, and will assist in further clarifying the problem and promoting general understanding of the complex technical considerations involved in devising workable measures of control. We cannot be certain that the Soviet representative will agree to pursuing any discussions along this line. In any

⁵⁹ Dr. C. L. Hsia, Alternate Chinese Representative on the Security Council and the Atomic Energy Commission; Secretary, Chinese Delegation to the General Assembly, New York.

event, it can last only a month or two. Then the basic issues of policy will again be sharply before us.

IV. CONCLUSIONS

In the light of the discussions to date, and barring a drastic shift in the Soviet position, it seems clear that unanimity on the fundamental issues of policy facing the Atomic Energy Commission cannot be achieved in the now foreseeable future. In these circumstances, the best we can presently hope for on any vote in the Commission on such issues is a 10-2 majority for an international control plan along the lines we have advocated.

The question of exactly when and in what manner the issue shall reach decision in the Commission seems to us a matter of high policy, intimately related to the general course of our international relations and the entire worldwide diplomatic situation. The deliberations of the Commission are inevitably becoming dominated more by influences of the international political atmosphere, notably the peace negotiations in Paris, than by our specific problem of preventing the misuse of atomic energy.

Once the short-term work of the Commission is concluded, we can see only two possible courses of action. These are:

Alternative No. 1. We might recognize frankly the difficulty of reaching unanimous agreement on the fundamental issues, press the matter to a probable 10-2 vote in the Commission, and then render a divided report to the Security Council.

The majority report would consolidate the record of our position, which has thus far stood up against all assaults. Our proposals appear to have received the almost unanimous endorsement of all nations in the world outside the Soviet sphere. We would also take the appropriate opportunity for a public statement of the total inadequacy of the Soviet proposals.

Such a divided report would doubtless be the subject of bitter debate in the Security Council, and might further aggravate the frictions already present in that body. It might also force a premature decision on the treatment of the atomic energy problem in the world outside the Soviet sphere—a matter which lies outside our assignment and involves the most vital diplomatic and military considerations.

Moreover, it is by no means certain that we would have the support of all the friendly delegates in bringing the matter to a vote promptly. However, if actually forced to a vote, we believe that we would have the support of all except Poland and the Soviet Union.

If a showdown is inevitable, both its proper timing in relation to

the whole international picture and the manner in which the issues are presented to the world are clearly of crucial importance.

Alternative No. 2. A sharp cleavage in the near future could be avoided by recessing the Commission to permit the delegates to consult with their governments. Some delegates, notably the French, have already made this suggestion informally, on the ground that the questions remaining before the Commission, once the short-term phase of technical exploration is concluded, involve matters of high international policy.

At the same time, the Commission might render an interim report to the Security Council, summarizing the discussions up to that point, and pointing up the issues without seeking to resolve them or to create a break. Depending on the general course of international relations, following such recess the work of the Atomic Energy Commission could (1) be resumed after a reasonable interval, (2) be suspended until a brighter outlook in the broad international scene gave promise of a successful outcome, or (3) await advice from the Security Council or the General Assembly.

V. RECOMMENDATIONS

1. *Short-Term Policy*

Our oral instructions from the Acting Secretary of State make it clear that we should not take the initiative in precipitating a break in the negotiations. Assuming that the initiative remains with us, these instructions call for continued efforts at joint exploration of all aspects of the subject, with special emphasis on the technical problems of effective control and safeguards. In the absence of altered instructions, we shall continue along the course now indicated for the short-run future. I must emphasize, however, that this line of discussion can hardly last more than another 30 to 60 days.

It is of course always possible that the Soviet Union may initiate a break. In this event, we would be forced immediately to mount a vigorous counter-attack on the Soviet position, aimed at demonstrating the utter inadequacy of the Soviet plan and its repudiation of the Commission's mandate which they themselves sponsored in the Moscow Declaration.

2. *Long-Term Policy*

Within the next 30 to 60 days, it will become necessary to choose one of the two alternatives outlined in Section D [IV] above. This decision on the longer-run action requires new instructions taking into account the relation of the negotiations on atomic energy to the overall pattern of our foreign policy.

A decision as to the course which we shall pursue is essential before the end of this year, because three present members, namely Egypt, Mexico, and the Netherlands, retire on January 1, 1947. These three nations are all supporters of the U.S. proposals. They will be replaced by three others selected by the General Assembly. The successors that have been discussed are Belgium, Colombia, and Syria. It is impossible to be certain of the position that they will take, and in any case a considerable period of time must elapse before they can express themselves formally on the proposals. Present indications do not point to the likelihood of obtaining the acquiescence of Poland or the Soviet Union to our proposals in the near future. The possibilities are rather that we may lose present support than that we can gain new support.

In these circumstances we feel that, unless overriding international considerations dictate a different course, it would be advisable to follow Alternative No. 1 and bring the U.S. proposals to a vote within a reasonable period. Such action would be a clear indication to the American people and to the world of the views of the several nations on the control of atomic energy. Action in this Commission is, of course, not final or binding on any nation. As you know, its recommendations go to the Security Council, where they can be acted upon by way of approval, modification, or rejection.

On the other hand, considerations of general foreign policy may suggest that we follow Alternative No. 2. We do not possess the necessary knowledge to appraise such factors. For this reason, we now seek instructions based on the international situation as a whole so that our efforts may become a positive, rather than a passive, factor in the overall foreign policy of the United States.

3. Necessary National Action

Regardless of the progress of the United Nations Atomic Energy Commission, I cannot emphasize too strongly the vital importance of readiness to take the necessary national measures in the event of failure to achieve an adequate plan for the international control of atomic energy. We cannot afford to base national security on the assumption of success in our negotiations. Pending establishment of the national Atomic Energy Commission on a fully operating basis, there must be assurance that there is no lack of decisiveness in any aspect of our atomic energy program. These considerations add further weight to the importance of a prompt appointment of very able men to that body.

I shall welcome the opportunity of further discussions with you on the matters covered in this report and on the future course of action which I should pursue.

Respectfully submitted,

BERNARD M. BARUCH

IO Files : USMS/46

*The United States Representatives on the Military Staff Committee
to the Joint Chiefs of Staff*⁶⁰

17 September 1946.

BASIC PRINCIPLES GOVERNING THE ORGANIZATION OF THE UNITED
NATIONS FORCES

THE PROBLEM

1. To determine the advisability of resuming subcommittee discussion of the basic principles governing the organization of the United Nations Forces.

DISCUSSION

2. The trend of developments within the Subcommittee on a Standard Form of Agreement has demonstrated that considerable progress is possible in the work of the Military Staff Committee even though one of the national Delegations does not participate in the discussion. Recent incidents within the Military Staff Committee clearly indicate that the Soviets not only have no intention of participating in substantive work of the Military Staff Committee but also that they are committed to a policy of obstructionism.

3. In view of the foregoing, it is evident that if there is not to be a complete breakdown in the function of the Military Staff Committee, some constructive action must be taken. It is proposed that the resumption of the work of the Subcommittee on Basic Principles Governing the Organization of United Nations Forces would serve as a means to further progress of the Military Staff Committee.

4. At its meeting in London on 16 February 1946, the Security Council directed the Military Staff Committee as its first task to examine, from the military point of view, the provisions in Article 43 of the Charter and to submit the results of the study and any recommendations to the Council. As a method of accomplishing this task, the Military Staff Committee, at its 5th Meeting on 27 March 1946, by resolution, established a subcommittee with terms of reference directing it to study Article 43 of the Charter and to formulate recommendations to the Military Staff Committee as to the basic principles which will govern the organization of the United Nations forces.

5. At its first meeting on 28 March 1946, this subcommittee adopted a resolution that: "Each national Delegation shall, not later than 3 April, furnish each of the other national Delegations, in writing, a

⁶⁰ This memorandum, approved by the United States Representatives on the Military Staff Committee at their 26th Meeting, September 16, was forwarded to the Secretary, Joint Chiefs of Staff, for information. (IO Files)

statement of the principles which shall govern the organization of the United Nations forces, and that this subcommittee shall meet on 5 April to consider these several statements." Four members of the subcommittee complied with the aforementioned resolution. Since all members had not complied therewith, the second meeting of the subcommittee was postponed indefinitely. The fifth member has not been able to indicate to the subcommittee a definite foreseeable date on which a statement of the principles which shall govern the organization of the United Nations forces may be expected.

6. While subcommittee discussion on a five-Power basis is preferable, it is evident that it will be necessary to proceed, at least initially, on a four-Power basis as has the subcommittee discussion on the Standard Form of Agreement. Further delay in meeting this issue plays squarely into the hands of the Soviets and contributes to their policy of obstructionism.

7. Several advantages would accrue by pursuing the action outlined above. In the first place, it would lead to a showdown in the Military Staff Committee and possibly within the Security Council, and would contribute to a showdown in the General Assembly. It is possible that it would force the Soviets into acting in concert with the other four Powers. On the other hand, if it should force an open break, as long as the action is that of the Soviets, such a break might be preferable to the present condition of stalemate.

8. Assuming that the Soviets will enter into the discussion within the reasonably foreseeable future, initiating the discussion on a four-Power basis would have the effect of disclosing and solving many minor but troublesome points as in the case of the Standard Form of Agreement. Thus much preliminary work will have been accomplished by the time the Soviets see fit to participate.

9. Assuming that the Soviets will indefinitely delay their participation, four-Power discussion nevertheless will be of value, inasmuch as it will have produced prior agreement between the United Kingdom, China, France, and the United States on principles which are likely to be required in the event of a complete breakdown of the United Nations organization.

10. Furthermore, although the proceedings of the Military Staff Committee are restricted, should information reach other nations, through the Security Council or the General Assembly, as to the work in progress, it is considered that it would have the effect of pointing up the attitude of the Soviets and its deleterious result in implementing the Charter of the United Nations.

11. There are certain unfavorable factors to be considered. It may be objected that by four-Power discussion with Soviet observation

we disclose our position. However, the plane of the discussion and the general terms involved are such that no information of substantive value accrues to the Soviets. This is borne out by the proceedings of the Subcommittee on a Standard Form of Agreement. In addition, the United States, along with three other national Delegations, have submitted written statements (MS/28, MS/29, MS/30, MS/31/Rev. 1) on the basic principles.⁶¹

12. Another objection might be that without Soviet participation no substantive action is possible. Here again experience with the Standard Form of Agreement indicates that considerable progress is possible. Furthermore, should an open rupture occur, considerable advantage in time required for organization will have accrued.

CONCLUSION

13. It is concluded that it would be advisable to resume subcommittee discussion in the Military Staff Committee of the basic principles governing the organization of the United Nations forces.

RECOMMENDATION

14. That the U.S. Representatives on the Military Staff Committee forward a proposal in substance as attached as the Enclosure to the four other Delegations of the Military Staff Committee, to be placed on the provisional agenda of the next meeting of the Military Staff Committee.⁶²

Department of State Atomic Energy Files

Memorandum by Mr. John M. Hancock of the United States Delegation to the Atomic Energy Commission

CONFIDENTIAL

[NEW YORK,] September 19, 1946.

Early yesterday morning Mr. Baruch called me about the Wallace letter which appeared in the morning papers—the letter of July 23.⁶³ I went over it, Mr. Baruch and I talked about it, we talked to our Associates here, and saw Mr. Clayton⁶⁴ at the State Department, out-

⁶¹ MS/28, the United States statement of principles, is printed as USMS/12/Rev. 1, March 15, p. 759. The other documents are not printed.

⁶² The enclosure, proposing resumption of sub-committee discussion on basic principles, had been circulated in the Military Staff Committee on September 13; see the Summary of the Sequence of Events, p. 914.

⁶³ The letter under reference, from Secretary of Commerce Wallace to the President, was critical of United States policy with respect to the Soviet Union, especially in the field of international control of atomic energy. For text, see the *New York Times*, September 18, 1946. For a detailed account of the incident arising from the publication of the letter, see Hewlett and Anderson, pp. 597–606.

⁶⁴ William L. Clayton, Acting Secretary of State.

lined to him what we were going to say to the President, and were informed that the President was seeing Mr. Wallace at 3:30 and would likely issue a statement shortly after. Mr. Clayton was satisfied the statement would be to the liking of both ourselves and the State Department. Clayton went with us to the White House.

The President seemed very pleasant but grim when we got on to the Wallace issue. Mr. Baruch told the President of his respect for the office of President, his regard for Mr. Truman personally, his purpose in coming down to make the report, and the progress of negotiations but his belief that there wouldn't be time, and that it would not be wise to go into the report itself then.

He referred to the new situation in which we found ourselves on account of the Wallace letter's release to the Press. He told the President in a very firm but very friendly manner that so far as he could see there were three choices of courses open to us. First, a full retraction on the part of Mr. Wallace; second, an utter repudiation of Mr. Wallace's statements; or third, that we resign, as our usefulness was ended. The President told us of his plan to see Wallace, asked us not to be in a hurry about resigning, and told us that he thought his action in the afternoon would be satisfactory to us. Mr. Baruch used some such words as these—that our position was in nowise an ultimatum, but that we still saw only those three courses open. We told the President these general observations: (1) That we had first seen the July 23 letter the same morning. We were told by the President that he showed the letter to Byrnes immediately before Byrnes' leaving for Paris, that the letter was of such a character that it did not require any action by the State Department, this explanation apparently being made to remove any attack on Mr. Byrnes. (2) Mr. Wallace's comment is not based factually on the U.S. Plan or on any action we have taken. (3) Mr. Wallace has made no attempt to establish the facts by inquiry of us. We assured the President that we could have disproved all of his assumptions and assertions in a 5-minute talk. (4) We pointed out that Wallace understands the Russian plan better than he does the U.S. Plan. (5) We argued that Mr. Wallace should be required to reveal his source of information, because it quite obviously came to him from somebody who was trying to preach Red doctrine. (6) We pointed out that Mr. Gromyko had told us well over a month ago that we were not aware of the differences in American public opinion, the principal implication of that statement being that it was the Russian plan to propagandize and undermine our position. The chain [*blame?*] was not directed to the person who informed Mr. Wallace of the stuff on which he bases his letter, but it would pay the government to find out who this person was.

We referred to the obvious lack of teamwork on the part of Mr. Wallace in irresponsible statements about fellow government officials. (7) We referred to one line in Mr. Wallace's statement that under certain conditions he believed Russia would negotiate. My comment was that I could not assume that Mr. Wallace had any authority from Russia for making such a statement, but that if he didn't have authority, he was a trouble-maker and a repeater of gossip. At any rate, such an opinion was an irresponsible opinion which could only divide American opinion and give comfort to people who are trying to tear down America's objective. (8) We asked why Mr. Wallace assumed that Russia was not competent to speak for herself. We said that Mr. Gromyko had never told us of the "Pravda" argument, but that Wallace was speaking in a manner which Gromyko had not used. We said that Gromyko had been perfectly frank as far as we knew, that he had been tone-full, but definitely in opposition to our point of view.

It was interesting to find that the President was under a misunderstanding. He thought that Wallace's letter was written before the American Plan was presented. We pointed out to him that this was not the fact and that not only was our plan initially presented on June 14 but that we had filed three supplementary memoranda before Wallace's letter was written. The American position had been made public and widely spread, and there was no excuse for misunderstanding the exact American position so far as it was revealed.

I don't recall whether we told the President about Wallace's assumptions regarding raw material. We did talk to Will Clayton about it. We pointed out that it stemmed from the meeting with the Acheson Group arranged for us under State Department auspices, and that somebody there had leaked and had assumed what we were going to do.

Afterward I recalled that I had been a speaker at the session of the Atomic Scientists in Washington on July 15. Wallace spoke there in my presence but he was not present during my talk. Wallace did hear Auger's⁶⁵ foolish talk at that dinner, in which the bad negotiating was referred to by Auger, and in which he asked that we make the gesture of stopping the making of bombs.

I still don't know how Wallace's letter got to the Press. The President told us he had tried very hard to stop it on the day before. He asked Mr. Clayton to support his statement of these efforts. Clayton did assent. The statement then made was that the efforts were too late, that copies were already in the hands of "P.M." and some other paper, and that it was therefore released.

⁶⁵ Alternate French Representative on the Atomic Energy Commission.

The President seemed as much incensed as he is capable of being over the release of a private and confidential memorandum. During the day I heard that Drew Pearson,⁶⁶ who was apparently the man who found the copy of the July 23 letter, gave out a statement saying that he had not gotten it from the Department of Commerce, and Mr. Truman expressed his gratification that the leak had not taken place in the Department of Commerce. I am not convinced of the accuracy of the statement. I do understand that after the President's efforts were found unavailing in stopping the release, then the statement was given out. I am under the impression it was given by Charlie Ross, the White House Secretary, but I have not heard this stated officially.

I don't know all the facts, of course, because we were flying home yesterday afternoon. If the Press is to be relied upon, the President had not settled either of our problems. He did give us authority to put out any statement we wished after we saw what he had done with Wallace in the afternoon. I feel that facing the Delegates in the Commission and our own public, we must issue a statement on the pattern of Al Smith's "Let's look at the Record" in which we would take Wallace's factual statements, quote them, in as a subjective manner as we can, but for myself I will put on plenty of heat. There would be, I think, an additional gesture in telephoning Wallace as to whether he wants to retract any portion of his letter. I doubt that it would produce any results because Wallace has said today, according to the Press, that he will not speak on any public matters for one month.

My view at the moment is that the President misled us or changed his mind when he faced Wallace. This one month's muzzle does not affect either of our purposes of getting a retraction of the facts or a repudiation by the President. I have read the statement in the "Tribune" this morning in which the President generally supports our program. To me that is not enough.

In order to handle Wallace personally, my present feeling is that our wise course is to write him as sharp a letter as we wish, characterizing his misinformation, his trouble-making attitude, his failure to cooperate, his ability to get the facts from us in a 5-minute talk, if he had so chosen—and further along the same line. Mr. Wallace could easily be made a martyr in the present position if we were to attack him publicly for the silly ideas and conclusions he draws. To give him ammunition for a reply in a month from now when the gag comes off wouldn't do him much good either.

JOHN M. HANCOCK

⁶⁶ Syndicated newspaper columnist.

Department of State Atomic Energy Files

*Memorandum of Telephone Conversation, by Mr. John M. Hancock
of the United States Delegation to the Atomic Energy Commission*

CONFIDENTIAL

[NEW YORK,] September 19, 1946.

At 11:30 a. m. I talked with Mr. Clayton at the State Department. I am dictating this memorandum immediately thereafter.

The first point was that the President had not given out a statement but that he is contemplating a press conference tomorrow and will unquestionably give out a statement tomorrow regarding the Wallace statement.

I told Clayton that we were considering and were studying to carry out three courses of action.

First: We were preparing a cold analysis of what Wallace said and we were putting against it what the American plan is, as contained in the document, along with any analysis or comment that seemed appropriate. We plan to give this out to the press because we have an obligation to our people and to the delegates of the other nations.

Second: We plan to write a letter to Mr. Wallace, with copies to the President and the State Department, in which we will go into our views of Mr. Wallace's conclusions. This would be more the character of a personal letter, not intended for publication and not to be released by us at this time. I don't want this to be any understanding of a commitment not to release it at some future time if conditions warrant, and we will make it very clear to Mr. Wallace in the letter itself.

Third: Mr. Baruch is probably now talking with Mr. Wallace to the general effect that Mr. Baruch has been a friend for years; that Wallace's assumption of facts were very wrong; that they could have been verified in five minutes by telephone conversation; that Mr. Baruch is giving out a statement to the press regarding these facts; that he insisted in addition that Mr. Wallace retract his statement of facts.

I stress the fact that Mr. Baruch is offering the opportunity for Wallace to fly up here and get the facts as early as this afternoon or tomorrow morning.

Clayton was in thorough accord with all this. He expressed detailed approval of various aspects. He said that telephone conversation with Europe was very difficult and that apparently the President had not concluded to handle the conversation by teletype because of the telephone difficulties. Clayton had seen the President twice this morning already; was thoroughly dissatisfied with the present situation because it settled nothing. When I told Clayton that the muzzling for a month meant that the muzzling would come off at the end of the

month, Clayton said this is no time for a truce on matters like this; the matter has to be settled conclusively.

Clayton knows Byrnes is not satisfied but due to the bad telephone connections he does not know what the final position is going to be. He said he would welcome our letting him know what we do, and I told him we were out of touch with the news and would appreciate him letting us know what they do. I told Clayton we want to be on the same front with them and at least know what the other is doing. Clayton is in entire accord.

Department of State Atomic Energy Files

*Memorandum of Telephone Conversation, by Mr. R. Gordon
Arneson*⁶⁷

CONFIDENTIAL

[NEW YORK,] September 19, 1946.

At 12:50 PM Secretary Wallace returned Mr. Baruch's call. Messrs. Hancock, Swope, Farrell, Gordon, Johnson, Lindsay, and Arneson were present while Mr. Baruch talked to him.

Mr. Baruch told the Secretary that he was sorry to learn about his letter of July 23. If Mr. Wallace had spent just a few minutes with us before writing it, the various mis-statements of fact that the letter now contains could easily have been avoided. He said that their associations in the past had been such that he thought it was incumbent on each of them to discuss such matters in advance. He felt that both of them were anxious to do what was right, and their associations in the past had been on the basis of mutual understanding, and that he was sorry that the Secretary had not kept this necessity in mind in the instant case.

Mr. Baruch invited Mr. Wallace to come up to see him in order that they might go over the public documents in which the United States position has been amply spelled out. Whoever furnished Mr. Wallace with the information on which the letter was based had clearly transmitted gross errors of fact. He urged Mr. Wallace to come up as soon as possible in order that the rift that now existed between them might be prevented from becoming deeper. Mr. Baruch pointed out that he was as concerned as Wallace was about the increasing difficulty of seeing eye to eye with the Russians. The U.S. Delegation to the A.E.C. has exercised extreme care in working with the Russian Delegation and was doing everything in its power to understand and to take into account their point of view.

Mr. Baruch urged that Mr. Wallace consider seriously correcting

⁶⁷ Staff member, United States Delegation to the Atomic Energy Commission.

the errors of fact in the July 23 letter. To this Mr. Wallace apparently replied that since he had been muzzled by the President he was in no position to make any public statement whatever on this matter. In reply, Mr. Baruch stated that the decision of course was up to Mr. Wallace, that we wanted him to make such corrections, and that if he felt that he was unable to do it himself, we would undertake to say it for him—and in our own words.

Mr. Baruch reminded Mr. Wallace that the proposals put forth on June 14 were in fact the official U.S. policy which had been approved paragraph by paragraph by President Truman himself. Mr. Wallace's attack, therefore, on the Baruch Plan was actually an attack on official U.S. policy.

Mr. Baruch urged again in the interests of the country and in the interest of relations between them, that Mr. Wallace come up promptly to discuss this matter in detail. Mr. Wallace had clearly been misinformed as to the facts concerning our proposals and it was time that he got the facts straight. We are faced with a delicate situation which requires prompt attention.

In response to Mr. Wallace's suggestion that he would like to bring Dr. Condon⁶⁸ with him, Mr. Baruch replied that Mr. Wallace could bring with him anyone he wished to. He urged, however, that it be done soon, otherwise their relations would be very seriously damaged. Mr. Baruch stated that the decision was up to Mr. Wallace whether he wanted to come up or not, but that he should understand that if he didn't we would be compelled to bring this issue to the attention of the public.

After he had finished talking with Mr. Wallace, Mr. Baruch told us that Wallace would call him back in a short while.

R. G. ARNESON

Department of State Atomic Energy Files

Memorandum by Mr. Franklin A. Lindsay⁶⁹ to the United States Representative on the Atomic Energy Commission (Baruch)

CONFIDENTIAL

[NEW YORK,] September 25, 1946.

Subject: Conversation with de Rose⁷⁰ of French Delegation

This morning Linc Gordon and I called on de Rose, Parodi's assistant, to discuss the coming Scientific Meeting, and the course which the Commission might follow after that meeting. De Rose stated that he believed Parodi would be opposed to bringing the Scientific Report to a final vote tomorrow. He stated the Russians were proud people and

⁶⁸ Dr. Edward U. Condon, Director of the National Bureau of Standards.

⁶⁹ United States Delegation Staff Member.

⁷⁰ François de Rose, Adviser, French Delegation to the Atomic Energy Commission.

that if we forced a decision before they were ready to sign, they might later decide not to sign at the bottom of the list. He thought that there would be nothing gained by forcing a 10-2 approval tomorrow.⁷¹

He reiterated the position taken by Parodi at luncheon with us a month ago that after receiving the Scientific Report the Commission should recess in order that the Members might report to their Governments and receive further instructions.

Apparently, both he and Parodi had understood you and Mr. Eberstadt to have approved the suggestions (a) that there should be no discussion of political questions until after the Paris Conference and the General Assembly had adjourned, and (b) that the Commission should recess and seek further instructions from the various Governments. He was apparently not familiar with the Canadian proposal to begin examination in a sub-committee of Committee No. 2 of the specific measures of control which would be required at each stage in the technological processes outlined in the Scientific Report. He was not sure how Parodi would receive such a proposal. He was certain that Parodi wished to avoid political discussions until after the General Assembly, and thought that he might wish to delay this type of discussion also.

At the end of the discussion he reassured us of the French support of the principles of our plan. He stated that sooner or later a final decision would have to be taken, and that if the Russians refused to participate in international control, we would then have to examine the question as to whether or not we desired to set up an international control agency excluding the Russians.

FRANKLIN A. LINDSAY

Department of State Atomic Energy Files

*Memorandum of Conversation, by Mr. R. Gordon Arneson*⁷²

CONFIDENTIAL

[NEW YORK,] September 27, 1946.

Notes of Meeting with Mr. Wallace⁷³ and his Aide, Mr. Hauser,
10 a m, Friday, September 27, 1946

When he first arrived, Mr. Wallace spent about 15 minutes with Mr. Baruch while Mr. Hauser exchanged pleasantries with Mr. Hancock, Mr. Gordon, Mr. Lindsay, and Mr. Arneson.

⁷¹ The Scientific and Technical Committee adopted its report on the feasibility and nature of effective controls at its 2nd Meeting, September 26, subject to the following reservation by the Soviet representative: "The information at the disposal of the Committee was, as the report acknowledges, limited and incomplete. For this reason, the majority of the conclusions in the Committee's report are hypothetical and conditional. It is with this reservation that I vote for the adoption of the report."

⁷² Staff member, United States Delegation to the Atomic Energy Commission.

⁷³ President Truman had asked for and received Mr. Wallace's resignation as Secretary of Commerce on September 20.

At 10:15, Mr. Baruch and Mr. Wallace were joined by Mr. Hauser, and Messrs. Hancock, Eberstadt, and Swope. After some minutes of discussion, Messrs. Farrell, Gordon and Arneson were asked to join the meeting. The notes which follow are based on notes I took on the discussions that preceded intermittently during the remainder of the day.

MR. HAUSER considered that the Baruch Proposals were quite ambiguous on the question of stages. He felt that there was considerable room for interpretation as to whether those proposals had in mind retaining for the United States "unfettered discretion" in determining when specific stages had been reached and also as to what the content of stages should be. He agreed, however, that the previous discussion that the group had just finished had convinced him that we did not contemplate leaving "unfettered discretion" in the hands of the United States but that we did in fact intend to wrap the entire agreement in a "single package."

MR. HAUSER stated that much of Mr. Wallace's letter of July 23rd had been thought about, and in fact written, before June 14th and that references to the Baruch Proposals had been added somewhat as an afterthought.

He agreed that our position on the substance of stages was sound. The question remained, however, of the timing on stages and he referred to that part of the Baruch Proposals which states that securing dominion over raw materials should be one of the earliest duties of the ADA.

MR. EBERSTADT pointed out that the Soviets are the ones who have refused to accept an agreement in a single package. They have proposed a convention outlawing the production and use of atomic bombs to be followed at some indefinite future date by vague considerations of control. We have found it necessary to accept the Russian view that this problem can be solved piecemeal. [*sic*] This is the real rub of our difficulties in negotiating with the Soviets. MR. HAUSER agreed with this analysis and went on to point out that atomic energy negotiations are merely a part of the much broader problem of overall relations with Russia. MR. GORDON stated that Mr. Gromyko himself has never raised any question about the order of events involved in setting up the ADA. MR. EBERSTADT went on to say that Mr. Gromyko was in no position to argue about stages because we have not yet spelled those stages out. They have proposed a sort of stage scheme of their own in which they want the job tackled piecemeal. Meanwhile, it would be perfectly legitimate to build atomic energy plants and to do research on military weapons. The Russian Proposal outlawing the bomb has no teeth in it.

MR. HAUSER referred to items 2 and 13 of the Baruch Proposals

which deal with raw materials and disclosures. In his view these sections state that we proposed full disclosure of raw material sources before we would be willing to disclose any technical and scientific information concerning atomic energy. MR. HANCOCK pointed out that we did propose that dominion over raw materials should be one of the "earliest" purposes of the Authority, not necessarily the first, and that this would be done not before the treaty was agreed to but after it was agreed to and the Authority had been established. As to disclosures of information, he stated that here also the question of timing would have to be settled by negotiation and specifically set forth in the treaty. There was certainly no "take it or leave it" concept in this. He said that during the discussions which Mr. Baruch and his associates had had with the Acheson-Lilienthal group at the Blair Lee House last May, the question had been discussed whether we should insist on getting information on raw materials during the negotiations stage as a means of testing the good-faith of other countries. This proposal, while discussed, had not been taken seriously by anyone. He felt that the views reflected in Mr. Wallace's letter on this question of raw materials may have sprung from a leak concerning these discussions. Our present position, which is fully reflected in published documents, is that no nation is required to show its "trump cards" during the negotiations. Obviously, all nations must know about, and agree to, the contents to be set forth in the treaty, governing not only stages and disclosures but all other facets of the problem. Each nation is free to accept or reject the conditions that might be arrived at by negotiations. After the treaty is agreed to, there are no trump cards to be played. MR. WALLACE agreed.

MR. HAUSER asked why we did not clarify this matter of stages. He stated the position of the Federation of Atomic Scientists which proposed that the first step should be the wide dissemination of atomic energy information and that dominion over raw materials should be the second step. He thought that a clear statement of our position on stages would go a long way to rally additional support for our proposals. He felt that the ambiguity that exists concerning the timing of stages was the very center of our present deadlock with the Russians. Gromyko has proposed that all bombs should be destroyed; we have declined to accept his proposal. What point is there then in going on with an elaboration of stages unless they are revised to meet him half way. MR. BARUCH reminded Mr. Hauser that progress by stages matched with adequate safeguards by way of inspection and other means was specifically laid down in the terms of reference of the Atomic Energy Commission. MR. EBERSTADT said that we have been unjustly accused in Mr. Wallace's letter of asking for trumps in

the negotiation stage and that the letter alleged that we had taken a one-sided position concerning stages, whereas, as a matter of actual fact, we have not yet spelled out our ideas on the substance or timing of stages. We have not yet gone beyond the basic declaration that the ADA should be set up by a series of stages which will be fair, equitable, and applicable to all nations who join in.

MR. SWOPE felt that while Mr. Wallace was perfectly correct in sending his letter to the President, inasmuch as the President has asked him to do so, there was gross error in not having checked the facts with our group before the letter was sent. MR. HANCOCK agreed with this pointing out that Mr. Wallace has a right to hold any opinions he wishes to but that he did have a responsibility for checking the facts on which such inferences and opinions were based.

After that portion of Mr. Baruch's letter to the President dealing with the question of the veto had been raised and discussed in some detail, MR. WALLACE stated: "*I am in full accord with your explanation of the veto problem.*" He went on to say that he thought that the whole handling of the veto in this field should be spelled out in the treaty itself.

MR. WALLACE urged that we should seek some face-saving device which could be presented to the Russians to induce them to go along with our proposals. The Soviets must be convinced that we are not out to destroy them. He felt that their intransigence, as exemplified by their stand on the veto, stemmed from a deep distrust of other nations and the unhappy developments under the League of Nations Covenant. He felt that atomic energy negotiations were only a part of a much broader problem of working out mutual confidence and trust between the USSR and the western powers. He hoped that Mr. Baruch and his associates would find it desirable at a later date to meet with other government groups to work out a common policy of bringing about mutual trust and confidence.

MR. EBERSTADT inquired of Mr. Wallace what essential departure we could make from our plan in order to save face for the Russians. MR. WALLACE replied that we could agree to stop the manufacture of bombs and perhaps allow the Security Council to inspect to make sure that we had in fact stopped. MR. EBERSTADT then pointed out that we would be in a very bad position if negotiations broke down and we found it necessary in the interests of national security to resume manufacture. He said that Mr. Wallace's proposal would have some weight if we had any real assurance of completely getting agreement of international control of atomic energy. MR. WALLACE *agreed that the time was not yet ripe to make any such face-saving move. He urged, however, that we should be prepared to make some such move at the appropriate time.*

As Mr. WALLACE was about to leave, he summed up his view of the discussion by stating: "*It is obvious that I was not fully posted.*" After Mr. Wallace left, Mr. HAUSER stated that he was going to suggest to the Secretary that he bring the matter up to date. He thought that Mr. Wallace would probably want to issue a statement.

Mr. HAUSER went off to another room to prepare a draft statement of the sort he thought Mr. Wallace had in mind and Mr. SWOPE discussed the matter with him in some detail. When Mr. SWOPE returned to the meeting, he reported that Mr. Wallace planned to put out a pamphlet which would contain his Madison Square Garden speech and also his July 23rd letter to the President. It was proposed that the section of the letter dealing with atomic energy would be left intact but would be followed by an addendum which would contain our memorandum to the President plus a short statement to the effect that Mr. Wallace agreed with the corrections of fact which our letter contained. Mr. SWOPE stated that he thought it would be completely wrong to circulate a letter which contained so many errors even though the addendum device was used to attempt to correct those errors.

Mr. EBERSTADT felt that we should have no part of Mr. Wallace's pamphlet; that we should publish our letter to the President plus a statement from Mr. Wallace in which he would admit his errors. Mr. SWOPE agreed that we should publish our own letter plus Wallace's retraction but that in addition we might have our letter printed in the addendum to the pamphlet. Mr. BARUCH stated that whether Wallace published a pamphlet or not was entirely his own affair and that we should have nothing whatever to do with it. To this, both Mr. Hancock and Mr. Eberstadt expressed their full agreement.

After lunch, Mr. HAUSER met again with Messrs. Hancock, Swope, Gordon, Johnson, and Arneson. We read to him a draft of the statement we wanted Mr. Wallace to agree to. (Attached, Tab A). Mr. HAUSER expressed some doubts as to whether Mr. WALLACE would agree to it, and that the text could be remedied so that he would—by adding a short 5 sentence summary of the points of correction on which Mr. Wallace had agreed.

After interminable discussion, which extended late into the afternoon, the text of Wallace's statement was agreed to by all. (Attached, Tab B). Mr. HAUSER expressed his conviction that he would be able to sell this statement to Mr. Wallace and would undertake to do so immediately.

After MR. HAUSER had left to return to Washington, the staff continued its discussion of strategy. MR. HANCOCK summed up his views by saying that if Mr. Wallace agrees with the text of the statement which had been arrived at with Mr. Hauser, we should then put out that statement along with Mr. Baruch's letter to the President. If Mr. Wallace does not agree to the text as written, then we should not consider ourselves bound to any course of action but should feel free to proceed in any manner we see fit.⁷⁴

R. G. ARNESON

Department of State Atomic Energy Files

*Notes of a Meeting Between Members of the United States, United Kingdom, and Canadian Delegations to the Atomic Energy Commission, New York, October 1, 1946, 3 p. m.*⁷⁵

CONFIDENTIAL

Present

Mr. B. M. Baruch
 Sir Alexander Cadogan
 Gen. A. G. L. McNaughton
 Mr. J. M. Hancock
 Mr. F. Eberstadt
 Sir George Thompson
 Dr. R. C. Tolman

Dr. W. B. Mann
 Mr. V. Lawford
 Mr. Lincoln Gordon
 Mr. F. A. Lindsay
 Mr. G. E. Cox
 Mr. R. G. Arneson

In response to Sir Alexander's question on how best to proceed at tomorrow's meeting,⁷⁶ MR. HANCOCK said he thought it was of great importance that we proceed in such a manner as to achieve a full understanding of the Scientific and Technical Committee report. Tentatively, it would seem that two or three formal sessions might be devoted to talking out the report and its broad implications. Procedurally, he felt the chief point to bear in mind was that we should avoid at all costs precipitating political debates in Committee No. 2 at the outset. Referring to General McNaughton's suggestion for informal meetings, he thought that the idea was a good one. It did, however, present the difficulty that representatives other than those officially on Committee No. 2 might be appointed to attend these informal meetings. We should, if possible, make sure that the official

⁷⁴ The attachments are not printed here. Mr. Wallace subsequently refused to endorse a statement acceptable to Mr. Baruch. Consequently, the latter released "Tab A," "Tab B," and a memorandum he had addressed to President Truman on September 24 which answered Mr. Wallace's criticisms point by point; for texts, see the *New York Times*, October 3, 1946.

⁷⁵ Drafted by Mr. R. Gordon Arneson of the United States Delegation Staff.

⁷⁶ Sixth Meeting of Committee 2, October 2.

representatives of Committee No. 2 shared in the educative process involved in informal meetings.

In response to a question from Sir Alexander, GENERAL McNAUGHTON elaborated his views on the desirability of proceeding on an informal basis. The Scientific and Technical Committee was the first committee to achieve any basic agreement on the facts of the problem before us. During his month's tenure as chairman, General McNaughton had studiously avoided any activity on the part of the political committees which would interfere with the work of the Scientific and Technical Committee. This approach has achieved the conspicuous result of a unanimous report of the Scientific and Technical Committee. This report is a unanimous statement of the basic facts of the problem which points out where controls might be applied if the will exists to apply them. To be sure, the report contains nothing that was not already well-known before the Committee began its work. The importance of the report lies in the fact that twelve nations have agreed on the facts which it contains. It has cleared the way for further action, if we have the will to proceed.

We must now be prepared to grapple with the political implications of these facts. General McNaughton made it a point of talking to most of the delegations to ascertain whether they would agree to adopting an informal procedure for Committee No. 2. This would involve nominating political representatives from each of the twelve countries who would sit informally to go over the political implications of the report. The work should proceed by developing the basic facts of the problem and their implications, rather than by taking votes. Experts should be invited to participate whenever desirable. This procedure would build up a climate of opinion among the twelve nations favorable to a solution along the lines of the U.S. proposals. This procedure would also aid in educating the rest of the world to the implications and imperatives of the problem of control. In the course of these informal meetings it would be desirable to secure additional volumes of scientific information from the U.S. Delegation.

GENERAL McNAUGHTON stated that he was prepared to move the adoption of this procedure in Committee No. 2, if there was general support for this approach. He would propose that the discussions proceed from the least contentious to the more contentious aspects of the problem. For example, phase one might deal with measures to prevent diversion of materials. Under this the following aspects would be considered:—(a) mining; (b) extraction of ore; (c) production of metal; (d) production of nuclear fuels (primary reactors); (e) secondary reactors. Phase two would consider measures to prevent clandestine operations. Phase three would discuss measures to prevent

seizures. Phase one could be handled in such a way as to minimize any political discussion, for these measures of preventing diversion could be considered either in national or international terms. It was presumed that several weeks might be taken in completing the discussion of phase one.

GENERAL MCNAUGHTON said that when this program was first considered, he had hoped that he might take a major role in pushing it along. Recently, however, he has agreed to undertake the job of working out the Canadian Control Board for Atomic Energy and consequently, will have less time than he had hoped.

MR. HANCOCK expressed full support for the idea of both formal and informal meetings of Committee No. 2. He reported that a number of other delegations seem to be vacillating as to what ought to be done—some of them being in favor of compromise. He was sorry to hear that General McNaughton would not be able to participate full time in the program he proposed. He wondered who else might be considered.

SIR ALEXANDER likewise gave full support to the general procedure suggested by General McNaughton and suggested that this method of approach should be proposed at tomorrow's meeting.

GENERAL MCNAUGHTON said that he would be prepared to move at tomorrow's meeting that Committee No. 2 should take up the discussion of the report of the Scientific and Technical Committee in informal meetings—these meetings to be attended by political representatives of the delegations and open to whatever experts the Committee might wish to invite. Any reports that the informal committee might wish to draw up on the basis of its discussion should be submitted to Committee No. 2 in formal session. The informal discussions should proceed along the lines of the topical outline mentioned above.

MR. BARUCH stated that he thought it most desirable that we have a plan of action ready for tomorrow's meeting in order to forestall any alternative proposals which might prove unacceptable.

In discussing General McNaughton's proposal around the table, MR. HANCOCK stated that he thought the approach was a good one. Admittedly, it would be a slow process but might achieve real results in terms of education. He reported that Dr. Hsia appeared to want a restatement of the U.S. position in terms of its minimum essentials with the view of working out some compromise solution with the Russian proposals. GENERAL MCNAUGHTON reported that Mr. Parodi seemed to be leaning toward some kind of compromise also. With these two exceptions, however, the majority of the delegates seem to favor an approach along the lines of his proposal. SIR ALEXANDER

expressed strong support for the proposed plan, stating that the nature of the problem lent itself to working up from the bottom. He felt strongly that any attempt to reopen the issue of general principles would be doomed to failure. GENERAL McNAUGHTON felt that through this process of education the delegates would find themselves ending up with a solution of the problem which would be virtually identical to the Baruch proposals. He stated his intention of raising in a meeting of Committee No. 2 the question of whether adequate steps were being taken to inform the world generally of the nature of this problem and the work of the Commission in moving toward a solution. MR. EBERSTADT pointed out that the proposed approach had the merit of being exploratory rather than consummative and avoided creating a crisis. SIR ALEXANDER was particularly in favor of the idea of exploring what might be done, rather than taking of votes on whether anyone was willing to do what was indicated. This procedure would build up a logical structure starting from the Scientific and Technical Committee report which would be most useful to world opinion whether we attain final success or not. GENERAL McNAUGHTON saw the additional merit in the plan in that while it provoked no crisis, it was sufficiently flexible so that once the international situation improved the more political questions could be drawn into the discussions.

GENERAL McNAUGHTON raised the question about the reservations that some delegates might have about discussing raw materials in phase one. In the discussion that followed it was agreed that mining in the terms of preventing diversion should proceed along general lines and should avoid any implication that the control mechanism would necessarily have to be international. All the delegates should be invited to participate in this discussion and draw upon his knowledge of how control is achieved in his own country. In no event should discussions in phase one be pushed to a point where delegates would balk at carrying the discussion forward. Questions that involve serious political conditions whether on the subject of mining or production of nuclear fuels should be put aside until phase two and phase three. In fact, phase one would be a softening-up process which might lay the groundwork for more crucial consideration of political problems in a later phase. For example, the question of undisclosed mines—that is mines not yet discovered—should not be discussed in phase one but should be left to a later period. As regards information on raw materials, GENERAL McNAUGHTON stated that he was authorized by his government to say that he was prepared to discuss all information concerning the raw materials situated in his country, if other countries would undertake to do likewise.

DR. TOLMAN pointed out that as far as raw materials were concerned, we wanted to know not only about reserves of the twelve countries represented on the Commission, but reserves in all nations throughout the world. To this SIR GEORGE replied that precise knowledge concerning world reserves of uranium and thorium would not be important in the first phase of discussion.

GENERAL McNAUGHTON felt that the Scientific and Technical Committee should remain in being and that out of informal discussions of Committee No. 2 might come specific requests to the Scientific and Technical Committee to prepare reports on different phases of the problem as they arose. He hoped that the members of the Scientific and Technical Committee would not be drawn in too closely into any political discussions that might go on in Committee No. 2. He thought that the scientists should be invited to attend these informal discussions and participate as individuals.

MR. HANCOCK summarized his understanding of the proposal as follows: Committee No. 2 should resolve itself into an informal working committee for the purpose of considering the question of controls as raised by the report of the Scientific and Technical Committee. Its discussions should proceed along the lines of the tentative outline proposed by General McNaughton. The heads of the several delegations should be asked to send as their representatives to these informal meetings anyone they chose. Individual members of the Scientific and Technical Committee should be invited to participate in these discussions as individuals. Whatever conclusions might be arrived at in these informal discussions should be written up in reports for presentation to Committee No. 2 in formal session for whatever action it deemed desirable.

GENERAL McNAUGHTON thought that such reports as might be developed in informal discussion ought to be presented to the formal committee via the Chairman of the informal group. MR. HANCOCK said this raised the question of whether it might be possible to break through the established pattern of the monthly rotation of chairmanship. GENERAL McNAUGHTON proposed that a way to do this would be to have a deputy chairman appointed to Committee No. 2 who would be specifically charged with responsibility of chairing informal meetings. This suggestion was generally agreed to. DR. TOLMAN and MR. GORDON suggested that an excellent choice for this post would be Dr. Vallarta.

There was general agreement that General McNaughton would take the initiative on tomorrow's meeting to move the adoption of a proce-

dure along the lines he had discussed earlier.⁷⁷ It was generally agreed also that Dr. Vallarta⁷⁸ or Dr. Nervo would be our candidates for deputy chairman.

The meeting adjourned at 4:15 PM.

R. GORDON ARNESON

SPA Files

Memorandum by the Associate Chief of the Division of International Security Affairs (Blaisdell)

SECRET

[WASHINGTON,] October 2, 1946.

SD/S/727

PROPOSAL BY THE SOVIET DELEGATION TO THE MILITARY STAFF COMMITTEE "THE PURPOSE OF UNITED NATIONS ARMED FORCES TO BE PLACED AT THE DISPOSAL OF THE SECURITY COUNCIL BY THE MEMBER NATIONS OF THE UNITED NATIONS"

VIEWS OF THE DEPARTMENT OF STATE

1. This memorandum sets forth the views of the Department of State on the proposal advanced on September 18, 1946 to the Military Staff Committee by the Soviet Delegation entitled "The Purpose of United Nations Armed Forces To Be Placed at the Disposal of the Security Council by the Member Nations of the United Nations."⁷⁹ An expression of opinion by the Acting Representative of the United States on the Security Council was requested by the representatives of the United States Joint Chiefs of Staff on the Military Staff Committee in a memorandum of September 18, 1946 from Dennis W. Knoll, Secretary, United States Delegation to the Military Staff Committee, to Mr. Herschel V. Johnson.⁸⁰ Comment of the Department was requested in a memorandum of September 19, 1946⁸⁰ from J. W. Scott⁸¹ to Joseph E. Johnson. The views presented in the present memorandum are for the use and guidance of the Acting United States Representative on the Security Council in complying with the

⁷⁷ At its 7th Meeting, October 8, Committee 2 accepted the Canadian proposal that it conduct informal meetings on subjects considered in the Committee 3 report; regarding the nature of the meetings which occurred between October 15 and the end of the month, see Hewlett and Anderson, p. 607.

⁷⁸ Dr. Manuel Sandoval Vallarta, Mexican Representative on the Atomic Energy Commission.

⁷⁹ For text, see footnote 53, p. 915.

⁸⁰ Not printed.

⁸¹ Joseph W. Scott of the Division of International Security Affairs.

request of the representatives of the Joint Chiefs of Staff on the Military Staff Committee.⁸³

2. The Department is of the opinion that the Joint Chiefs of Staff representatives on the Military Staff Committee should take the position that in the absence of a specific directive from the Security Council, the Soviet proposal is not an appropriate matter for the Military Staff Committee or its subcommittees to deal with.

3. The Department is further of the opinion that if the Soviet representatives in the Military Staff Committee and its subcommittees consider that the establishment of the principles embodied in the Soviet proposal or of modifications of those principles is a prerequisite to the formulation of the principles of organization of the United Nations forces or is a prerequisite to the adoption by the Military Staff Committee of a draft standard form of agreement concerning the provision of armed forces for submission to the Security Council, the matter should be referred to the Security Council without delay.

4. The Department holds the views expressed in paragraphs 2 and 3 above because the Soviet proposal does not deal primarily with the military aspects of the purpose or employment of the armed forces to be made available to the Security Council or with the principles of organization of those forces. In addition, the proposal, in effect, constitutes interpretations of Charter provisions dealing with the authority of the Council to employ such armed forces and thus raise questions of a political nature. The Military Staff Committee is charged, both under Article 47 of the Charter and under Section II (c) of the Revised Draft Statute (MS/87),⁸⁴ with responsibility for advising and assisting the Security Council on questions relating to the "employment" of forces placed at its disposal. But it appears to be clear from the provisions of Article 47 and of the Draft Statute that unless otherwise directed by the Security Council the Military Staff Committee should, so far as concerns matters relating to the employment of these forces, deal only with matters related to the military aspects of that employment.

⁸³ The *Ad Hoc* Committee on Military and Security Functions of the United Nations Organization discussed the Soviet proposal at its 13th Meeting, September 26. It was agreed that the Joint Chiefs of Staff and the Department of State should transmit parallel instructions to their representatives in New York based on consensus achieved at that meeting. (SWNCC Files) The present document was forwarded by Mr. Hiss to the Delegation in New York on October 3 as the tentative position of the Department, and transmitted by the Acting United States Representative at the United Nations to the U.S. Representatives on the MSC on October 10. The JCS despatched instructions to the U.S. Representatives on the MSC on October 8 which were substantially the same as those contained in the present document. The JCS instructions were circulated among the U.S. Representatives as USMS/50/12 and in the State-War-Navy Coordinating Committee in SWNCC 219/14. (IO Files)

⁸⁴ Not printed.

5. The Department holds the further view that if the members of the Subcommittee on Principles of Organization, other than the Soviet member, fail to support the position taken by the United States representative in accordance with the position set out in paragraphs 2 and 3 above, the Joint Chiefs of Staff representatives should obtain further instructions from the Joint Chiefs of Staff before adopting any substantially different position.

6. The adoption of the position set forth in paragraph 2, 3, and 5 above with respect to the Soviet proposal would necessitate similar action with respect to proposals concerning the purpose of United Nations armed forces or any other matters outside the terms of reference employed by the Security Council in directing the Military Staff Committee "as its first task to examine from the military point of view the provisions in Article 43 of the Charter" which may appear in papers submitted by other members of the Military Staff Committee.

Department of State Atomic Energy Files

*Memorandum by Dr. Richard C. Tolman to Mr. John M. Hancock*⁸⁵

CONFIDENTIAL

[NEW YORK,] October 4, 1946.

Subject: Immediate cessation of bomb manufacture

1. In accordance with your request I am transmitting herewith an analysis of certain points with reference to the question of immediate cessation of bomb manufacture.

2. The principal argument given for the immediate cessation of bomb manufacture by the United States is that such action would demonstrate the sincerity of our desire to outlaw the use of this weapon, and would thus contribute to a better atmosphere and to better prospects of success for the UNAEC negotiations.

3. Such an action would certainly be regarded by some persons and for some length of time as a demonstration of sincerity, but it is not clear that it would contribute either to the success of the negotiations or to the security of the world.

4. Doubts as to whether we had really ceased bomb manufacture would soon be spread. On the one hand this would impair confidence in our sincerity. On the other hand it would emphasize the need for inspection which we believe to be an essential part of international control.

5. Rumors would be circulated that we already had a sufficient stock pile of bombs so that the cessation of bomb manufacture was meaningless.

⁸⁵ Members of the United States Delegation to the Atomic Energy Commission.

6. Demands might soon be made for destruction of existing bombs, disposition of existing fissionable material, and discontinuance of the manufacture of further fissionable material. This last would in time have a bad effect on development for peaceful uses.

7. Resumption of bomb manufacture after a specified time, or on approaching breakdown of negotiations would have a serious adverse effect on international relations.

8. Many nations would lose the sense of security that they now derive from the U. S. possession of the bomb and would cease to support U. S. positions.

9. U. S. bargaining position for a system of international control would probably be weakened.

10. Timing of cessation of bomb manufacture and disposition of existing bombs are appropriate items for inclusion in treaty.

11. U. S. security would be adversely affected at a time when demobilization of armed forces has already been great.

RICHARD C. TOLMAN

740.00119 Council/10-846 : Telegram

*The Acting Secretary of State to the Secretary of State, in Paris*⁸⁶

SECRET

WASHINGTON, October 8, 1946—7 p. m.

5378. Secdel 1075. 1. In view of our repeatedly stated position that GA may discuss any topic within the scope of the Charter and because its scope of discussion is thus wider than that of SC, we believe we should not oppose addition to GA Agenda of Soviet proposal re presence of forces of states members of UN on territories of non-enemy countries (re Dept's 5321, October 5).⁸⁷

2. Under GA rules all proposed Agenda items are passed upon by GA. Consequently, our position does not have to be taken definitively until GA convenes. However, we recommend that in order to make our position clear as well as to minimize risk of having Soviet proposal debated in its present form, we should promptly inform SYG our intention to move for a revision of the Soviet proposal or, if necessary, to propose a new Agenda item to include the question of troops of UN

⁸⁶ Repeated to New York as telegram 231.

⁸⁷ In a letter to the Secretary General, October 3, the Soviet Delegation requested that the question of the presence of troops of United Nations members on non-enemy territory be placed on the agenda of the General Assembly; for text, see United Nations, *Official Records of the General Assembly, First Session, Second Part, First Committee*, p. 332. Telegram 5321, not printed, informed the Secretary of State of the Soviet request. (740.00119 Council/10-546)

On October 7, Mr. Hiss and Senator Austin discussed the matter by telephone. Mr. Hiss indicated that in view of United States advocacy of freedom of discussion in the General Assembly the Department intended to recommend to Secretary Byrnes that the United States not oppose the placing of the item on the agenda. Senator Austin concurred. (740.00119 Council/10-546)

members in territories of non-member states (Dept's telegram 4508, August 30), and that at the same time, we should request SYG to communicate notice of this intention to UN members. Our position should be determined promptly.

3. It is Dept's view as well as that of War and Navy (Dept's 4508, August 30) we should be willing to make available such information regarding US troops.

4. In view your prior consideration this matter with Bevin when proposed for SC consideration, you may wish to discuss it again with him. (Ur 4396, September 2)

ACHESON

501.BC/9-1446

*Department of State Position Paper*⁸⁸

SECRET

WASHINGTON, October 14, 1946.

SD/S/734

BRITISH PROPOSAL TO MAKE THE WHOLE OF A NATION'S FORCES AVAILABLE TO THE SECURITY COUNCIL

The Joint Chiefs of Staff have requested the views of the Department of State on the following article which was proposed by the United Kingdom representatives on a subcommittee of the Military Staff Committee of the United Nations for inclusion in the Standard Form of Agreement concerning the size and composition of the armed forces to be made available to the Security Council:

"[Member Nation] guarantees to place, if requested by the Security Council, the whole of its national forces at the disposal of the Security Council so far as its other commitments and transport resources permit."

The Department of State holds the view that the United States should oppose the inclusion of this article in the Standard Form of Agreement. The reasons for holding this view are as follows:

1. *The article would not be in agreement with United States law.*

Section 6 of the United Nations Participation Act of 1945 (Public Law 264-79th Congress) reads as follows:

"The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of

⁸⁸ This paper was prepared in response to SWN-4744, September 14, p. 917. On November 27, the Joint Chiefs of Staff advised the Department of State through the State-War-Navy Coordinating Committee that the United States Representatives on the Military Staff Committee had been furnished guidance substantially as recommended in the present paper. (SWNCC Files)

readiness and general location, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements the armed forces, facilities, or assistance provided for therein: Provided, That nothing herein contained shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements."

The wording of this section makes it clear that the special agreement to be entered into by the United States will have to be approved by Congress and that Congress expects the agreement to mention a specific quantity of armed forces, any commitment beyond which would require further authorization by the legislative branch.

2. *The article would be out of harmony with congressional opinion.*

During conversations held on April 1, 1946 by representatives of the State Department with Senators Connally, Vandenberg, Austin and Thomas, it was the judgment of these Senators that the number of forces, and particularly of the ground forces, should be small; otherwise, the possibility of public disapproval was foreseen.

3. *The article overvalues the effectiveness of the Charter from the security point of view.*

As stated in SWNCC 219/9 (page 97, paragraph 3), the existence of the unanimity requirement makes it highly improbable that the Security Council will ever take action by armed forces. Action against any of the permanent members of the Security Council is practically impossible. The only conceivable action which the Security Council could take would be against small nations. It would, therefore, be unnecessary to place large forces at the disposal of the Security Council.

In making this proposal, the United Kingdom probably wished to strengthen the United Nations and to increase its prestige. The United Kingdom has not, however, proposed the abolition of the unanimity rule, which would appear to be a necessary condition to strengthening the United Nations in the way suggested in this article. However, if such is the intention, it would appear to be useless to attempt to strengthen the United Nations in such an indirect manner at this time. If, at some future date, it seems likely that the unanimity rule could be eliminated, the question of providing larger forces might then properly receive further consideration.

For these reasons, the Department of State is of the opinion that the United Kingdom proposal should be opposed by the United States.

The same view would apply to other proposals which provide for the placing of anything but limited and specific number of armed forces at the disposal of the Security Council.

The Department recognizes, however, that the Security Council in some conceivable situation might need more armed forces than were made available to it in the special agreements. With this thought in mind the present article 8 of the Draft Standard Form of Agreement was included. In order to meet the wishes of other Governments, the Department would not oppose the inclusion in this article of a clause by which the member states would undertake to consider a request for additional troops made by the Security Council as rapidly as is possible in accordance with their respective constitutional processes.

It is, therefore, recommended that the Department should advise the Joint Chiefs of Staff that, if they concur in the above views, they may wish to instruct their representatives on the Military Staff Committee of the United Nations as follows:

(1) The U.K. proposals or any other proposals which would cause the member states to commit anything but a limited and specific number of armed forces to the Security Council should be opposed.

(2) The reasons for this position should be explained informally to the other Delegations. An effort should be made to get the U.K. representatives on the Military Staff Committee to have this proposal withdrawn. If such an effort does not succeed, the Department should be informed through the U.S. representatives on the Security Council.

(3) A clause might be included in the Draft Standard Form of Agreement making it obligatory for member states to consider a request made by the Security Council for additional troops as rapidly as is possible in accordance with their respective constitutional processes.

A request should also be made to the Joint Chiefs of Staff to advise the Department if their representatives on the Military Staff Committee are instructed in the above sense.

Moscow Embassy Files: 713—Atomic Bomb

Memorandum by Mr. Franklin A. Lindsay⁸⁹ to the United States Representative on the United Nations Atomic Energy Commission (Baruch)

SECRET

[NEW YORK,] October 21, 1946.

On Saturday evening, October 19, Mr. Eberstadt, Dr. Herring,⁹⁰ and I dined with Mr. Sobolev, Assistant Secretary General of the United Nations. The meeting was arranged through Herring with the purpose of establishing a point of contact with the Russian

⁸⁹ Staff member, United States Delegation to the Atomic Energy Commission.

⁹⁰ Edward Pendleton Herring, Secretary, Atomic Energy Commission.

Government in addition to the official contact established through Gromyko.

Sobolev began the discussion by asking why we refused to stop bomb production. He stated that we would still have our plants, personnel, and technical skill, and could start again at any time as we had an absolute monopoly at the present time. He acknowledged that the use of the bomb was "possibly" decisive in the Japanese war. But he asked what purpose we could possibly have for more bombs at this time. He felt that in the present international situation that our continued production was an unstabilizing force in the world and made more difficult the conclusion of any international agreements or understandings. Sobolev stated that he based his statement that we were continuing bomb production on press reports.

Mr. Eberstadt stated that approximately six weeks ago he had come to the conclusion that the Soviet Government did not wish to reach an agreement for the international control of atomic energy. He had gone over all of Gromyko's statements on the subject, as well as various articles which had been written expressing the Soviet viewpoint. He found in these objections to the American Plan no insurmountable obstacles, with the exception of our provision for international inspection and control. That seemed to be completely unacceptable to the Soviet Government.

Sobolev replied that the United States plan was in essence a plan for world government. The world, he stated, was not ready for world government. The Soviets, themselves, had attempted a similar proposal in 1927, but this proposal had been rejected by the world as attempting to go too far too fast.⁹¹ He asked whether or not we thought that the American Senate would approve a proposal for world government.

Mr. Eberstadt replied that he thought the Senate would probably not approve a proposal labeled "World Government", but he did think a proposal such as ours, designed to accomplish specific objectives, could be passed by the Senate.

Sobolev stated that the question of world government had also been examined at Dumbarton Oaks⁹² and in San Francisco,⁹³ and had been rejected on the grounds that the world was not ready for it.

⁹¹ Litvinov had made a proposal for complete and immediate disarmament, offered at the fourth session of the Preparatory Commission for Disarmament, at Geneva, on November 30, 1927. For proceedings of this session, see League of Nations, *Documents of the Preparatory Commission for the Disarmament Conference Entrusted with the Preparation for the Conference for the Reduction and Limitations of Armaments*, Series 1 (C667.M.225.1927.IX), p. 11.

⁹² For documentation concerning the Dumbarton Oaks Conference, see *Foreign Relations*, 1944, vol. 1, pp. 713 ff.

⁹³ For documentation concerning the United Nations Conference on International Organization, San Francisco, California, April 25-June 26, 1945, see *ibid.*, 1945, vol. 1, pp. 1 ff.

Mr. Eberstadt brought up the Kuh article which had appeared in "PM". He felt that perhaps this article expressed legitimate cause for concern on the part of the Soviets. Sobolev did not indicate that he was the source for this article, but showed great interest in whether or not we considered it to be a legitimate article.

We attempted to demonstrate to him that our proposals in no way would be directed unfairly against the economic development of Russia. Mr. Eberstadt stated that an initial division of plants might be agreed to in the treaty, and that additional plants might be constructed only upon approval of the Security Council with the veto intact. This would make it possible for the Russians to veto our further use of atomic power as well as our vetoing of their expansion. Thus, the American Proposals would apply equally to both nations.

Sobolev replied that the Soviet Union was not seeking equality, but, rather, freedom to pursue its own policies in complete freedom and without any interference or control from the outside. He made at this point rather an oblique reference to two previous attempts which had been made by foreign nations to deprive the Russian people of their freedom, both of which had failed.

Sobolev said that he had been trained as an engineer, and that he knew engineering projects of this type could not be allocated on purely political considerations, as a great many factors were required to provide adequate conditions for the construction of plants. If those conditions did not exist, it would not be possible to construct plants allocated by political means.

Sobolev further stated that the United States at this time had a tremendous advantage. We had all of the plants already and the skill to operate them, and all the subsidiary industrial potential to support such a complex project. It was inconceivable that any of this would be torn down.

Sobolev then returned to his argument for stopping bomb production. Mr. Eberstadt stated that we were perfectly willing to stop bomb production as a stage in the transition to ultimate international control. However, the final stage of international control must be provided for and agreed to before we would stop bomb production. He stated that although he did not know the official United States position on this, he would be prepared to argue the point with his Government for making cessation of bomb production the very first step in the transition stage. This would be done immediately upon signing of a satisfactory treaty. However, it would be futile to even consider such a program without adequate guaranties on the part of other nations. The American people would not support such a move and without such support the Government could not conceivably take such action.

He referred to the joint declaration of foreign ministers which envisaged an international control agency and controls sufficiently effective to protect complying states in the event of violations.⁹⁴ He did not know what the Soviet interpretation of this declaration was, but the American interpretation was that it certainly required effective and international control. [I cannot recall any reply that was made by Sobolev to this statement.]⁹⁵

Herring at this point suggested a possible compromise in which the initial disposal of plants would be provided for in the treaty in return for acceptance by the Russians of international inspection of the plant or plants located in their territory. Any nation would be perfectly free to construct additional plants at its own expense and where it desired, provided that it submitted to inspection. I stated that I doubted that such a proposal would provide for the minimum of security which we believe to be essential. I suggested, however, that the problem of inequality in requirements for power plants, which would cause a corresponding inequality in military potential, might be circumvented at least in part by permitting nations which did not desire to construct plants up to the agreed international quota to hold stocks of fissionable material equivalent to the working stocks that would be required in such plants. In this way they would be able to preserve their proportionate military potential.

Mr. Eberstadt suggested an alternate plan in which an initial quota of plants would be distributed throughout the world, and that construction of future plants would be up to Security Council approval. He emphasized, however, that he was speaking as an individual and that he had no idea whether such a proposal would be acceptable to his Government. Sobolev made no comment on either of these statements.

Sobolev again returned to the aspect of international control and repeated that the U.S. proposals were too ambitious, and that it was completely impossible for the Russians to accept them. He suggested the only possible way would be by slow stages as the world became more ready for international world government. He suggested that stopping of bomb production would be a first step, but that further steps could not be agreed upon now or could even be foreseen. He thought that it might be that after a period of years a situation could possibly be reached which would be quite similar to the situation envisaged by the U. S. proposals, but reiterated that our ultimate conditions could not possibly be accepted at the present time. He did,

⁹⁴ See section 7 of the Report of the Conference of Foreign Ministers at Moscow, in telegram 4284, December 27, 1945, from Moscow, *Foreign Relations*, 1945, vol. II, p. 815.

⁹⁵ Brackets appear in the original.

however, suggest that the compromise proposal suggested by Eberstadt and Herring might be the subject of discussion between Molotov and Byrnes while both are in New York. He stated that he thought Molotov would not take the initiative in such discussions, and that Byrnes would have to bring up the subject. Eberstadt asked who else he thought should be present at those discussions. Sobolev replied that at least at first no one besides those two should be present.

Mr. Eberstadt remarked that he thought it might have been a mistake to bring the United States and Soviet proposals into the Commission without having previously discussed them privately. Sobolev made no comment.

At one point in the conversations, Sobolev referred to the anti-Soviet attitude of the American press. He stated that the figure of ten million men in Russian concentration camps was ridiculous. He stated that the United States would not believe officially-published statistics of the Russian Government. He said that it was true the Russians were planning to build a Navy, but with the industrial potential of the country it should be perfectly obvious to us that the size of the Navy could not possibly approach the size of the American Navy in the foreseeable future.

He stated that the current 5-Year Plan had been interpreted in this country as a war plan. The reason for the emphasis on basic steel production was not for war purposes, but to rebuild the railways and bridges that had been destroyed during the war.

Eberstadt brought up the question of the Red Army. Sobolev replied the figures quoted in the American press for the size of the Russian Army were fantastic, that the size of the Russian Army could be obtained by anyone from official Russian statements. For example, they had announced that they had already demobilized 20 classes. He inferred that the size of the Red Army could be determined by such information. He summed up this part of the discussion by saying that the United States knew fully as much about Russia as Russia knew about the United States.

The discussion ended with a reiteration by Sobolev that he spoke only for himself and did not speak as a Soviet official.

Comment:

This is by far the frankest discussion with a Soviet official in which I have participated. Based on my previous work with the Russians, I believe it to be an accurate statement of official Soviet policy.

I believe the main conclusions which can be drawn from the talk are:

1. The Russians are most anxious to get us to stop bomb production, temporarily, at least. They probably think that if they can get us to

stop production now they can use pressure of public opinion to prevent resumption of production later.

2. Stopping bomb production will in no way induce the Russians to accept any form of international inspection and control, the real obstacle to agreement.

3. The statement that the Soviet Union does not desire equality, but requires unlimited freedom to pursue its own policies, strongly indicates that no general understanding based on mutual trust and cooperation is possible between the two systems of government.

4. The proposal for discussions between Molotov and Byrnes was probably prompted by the hope that the Russians might get some concession from us, rather than by a desire to try to reach a general agreement.

The Soviet government is confronted with two alternatives:

a. To conclude an agreement which will mean world government in a limited and specific field, a system which might result in serious changes in their internal social and political structure.

b. Accept no international dominion of any sort; accept for the time being the superiority of the United States in atomic weapons; try to neutralize this superiority by all possible methods; and wait for the "inevitable" crack-up of capitalism.

We can only achieve success by making the second alternative more undesirable to them than the first.

FRANKLIN A. LINDSAY

501.BB/10-2146

Memorandum of Telephone Conversation, by the Director of the Office of Special Political Affairs (Hiss)

[WASHINGTON,] October 21, 1946.

Participants: Mr. D. D. Maclean, First Secretary of the British Embassy
Mr. Alger Hiss

Mr. Acheson informed me Friday evening ⁹⁶ that the Secretary had agreed with the recommendation made to him by the Department in Secdel 1075 of October 8 ⁹⁷ that we should not oppose the addition of the above item to the General Assembly agenda but instead should move for a clarification of it to ensure the inclusion of Austria as a

⁹⁶ October 18.

⁹⁷ *Ante*, p. 952.

non-enemy state and also for its expansion to cover troops in ex-enemy states. Mr. Acheson agreed that the British Embassy should be notified promptly of our views and that the Delegation in New York should be instructed not to notify the Secretary General of our intentions until after giving the British advance notice. Mr. Acheson suggested that we might simply notify the British that we intended to send our notification to the Secretary General on Tuesday or Wednesday and were giving the British advance information because of their interest in the matter.

Accordingly I informed Mr. Maclean of the British Embassy last Saturday of our intentions and pointed out that we were giving consideration to making public our own troop dispositions in the course of the Assembly discussion, probably at an early date in the particular committee to which the matter would be referred.

Mr. Maclean thanked me for this information and said he would immediately communicate it to London. He added that he thought our plans would be viewed with concern in London although he recognized the differences between the limited jurisdiction of the Security Council and the general authority of the General Assembly to discuss all subjects.

This morning Mr. Maclean called to say that the Embassy had received a preliminary reply on this subject which stated that the Foreign Office is giving urgent consideration to the problem which they regard as a joint problem since the Russian's initiative in their opinion is aimed at the United States and Britain. Mr. Bevin had expressed the hope that we would not make our communication to the Secretariat until we had heard further from him. Mr. Maclean assured us that their further views would be forthcoming shortly. He added that the Ambassador was being instructed to take the matter up directly with the Secretary.⁹⁸

Mr. Maclean said that in view of what I had said on Saturday, namely, that we do not contemplate communicating our views to the Secretary General until Tuesday or Wednesday that he assumed we would be able to wait a short time further until Mr. Bevin's further views had been received. I assured Mr. Maclean this was the situation.

⁹⁸ The file copy of the present document is accompanied by the following handwritten chit, addressed by Mr. Byrnes to Mr. Hiss, which is date-stamped Office of Special Political Affairs October 21, 1946: "Bevin asks we do not talk to Lie about Soviet Resolution as to armed forces until he communicates with me. I have told Ambassador would delay action but urged that he advise me promptly."

501.BB/10-2346

*The British Embassy to the Department of State*⁹⁹

TOP SECRET

Paraphrase of a Telegram Received from the Secretary of State for Foreign Affairs, of October 23rd 1946

"I have been considering the line to be taken in the General Assembly in answering the Soviet item on Allied troops abroad. To my mind the over-riding consideration is that in no circumstances can we admit the obligation to disclose all our troop strengths and dispositions abroad. It would be disastrous to reveal at the present time the exact strength and composition of our forces abroad, for the reasons I explained to Mr. Byrnes in Paris. Furthermore to agree under any circumstances that the General Assembly has a right to this information would establish a precedent consequences of which would require to be carefully thought out. Once the figures of service strengths overseas are given to the United Nations, there is nothing to stop a recurring request by the General Assembly or Security Council for the figures to be brought up to date. In other words every replacement or reequipment of land and air units overseas and every movement of naval units outside home waters might have to be notified. Powers with a high proportion of air and naval forces and scattered bases would have far more to lose by publicity of this sort than a land power depending mainly on an army inside its own frontiers, such as the Soviet Union.

2. "Similar objections apply to the idea of extending the proposal to cover ex-enemy territories. It is quite possible that Monsieur Molotov would jump at this offer and provide figures whose accuracy, although it might well be highly dubious, we should have no means of checking. In exchange the whole world would know the precise strength of British and United States forces in Germany and Austria, as well as elsewhere, which it is certainly not in our common interest to divulge at the present time.

3. "For these reasons I cannot take any line in the Assembly which, even if the Russians turned the item down when extended to cover ex-enemy territories, would admit the obligation to disclose our troop

⁹⁹ The source text bears the following marginal notation by Mr. Hiss: "Left (in single copy) with Mr. Hiss by Mr. Maclean 3: 45 p. m. 12/23 [10/23]." The source text is accompanied by the following handwritten chit directed by Mr. Cohen to Mr. Acheson: "You will be interested in the enclosed note from Bevin. When you have finished reading it, please give to Mr. Reams [R. Borden Reams, Special Assistant to the Secretary of State] to bring to the Secretary's attention immediately on his return from N. Y.

"My thought is that we might let the Russian proposal for the agenda go on as submitted and hold our amendment until the matter comes up in the Committee after the item has gone on the agenda."

Regarding discussion of the issue by Maclean and Cohen at the time of the delivery of the note, see Mr. Acheson's memorandum to Mr. Byrnes, October 26, p. 966.

dispositions abroad. Even the Military Staff Committee, if it were a united and effective body, would still not be entitled to have this information beyond what is required for Article 43, and it seems to me out of the question to concede the point at the present time.

4. "I quite agree that the difference in procedure between the Security Council and the General Assembly makes it impossible to keep the Soviet item off the Assembly agenda, as was done in the Security Council. Apart from this, however, I would propose to take much the same line as was taken then, namely that this is a Soviet propaganda move, that British troops abroad are not a menace to peace and security and that nobody seriously believes they are. I am of course assuming, as I think is bound to be the case, that the Soviet spokesman in the Assembly will take essentially the same line as Monsieur Gromyko took in the Security Council. I understand that Article 11 will be invoked in the Assembly and this Article, though more widely drawn, seems to give as much scope for such a Soviet line as Article 34 did in the Security Council. I should then observe that the Soviet item specifically excludes those countries who cannot speak for themselves and yet have to bear the burden of a quite excessive number of Soviet troops. I should also point out that if any Governments feel aggrieved it is up to them to raise the question for themselves.

5. "I cannot be certain that a motion exonerating British and United States troops would get a clear two-thirds majority as there might be a number of abstentions. On the other hand, it is most unlikely that a Soviet motion on the lines of their Security Council argument would get a two-thirds majority. Our tactics should therefore be to get them to propose a motion which, provided the United States and United Kingdom delegates take a similar line, we should have no difficulty in defeating."

Mr. Bevin very much hopes that Mr. Byrnes will agree with the foregoing and with the course of action suggested. If he does not Mr. Bevin hopes Mr. Byrnes will make no move until he has had an opportunity of discussing the matter further with him on his arrival in New York.

[WASHINGTON,] October 23, 1946.

501.BC Atomic/10-2446

Mr. Fred Searls, Jr., of the United States Delegation to the Atomic Energy Commission, to the Secretary of State

NEW YORK, October 24, 1946.

DEAR MR. SECRETARY: You will have heard from Mr. Baruch, who has also reported to the President, the status of negotiations within

the Atomic Energy Commission and the high lights of efforts that have been made during your absence. No doubt, you have already formed some opinion as to the degree of success likely to attend further attempts at a unanimous agreement to a treaty, or recommendations to the Security Council.

It is assumed very generally indeed, not only by Mr. Wallace and the Communist-scientist group, but by almost everyone else who has spoken or written on "The Atomic Bomb," that failure to reach an agreement by the Atomic Energy Commission or some other creature of the United Nations, means acceleration of an atomic armament race, which most—but not all—of the writers and speakers believe will lead to war. Laurence of California,¹ who is one of the realists, suggests that if the Russians do not soon agree, we should increase production of fissionable material, speed up the program for bases and B-36 planes, and in effect give notice that *we* are the future police force of the Security Council.

However, my efforts in trying to assist Mr. Baruch have been chiefly in the field of "raw materials" and the contacts I have had with the Russians, particularly with Alexandrov,² and with the Manhattan District activities, convince me that there is perhaps another, less openly belligerent route that we can follow—indeed are following—which, if handled with great wisdom and not made subject to interference by radicals, can accomplish years of delay in competitive atomic weapon production, even if the Atomic Energy Commission fails of agreement.

This procedure of growing importance lies in the field of continuation and stimulation of preclusive and cooperative contracting in the field of raw materials, particularly, of course, of the ores of uranium and thorium but also of some other metals.

I know that, as a member of the Combined Policy Committee,³ you are familiar with the May 13th and previous agreements and, generally speaking, with the activities of the Combined Development Trust.⁴

These activities have been of great importance but, if the Atomic Energy Commission fails, it appears to me that they may become of surpassing importance. It is, therefore, of the very greatest interest that they shall remain in the most competent hands.

The attitude, questions, desires, and general behavior of the Russians, of which I can give you details, support intelligence reports of declarations by Alexandrov at Bikini of the lack by them of workable high-grade deposits, and references to their consequent feverish activity in development of processes for treatment of their abundant very

¹ Presumably Ernest O. Lawrence of the University of California, inventor of the cyclotron and participant in Manhattan Engineer District.

² Mr. S. P. Alexandrov, Adviser, Soviet Delegation to the Atomic Energy Commission.

³ See footnote 14, p. 1205.

⁴ See footnote 15, p. 1205.

low-grade ore. It now seems to me that it may well be ten years before they can become possessed of an adequate supply, if we can prevent their obtaining it from other countries. Ten years may well mean everything in relations with the Russians since, surely, it is only a question of time before internal opinions will force a change in their government's behavior to its own people and to foreign nations.

What I am afraid of is that this most delicate and important series of negotiations will fall into the wrong hands. So far, I think it has been very well done; but if the Atomic Energy Commission fails, it will need to be expanded wisely and promptly, particularly in the thorium field, and particularly in Asia and the East Indies. It is for this reason that I asked Donald Russell⁵ to send Bain of the Manhattan District with the delegation to the London Tin Conference.

It will be a tragedy if, just at the time this activity needs the greatest care and wise expansion, it becomes a bureaucratic prize, or subject to change of policy and public criticism or even knowledge because of ideological theories. This can easily happen, and probably will happen, if wrong appointments are made to the commission created by the McMahan Bill. As you doubtless know, the transfers agreed to by the Combined Policy Committee by the compromise agreement of May 13th have been held up until the new commission is appointed and acts. It is certain, even required, that the new commission will have "cognizance" (in the naval sense of the word) of all of the Combined Trust's activities, even in dealing with foreign countries.

Nothing has been made quite so clear in the discussions of the Atomic Energy Commission as that no nation is willing to surrender actual ownership of deposits of these ores. With the possible exception of the United States, it is, I believe, indisputable now that all nations will vigorously resist any attempt to have an international agency actually take over ownership and operation of such deposits. One by one, the delegations of Canada, Brazil, Australia, France, United Kingdom, and China have expressed their relief at our willingness to depart in this respect from the original proposals of the Acheson-Lilienthal report. There is clearly distinguishable to anyone now engaged in the metal business, a new interest and growing determination on the part of all nations to regard as essential to sovereignty all metal deposits—not only metals with the very high atomic numbers—but all metals. As C. K. Leith⁶ says, there is little metal crossing the water these days, save by government action or, at least, with government approval.

The most stubborn advocate of international ownership of atomic energy ores has been Lilienthal. If surrounded and encouraged by other left-wingers . . . , I think we can probably fold up the new-

⁵ Donald S. Russell, Assistant Secretary of State for Administration.

⁶ Charles K. Leith, a United States trustee, Combined Development Trust.

born hope that little by little we can draw other nations in with the United States, the United Kingdom, and Canada, to form a group that will control atomic energy through possession of such an overwhelming proportion of the raw materials, that those nations left without the circle must pay the price of admission—real arrangements for permanent peace—or, failing that, realize that they will be hopelessly behind in an atomic energy race for many years to come.

I do not say that this is a permanent solution. There is too much uranium and thorium available for that. But it may well provide a delay of many years beyond the date, at which the Russians can make an atomic bomb or two. I am convinced they already know how to make them, and that they are bending every effort to get the material for many of them; but if the work initiated by the District and furthered by the Trust is let alone and wisely handled, it could provide the way to peace.

And it may be wise to include certain other metals in such a program. There are several others important in the peaceful application of atomic energy; and there are others still that will be needed, beyond the limits of stockpiles plus production, when the next war comes. In view of the growing importance of raw materials, it would be well if one member of the new commission were a man like Leith or some younger man, approved by Groves, who is experienced and informed on this subject.

It is not evident that Mr. Baruch has so far been successful in exercising influence in the choice of the members of the new commission and, while my fears may be founded on rumor, I think the importance warrants the anxiety. Could you yet get Baruch another hearing, or intervene yourself, or, if it is too late for that, could you get a Presidential edict, to which the appointees must accede before their appointment, which would be so worded as to leave this raw material program heading up to you and Patterson and Forrestal? If something is not done, I fear we may throw away one of our best approaches to the solution of an important segment of the world's difficulties.

Respectfully,

FRED SEARLS, JR.

501.BB/10-2646

Memorandum by the Under Secretary of State (Acheson) to the Secretary of State

SECRET

[WASHINGTON,] October 26, 1946.

Subject: Russian Proposal with Respect to Troops in Non-Enemy States

There is attached hereto the memorandum from Mr. Bevin⁸ which I mentioned to you on the telephone the evening of Wednesday,

⁸ Ante, p. 962.

October 23, while you were still in New York. The British Embassy, in leaving it with us, emphasized that it was a personal message from Mr. Bevin for you.

Also on Wednesday, General Sir Henry Maitland Wilson of the British Joint Chiefs of Staff mission left a similar memorandum at General Eisenhower's office (the General was not available). General Norstad⁹ immediately informed us of this and said that he was sure the General would wish to afford the British Joint Chiefs the courtesy of hearing General Wilson's arguments. General Norstad said that as our Joint Chiefs would be meeting on Friday, October 25, he would see that the British representations were made by then and a Joint Chiefs' decision reached this week. Meanwhile he knew that General Eisenhower would wish to recommend to the Department that no action be taken by us in New York until General Wilson's presentation of the British views had been obtained. In the light of my conversations with you, General Norstad was assured that we would take no action prior to your return next Monday.

On Friday, October 25, we learned that General Eisenhower had told General Wilson that he had never thought that military considerations were involved in the issue, and that after Mr. Churchill's inquiry in the House of Commons about total Soviet forces outside of Russia he thought the British had no case at all. We were told that the Joint Chiefs will make no further recommendation to the Department, which means they were not impressed by any military aspects of General Wilson's arguments.

Our Delegation in New York was also informed on the evening of Wednesday, October 23, that they should take no action on this matter until further communication to them following your return next week. They were also told that the British will not oppose the item going on the agenda and, of course, neither should our Delegation.

The British Embassy was also informed on Wednesday evening, October 23, that we would take no action in New York until your return next week.

The British Embassy has informed us that Mr. Bevin is sailing on the Aquitania on Saturday, October 26, and is due to arrive in New York the following Saturday, November 2. It is quite possible that as early as Wednesday or Thursday, October 30 and 31, the Soviet proposal will be taken up for discussion in Committee 1 (Political and Security) on which Senator Connally is our representative. The Delegation has, not unnaturally, been pressing us for our position on this subject. If it is raised for formal discussion in committee before you have a chance to confer with Mr. Bevin it may be embarrassing unless Senator Connally is authorized to take a definite position either of

⁹ Maj. Gen. Lauris Norstad, Director of Plans and Operations, War Department General Staff.

simple opposition to the Soviet motion or of proposing an amendment to include ex-enemy states. Having this in mind, Mr. Cohen observed to Mr. Maclean of the British Embassy, when Mr. Maclean brought in Mr. Bevin's personal message to you on Wednesday, October 23, that while in response to Mr. Bevin's request you might (as in fact you did a few hours later) be able to agree that we would take no affirmative action before the General Committee or in plenary sessions of the Assembly when the agenda was being adopted, other than to support the inclusion of the Russian item on the agenda, it might be necessary for us to propose our amendment to the Russian proposal if the subject came up in committee before Mr. Bevin's arrival here. This warning has been communicated to Mr. Bevin by the British Embassy.

The British Embassy have informed us that in view of the considerations set forth in the preceding paragraph their delegation in New York will seek to postpone consideration of the Russian proposal in Committee I until after Mr. Bevin's arrival. We have informally asked our delegation not to oppose such a British proposal. (In view of the British Embassy's request that their representations be regarded as top secret, we have not informed our delegation on this point and have merely said that you were personally considering our position). On the basis of our latest information from New York, we think that other items now on Committee I's agenda will keep the issue from arising until after Mr. Bevin's arrival. If it should arise, a British proposal for postponement would almost certainly be accepted.

In view of the foregoing I should like to recommend that you promptly send the attached wire to Mr. Bevin on the Aquitania stating that as he knows you were glad in response to his request to drop our intention to take positive action in the General Committee or in plenary sessions of the Assembly and that you will be glad to confer with him about the matter upon his arrival, but that in the unlikely event the Russian proposal is raised in committee before he arrives, you feel it necessary to instruct our Delegation to propose an amendment of the proposal expanding it to cover ex-enemy states. The British Embassy has facilities for sending messages in code to Mr. Bevin on the Aquitania. I also recommend that a day or so later the Delegation be authorized to propose our broadening amendment if the proposal comes before Committee I before you communicate further with them, and that in talking to other Delegations who may inquire as to our views and in response to press inquiries, the Delegation should say that we consider the Russian proposal one-sided inasmuch as it does not cover troops in ex-enemy states.

You may be interested in the attached extract from a summary of

press comments on our action in the Security Council when we opposed the same Russian proposal.¹⁰

[Annex]

*Draft Message From Secretary Byrnes To Be Sent to Foreign
Minister Bevin Aboard the Aquitania*¹¹

I have carefully considered the message which you sent to me on October 23 about the Soviet item on allied troops abroad. In view of your problems on this subject I was glad, as a result of your request that we take no action until you and I have an opportunity of discussing the matter further, to give up our plan of promptly informing the Assembly that we favor amending the Soviet proposal to include troops in ex-enemy states. I will, of course, be very glad to discuss this whole matter with you on your arrival but the course of events in the General Assembly may force us to state our position before you and I can confer further. Consequently, I want you to realize that in the unlikely event that this issue is raised for discussion in the appropriate committee of the General Assembly before you and I have been able to discuss the matter, our representative will state that we consider the Soviet proposal one-sided, inasmuch as it excludes the ex-enemy states, and will propose an amendment covering the ex-enemy states if an actual proposal along the lines of the Soviet thesis is presented to the committee.

Department of State Atomic Energy Files

*Memorandum of Conversation, by Mr. Lincoln Gordon*¹²

SECRET

[NEW YORK,] October 28, 1946.

An informal discussion was held from 11 to 12:15 AM at Senator Austin's office in the Hotel Pennsylvania¹³ at which the following were present: Senator Austin, Mr. Charles Fahy, Mr. Jack Ross, Mr. Wilder Foote of the General Assembly Delegation; Mr. Baruch, Mr. Eberstadt, Mr. Lindsay and Mr. Gordon of the AEC Delegation.

Senator Austin stated that, contrary to his earlier intention, he had

¹⁰ The summary of press comments is not printed.

¹¹ Delivered to the British Embassy on October 28 for transmittal to Mr. Bevin; see Mr. Hiss' memorandum, October 30, p. 978.

¹² Staff member, United States Delegation to the Atomic Energy Commission. The source text is labelled "rough draft;" however, no subsequent draft has been found in the files of the Department of State.

¹³ For information regarding the organization and composition of the United States Delegation to the Second Part of the First Session of the General Assembly, see p. 37.

now decided to participate in the general debate in the plenary sessions of the General Assembly.¹⁴ His speech will come toward the close of these sessions. In his speech, he will state that the United States proposes [*opposes?*] any amendment at this time of the Security Council voting provisions as set forth in the Charter.¹⁵ The United States will favor clarification and interpretation of the intent and desirable practice, particularly with respect to the peaceful settlement of disputes under Chapter 6, so that the unanimity principles will not hinder the peaceful settlement of disputes under this Chapter.

The subject of atomic energy will come up in the speech in the context of a discussion of specialized agencies of the United Nations. The speech will stress the constructive activities of such agencies and the flexibility and breadth of the constitutional arrangement in their organizations. It will point out that the voting principles in the charters of these specialized agencies normally called for decision by two-thirds or simple majorities. In this connection, his speech will cite the proposal for an Atomic Development Authority as an example of the flexibility which is possible under the existing Charter. The ADA is to be given the necessary power to insure that atomic energy is developed only for peaceful purposes and to give protection for complying states against violations and evasions. These purposes, the speech will say, are in accord with the General Assembly resolution of last January setting up the Atomic Energy Commission.

At Mr. Eberstadt's suggestion, and after some discussion, it was agreed that a sentence or two would be inserted into the speech saying that the United States position on the Security Council voting principles is entirely consistent with the United States atomic energy proposals as set forth by Mr. Baruch, in connection with which Mr. Baruch has repeatedly stated that there is no intention to modify the general requirements of Great Power unanimity in the Security Council substantive decisions.

It was agreed that Senator Austin's position and ours are perfectly in accord on the voting question.

There ensued a discussion of the possibility of a debate in the General Assembly on the work of the Atomic Energy Commission and its future course of action. Mr. Baruch summarized for Senator Austin the substance of our progress report to the President of September 17, pointing out that after completion of the present discussion of controls, we would be faced with a clear choice and form of stalling on the one hand and bringing the basic questions of principles to a vote on the

¹⁴ The "general debate" included inaugural statements of broad policy objectives by the heads of national delegations. This phase occurred immediately after the General Assembly organized itself.

¹⁵ For documentation regarding United States policy with respect to the question of voting in the Security Council, see pp. 251 ff.

other hand. Mr. Baruch stated that he favored the latter course. He had been awaiting instructions from the President on this matter for six weeks, and felt it of the highest importance that the President make a decision promptly. He felt that the decision should favor a clear decision on principles unless broad considerations of international policy, of which Mr. Baruch is not aware, dictate the other course. Mr. Baruch stressed the importance of a decision before the change in membership of the Atomic Energy Commission early in January. He indicated that Senator Austin might be faced with the necessity of saying something on this subject, either in the General Assembly or at a later time in the Security Council.

Senator Austin pointed out that the subject was not now on the Assembly agenda. He agreed that, if it were raised (as suggested by the British), he could say nothing of substance unless or until further instructions from the President had been forthcoming. Mr. Baruch indicated his concern that the initiative on this subject might be taken by other nations, and in particular the fear that great pressure might be exerted to adopt the Soviet proposal for a mere convention, on the ground that this is something that could be done immediately.

Mr. Eberstadt reviewed in some detail the progress of the negotiations to date and the manner in which the policy questions are likely to arise after completion of the present phase of discussion on the practicality of controls.

Mr. Fahy raised the question as to whether, before pressing the policy questions to a vote, it might be desirable to discuss the Russian position privately with Mr. Molotov. Mr. Eberstadt indicated agreement with the desirability of so doing, if the President and Secretary Byrnes should be in accord. Senator Austin also felt that it was most desirable that any change in the AEC program be discussed privately with the Russians in advance, and stated that he was making it a point to have such discussions with Mr. Vyshinski¹⁶ on questions of General Assembly procedure.

501.BB/10-546: Telegram

*The Secretary of State to Senator Austin*¹⁷

SECRET URGENT [WASHINGTON,] October 29, 1946—7 p. m.

253. USdel 648, Oct. 5.¹⁸ Re Soviet item presence of forces of states members of UN on territories of non-enemy states Delegation should

¹⁶ Andrey Yanuaryevich Vyshinsky, Soviet Representative to the General Assembly.

¹⁷ The source text includes the following marginal notation by Mr. Hiss, the drafting officer: "Cleared in substance with War & Navy Depts."

¹⁸ Not printed.

feel free to propose expansion of item so as to include forces in ex-enemy states, if an actual proposal along lines of Soviet thesis is presented in the appropriate committee prior to further communication from me or the Department.¹⁹

We understand item is not likely to come up this week in committee and that in event it does the British Delegation will move for postponement of consideration until Bevin's arrival in view of his personal interest in the matter. We have assured British Embassy you would not oppose such postponement.²⁰ We do not regard our amendment as requiring placing of a new item on the agenda and therefore do not feel that proposed agenda deadline will adversely affect our freedom of action.

It occurs to me that you may wish to tell other delegations and the press, if inquiry is made of you, that we do not oppose open discussion in the Assembly of the Soviet proposal but that we consider it one-sided in as much as it does not cover ex-enemy states.

It does not seem to me that it would be wise for us to make disclosure of locations and strength of U.S. troops in advance or in absence of the adoption by the GA of a resolution requesting such information from members. You should, however, feel free to point out that we have nothing to hide with regard to our forces abroad and that in no case are our forces in friendly countries remaining there against the consent of such countries. Our forces entered these countries to prosecute the war against our enemies and where they are still present they are remaining for legitimate purposes growing out of the end of hostilities. For your information, any resolution the Assembly may adopt should not call for information as to troops except in excess of 100 in any particular country as we see no useful purpose that would be served in including such minor contingents. It is also important that you make clear that we regard Austria as not being an ex-enemy country.

BYRNES

[At the 42nd Meeting of the General Assembly, October 29, during the general debate phase, Soviet Foreign Minister Molotov delivered an address dealing with a wide range of issues confronting the United Nations. His remarks included criticism of the U.S. proposal for the

¹⁹The U.S. Delegation discussed the matter briefly at its 12th Meeting, 9 a. m., October 29, but took no decisions with respect to it. The minutes of the meeting include the following: "Senator Vandenberg stated that abstractly the Soviet proposal certainly dealt with the maintenance of peace and security. To oppose it would be fantastic. Since consideration of it could not be escaped, it should be arranged in the way the United States wanted it to be. He continued that it would be just as fantastic not to broaden the proposal." (IO Files)

²⁰In regard to the position of the present telegram in the flow of events, including discussions with the British Embassy, see the bracketed note *infra*, and Mr. Hiss' memorandum of October 30, p. 978.

international control of atomic energy. He also read the Soviet resolution on troop reporting which had been presented to the Security Council on August 29, expressed regrets that the Council had refused to place the matter on its agenda, and contended that "It is essential for the General Assembly to state its weighty opinion on this subject." Molotov concluded by introducing a Soviet proposal on the general reduction of armaments which read as follows :

"1. With a view to strengthening peace and international security in conformity with the aims and principles of the United Nations, the General Assembly recognizes the necessity of a general reduction of armaments.

"2. The implementing of the decision concerning the reduction of armaments should include, as its primary object, the prohibition to produce and use atomic energy for military purposes.

"3. The General Assembly recommends that the Security Council should ensure the effective implementing of the principles laid down in paragraphs 1 and 2 above.

"4. The General Assembly appeals to the governments of all the States to give to the Security Council all the assistance necessary to enable it to discharge its responsibilities arising out of this task, the achievement of which lies within the scope of its mission to establish an enduring peace and maintain international security. This task is also in the interest of the peoples who would be released from the heavy economic burden caused by the excessive expenditure on armaments which do not correspond to peaceful post-war conditions."

For the full text of Molotov's speech, see GA (I/2), *Plenary*, pages 832-847.]

501.BB/10-2946 : Telegram

Senator Austin to the Secretary of State

TOP SECRET

NEW YORK, October 29, 1946—11 p. m.

URGENT

[Received 11:15 p. m.]

726. Personal for the Secretary. Following is the text suggested by Senator Vandenberg²¹ and Mr. Dulles²² which I read to you over the telephone.²³ An alternative text will follow by separate telegram.

²¹ Arthur H. Vandenberg, United States Senator from Michigan ; Representative to the General Assembly.

²² John Foster Dulles, Alternate United States Representative to the General Assembly.

²³ This text was suggested for incorporation into Senator Austin's address in the general discussion phase of the work of the General Assembly ; it was anticipated that Senator Austin would be called upon to present the views of the United States on October 30.

The source text bears the following marginal notation by Mr. Hiss : "The Secretary talked by telephone directly to Senator Austin."

"I refer in beginning to the brilliant speech yesterday of our distinguished colleague from the Union of Soviet Socialist Republics.²⁴ In the candor which is permissible between friends, I express my deep regret that he found it necessary to deal in implications and invectives aimed at the good faith of the Foreign Policy of the Government of the United States. This has been a far too consistent pattern throughout the discussions in recent months in Paris. It is not conducive to the peace climate for which we join him in pleading. I hope we may all find it advisable to avoid recriminations here. I repeat what was said by an American representative in the final Plenary Session of the recent Paris Conference who found it necessary to say: 'The United States will leave its motives to the verdict of history; it will not plead as a defendant among allies to whom it has given every ounce of cooperation, in blood and sweat and tears, of which a great and unselfish nation is capable.!' ²⁵ That closes the chapter so far as we are concerned.

But now I am happy to open a new and brighter chapter. I want to say to Mr. Molotov that the United States warmly welcomes his proposal for an immediate study of universal disarmament—much the same proposal which Mr. Litvinoff offered to the League of Nations many years ago which included adequate international inspection. What he has said is of grave importance because he says it. Just as our American testimony is of paramount value in respect to the control of atomic energy because we are at the moment in possession of an atomic monopoly, so Soviet testimony is of paramount value in respect to other disarmament because they now maintain by far the greatest armies in all the world and keep them in occupation of many critical points in central Europe. We mean what we say when we tell the world that we would outlaw atomic bombs forever, anywhere, any time, any place on earth, and when, in return, we ask only for effective guarantees against bad faith. We accept Mr. Molotov's eloquent and sturdy interest in world disarmament as being in the same pattern of complete earnestness and purpose. We assume that he, too, would wish assurance that disarmament shall be totally protected by international inspection in all aspects against bad faith.

I can assure the distinguished Soviet statesman that the Government of the United States—long since a world pioneer in cooperative disarmament—will join with him enthusiastically in the exploration of such a proposal to take the tools of war from the arsenals of men."

AUSTIN

²⁴ See the bracketed note, *supra*.

²⁵ The reference is to Senator Vandenberg's address at the 46th Plenary Meeting of the Paris Peace Conference, October 14; for text, see Department of State *Bulletin*, October 27, 1946, pp. 744-746. For additional documentation on United States policy at the Paris Peace Conference, see vols. III and IV.

501.BB/10-3046: Telegram

Mr. John C. Ross, Adviser, United States Delegation to the United Nations General Assembly, to the Secretary of State

TOP SECRET URGENT

NEW YORK, October 30, 1946—7 a.m.

[Received 8:12 a.m.]

727. Personal for the Secretary from Ross. Following is the alternative text Senator Austin said he would send to you.²⁶ Senator Austin, who has not yet seen this draft, will discuss it with you at 9 this morning.²⁷

At the outset of what I have to say to the General Assembly I must refer briefly to the address made yesterday by the representative of the Union of Soviet Socialist Republics.

Parts of Mr. Molotov's speech indicated distrust and misunderstanding of the motives of the United States and of other members of the United Nations. I do not believe that recriminations among nations allied in war and in peace promote that unity which Mr. Molotov so rightly points out is essential to the success of the United Nations.

I shall not participate in any exchange of recriminations.

The policy of the United States speaks for itself. It was summed up by President Truman in fifteen words last week: "The United States will support the United Nations with all the resources that we possess."²⁸

That policy the Soviet Union must surely understand for Mr. Molotov said virtually the same thing yesterday when he declared, "the Union of Soviet Socialist Republics stands unshakeably for the respect of the United Nations organization and deems essential that its charter be honestly and consistently observed." May I say on behalf of the United States that we warmly welcome this renewed assurance.

²⁶ See telegram 726 October 29, from New York, *supra.*, footnote 23 thereto, and the bracketed note on p. 972.

The present text was substantially incorporated into the initial portion of Senator Austin's statement delivered at the 44th Plenary Meeting of the General Assembly, October 30, 4 p. m. Mr. Austin's remarks also included the following:

"The Government of the United States understands Mr. Molotov's statement to mean that the Soviet Union is fully prepared to report on its armed forces in ex-enemy states as well as in other foreign territories. Therefore, the United States urges prompt fulfillment of this policy. The United States has nothing to hide with regard to our armed forces at home or abroad. The United States will promptly fulfil that policy. In no case are the United States forces in friendly countries except with the consent of those countries.

"It is our opinion that the proposed inquiry should include all mobilized armed forces, whether at home or abroad."

For the full text of Austin's address, see GA (1/2), *Plenary*, pp. 893-908.

²⁷ The source text includes the following marginal comment by Mr. Hiss: "Taken up with the Secretary and discussed personally with Senator Austin."

²⁸ For the text of President Truman's address before the 34th Plenary Meeting of the General Assembly, October 23, see GA (1/2), *Plenary*, pp. 682-689, or Department of State *Bulletin*, November 3, 1946, pp. 808-812.

We welcome especially the confidence expressed by Mr. Molotov that unanimous agreement among all the nations both large and small can be achieved on such vital matters as the control of atomic energy and on steps to lighten the burden of armaments and military expenditures which still rest so heavily upon the peoples of the world. It is hardly necessary for me, the representative of the United States, to say that my country supports wholeheartedly the objectives of the resolution Mr. Molotov introduced for the reduction of armaments. The United States believes that Mr. Molotov's proposal should be placed on our agenda and fully considered and discussed. The initiative of the Soviet Union in this matter is appropriate, because of its mighty armies: just as the initiative of the United States was appropriate in proposing measures to prevent the manufacture and use of atomic weapons.

I recall to you the initiative taken by the United States at Washington in November 1945 in the conversations among President Truman, Prime Minister Attlee and Prime Minister MacKenzie King—at Moscow in December 1945 in the conversations between Mr. Byrnes, Mr. Molotov and Mr. Bevin—in the Assembly last January when the resolution creating the Atomic Energy Commission and establishing its terms of reference was unanimously adopted—and since then in the work of the Commission itself where the distinguished United States representative, Mr. Bernard M. Baruch, has presented proposals expressing the policy of the President of the United States.

Nor does the United States stop there. As President Truman emphasized again last week we attach the greatest importance to reaching agreements that will remove the deadly fear of other weapons of mass destruction in accordance with the same resolution passed by this Assembly.

And I might add that Mr. Baruch pointed out last night that we are ready to accept the Soviet proposal to outlaw the bomb and destroy our present stock—but only as a part of the whole.

So far as Mr. Molotov's resolution concerns the regulation and reduction of other armaments, the whole world knows where the United States stands and has always stood. For 20 years before the war and in the 15 months since the fighting stopped the United States has consistently been in the forefront of those striving to reduce the burden of armaments upon the peoples of the world. Since the end of the war in Europe and the Pacific the United States has progressively and rapidly reduced its military establishment.

After the last war we made one mistake. We disarmed unilaterally. We shall not repeat that mistake.

The United States is prepared to cooperate fully with any other member of the United Nations which is sincerely devoted to the goal of disarmament. We cannot reduce armaments by talking about the "regulation of armaments and possible disarmament" or the "heavy economic burden caused by excessive expenditures for armaments".

We can not achieve it without positive acts which will establish the "peaceful postwar conditions" to which Mr. Molotov also referred.

Nor can a system for the regulation of armaments and possible disarmament as contemplated in articles 11, 26, and 47 of the Charter be effectively planned except in relation to progress in the negotiation of the armed forces agreements called for by article 43. At the beginning of April, four of the five members of the Military Staff Committee made specific proposals concerning the principles which should govern the negotiation of these agreements. In September the Soviet Union submitted for the first time a statement of its views on the problem.

I am happy to note that Mr. Molotov referred to the work of the Military Staff Committee. I hope it will now be possible for this Committee to make rapid progress. The conclusion of these agreements, providing the Security Council with peace forces adequate to prevent acts of aggression, is essential to carrying out the objectives of Mr. Molotov's resolution for the reduction of armaments.

Mr. Molotov also referred to article 43 in connection with the Soviet proposal concerning the presence of armed forces of the United Nations on foreign territories. He said, "In this connection it is natural that the Security Council should know the actual situation, namely where and what armed forces of the United Nations are situated at present outside the confines of their countries . . . for its part the Soviet Union is prepared to submit this information to the Security Council. . . ."

The Government of the United States understands Mr. Molotov's statement to mean that the Soviet Union is fully prepared to report on its armed forces in ex-enemy states as well as in other foreign territories.

The United States has nothing to hide with regard to US armed forces abroad. In no case are United States forces in friendly countries except with the consent of those countries.

The United States welcomes wholeheartedly the statement of Mr. Molotov that "as to the Soviet Union there is no hesitation and doubt among our people that peace among nations, and peaceful competition between them, which also means the possibility of increasing friendly cooperation and understanding among big and small states, be entirely in keeping with the interests of our country . . . it reflects the firm will to achieve universal peace and readiness to enter into peaceful competition in the social and economic sphere between states and social systems."

That is exactly the position of the Government and people of the United States. Peaceful competition and friendly cooperation are words every American understands because they are fundamental in our system and in our attitude toward other nations and other systems. We are very happy to receive such definite assurances that the government and the people of the Soviet Union feel the same way.

Warren R. Austin.

[Ross]

501.BB/10-546

*Memorandum by the Director of the Office of Special Political Affairs
(Hiss)*

[WASHINGTON,] October 30, 1946.

Subject: U.S. Position in the General Assembly on Soviet Proposal
Relating to Information on the Disposition of Forces of United
Nations Members

After the Secretary had signed telegram 253 of October 29 to New York on the above subject, Mr. Ross and Senator Austin both talked to me on the telephone from New York about the Molotov speech.²⁹ In connection with Molotov's references to the Soviet proposal relating to troop dispositions, Mr. Ross and the Senator felt it was essential that the Senator say today in the General Assembly (or tomorrow if he is not reached before then) that the United States will accept the Soviet proposal if it is expanded to cover troops in ex-enemy states. I told Mr. Ross and the Senator that the Secretary had earlier in the evening signed a telegram on this subject prior to any information about the Molotov speech. This telegram, I said, restricted its authorization to a statement along the lines suggested by Mr. Ross and the Senator in committee if the Soviet proposal were raised in committee before further communication from the Secretary. I said that I would take up with the Secretary the question of whether, in view of Mr. Molotov's speech, the Secretary would extend the authorization along the lines desired by Mr. Ross and the Senator.

I subsequently called the Secretary at his apartment and in the course of passing on to him other views of the Senator about the Molotov speech I mentioned the foregoing point. The Secretary said that the Senator should feel free to use the information contained in the telegram in his speech in the General Assembly. I then promptly communicated this information to Mr. Ross and the Senator in New York.³⁰

I also called Mr. Maclean of the British Embassy at his house and asked him to inform the Ambassador promptly this morning of the fact that after the Secretary had seen the Ambassador last evening he had sent instructions to the Delegation along the lines he had discussed with the Ambassador and had mentioned in his personal message to Bevin of October 28 [26].³¹ I added that subsequently, in view of statements on the subject in Mr. Molotov's speech, the Secretary had authorized the Delegation to make a statement in the General Assembly today or tomorrow of our willingness to support the Soviet

²⁹ Regarding Austin's speech, see telegram 727, October 30, from New York, *supra*, and footnote 26 thereto.

³⁰ See the bracketed note on p. 972.

³¹ For text, see the annex (p. 969) to Mr. Acheson's memorandum to the Secretary of State, October 26, p. 966.

proposal if broadened to include troops in ex-enemy states. I asked Mr. Maclean to inform the Ambassador promptly this morning of these new developments and pointed out that they were in our opinion entirely consistent with the warning the Secretary had sent to Mr. Bevin in his personal message.

Department of State Atomic Energy Files

Memorandum by Mr. Joseph Chase³² to Mr. John M. Hancock of the United States Delegation to the Atomic Energy Commission

[NEW YORK,] October 30, 1946.

Subject: Preliminary Comments on Molotov's Speech

1. Stalin, in his answers to Alexander Werth³³ and Hugh Baillie,³⁴ stated that, as regards the atom bomb: ³⁵

- a. Its monopoly cannot endure;
- b. Its use will be prohibited;
- c. It should be under strong international control.

2. Taking as relevant, only points "b" and "c", it seems to me that Molotov, in carrying out this program, has reiterated Gromyko's arguments and added some new features, all of which point to a reaffirmation of the original Soviet position. By considering the atom bomb as merely another weapon, Molotov tied it to a general discussion of disarmament. Now, under the Charter, the General Assembly, the Security Council and the Military Staff Committee are directed to study the problem and make recommendations concerning the regulation of armaments and possible disarmament (Articles 11, 26 and 47). This new "angle" merely reaffirms the Soviet position that existing organs of the United Nations are empowered and able to deal with atomic weapons and presumably all other phases of the problems of atomic energy. This is undoubtedly what Stalin means by strong international control and may even be an attempt to by-pass the Atomic Energy Commission eventually, and certainly rejects, by implication, an A.D.A. This latter statement is further borne out by Molotov's reference to the veto, especially in connection with his attack on the Baruch Plan.

3. This new approach is an attempt to divert the discussion of atomic weapons from the Atomic Energy Commission to other organs of the United Nations and also attempts to separate the discussion of peaceful and dangerous aspects of atomic energy.

³² United States Delegation Staff member.

³³ Correspondent for the *Manchester Guardian*.

³⁴ President of United Press.

³⁵ Regarding the answers under reference, see vol. VI, pp. 784, 786, 793 (bracketed note), and 794.

4. I believe that in our reaction to the speech we should keep in mind that we are working for our plan, or a better one if such a plan is suggested or develops. We should not lose sight of our main objective, however strong the urge to react to the personal attack. Any reaction to this attack will make sensational reading, will becloud the real issues involved, and would play into Soviet hands. They just love "to fish in muddy waters".

JOSEPH CHASE

USUN Files

Memorandum of Conversation, by Mr. John C. Ross, Adviser, United States Delegation to the United Nations General Assembly

SECRET

[NEW YORK,] November 1, 1946

DISCUSSION WITH SENATOR AUSTIN ON DISARMAMENT

Following Mr. Molotov's speech on Tuesday³⁶ raising the disarmament issue and Senator Austin's speech on Wednesday³⁷ accepting the Molotov proposals with regard to disarmament, I had a long discussion with Senator Austin this afternoon with regard to the next steps we should take to implement our acceptance of the Russian proposals. As a result of this discussion, which dealt primarily with the question of atomic energy disarmament, it was decided that I should go down to Washington for the weekend and discuss with Mr. Acheson, Mr. Cohen, and others the Senator's views and get from the people in the Department their reactions and their own views.

It was understood at the outset and throughout our conversation that the Senator's views were not to be taken as committing himself to any particular positions. He wanted, in effect, to think out loud.

We first discussed security measures to protect those who comply against those who violate. There must be some way whereby the Security Council would administer and be responsible for the administration of inspection and enforcement *without* the veto. It was necessary to eliminate the veto for the purpose of expediting action against violators.

It would seem to be better to have the Security Council responsible for the inspection than a special organ. Thinking in terms of trying to reach a compromise position with the Russians, we would be with them in taking inspection into the Security Council instead of some separate unit but we would be going against them by eliminating the veto.

³⁶ Regarding Molotov's address before the General Assembly, October 29, see bracketed note, p. 972.

³⁷ With respect to Senator Austin's address in the General Assembly on October 30, see footnote 26, p. 975.

We then discussed the Soviet idea of inspection by national inspection forces. Our plan, the Senator said, goes against them on this. He asked whether there is a middle ground wherein national operating agencies can be brought nearer to, but not into, an international organization.

Our problem of seeking a compromise was to maintain the autonomy of the United Nations, its jurisdiction, and at the same time to accommodate the nationalism which is still strong with regard to inspection.

The Senator then indicated that our military intelligence experts must have a great many precedents to guide them. This is not based on treaties, he said, but on practice. There has always been a certain amount of inspection by intelligence forces.

There are two extreme positions, the international represented by our proposal and the national represented by the Soviet proposal. We should get the two together, something in between. Our proposal is absolute, a very extreme position.

The Senator then went on to say some bookkeeping scheme so far as the rare products of the soil are concerned is possible. This means that the United Nations or the Atomic Development Authority can get control of uranium and thorium; we can't do that, however, with bacteria and gasses.

I asked the Senator if he could give me a definite impression that I could convey to Mr. Acheson with regard to Baruch's proposal to force a vote in the Atomic Energy Commission on the Baruch proposals in line with Mr. Baruch's request for support when he called on the Senator some days previously. The Senator said that with the proviso that I make clear to Mr. Acheson his reaction was indefinite and immature [*premature?*], he would prefer to have the State Department say to Mr. Baruch, no, we are not going to force this issue now. The Senator then went on to comment that, "When you have the power you must stand back and get the perspective as to when you ought to use it. This relates to wisdom, not timidity."

501.BC Atomic/11-146: Telegram

Senator Austin to the Secretary of State

SECRET

NEW YORK, November 1, 1946—9:35 p. m.

[Received 10:01 p. m.]

745. Acheson from Hancock. At the end of the scientific and policy group, on the staff level, in atomic meetings yesterday,³⁸ it was clear that Dr. Alexandroff, the Russian, was quite embarrassed by the

³⁸ The meetings under reference were the final sessions of the informal talks regarding safeguards conducted by Committee 2 between October 15 and October 30.

almost unanimous views in opposition to him, and when the meeting broke up, he came to Dr. Vance, of the Chemistry Department of Yale, who was presented by us as more or less of an expert witness, and, after exchanging greetings, he said that it would be much easier to make progress if there were a clear policy on the part of the Russians.

George Ignatieff, the Russian-born Canadian now with the Canadian delegation, joined the circle and asked what Dr. Alexandroff had in mind. The Doctor referred to the Molotov speech and the Stalin speech. (He meant, of course, the Stalin press interview where he had said that Russia wanted a strong international control.) So, when that came clear in conversation, George asked him what Mr. Stalin meant. Alexandroff replied: "He meant exactly what he said." It was clear in the conversation, without trying to repeat words, that Alexandroff realized that his position, Molotov's position, and Gromyko's position, were contrary to what Stalin had said. Then he went on to say that Mr. Molotov was going to clear up the matter in a speech before the General Assembly—I assume at an early date. [Hancock.]

AUSTIN

Department of State Atomic Energy Files

The United States Representative on the Atomic Energy Commission (Baruch) to the Under Secretary of State (Acheson)

NEW YORK, November 2, 1946.

MY DEAR MR. ACHESON: Yesterday, I tried to get you on the phone, and in turn, doubtless, you tried to reach me. What I wanted to discuss with you was the delay in answering the question contained in the letter of September 17, to the President and Secretary of State, asking for a decision as to the course that should be taken.

The Soviets have taken advantage of our indecision, have moved in, and now apparently have become the advocates of disarmament. As you may recall, I strongly advocated that we should do it first. I refer you to the letters addressed to you on June 23³⁹ and July 9,⁴⁰ and your subsequent replies.

It is disheartening, to say the least, to see the moves that can and so apparently must be made, only to find that somebody else makes them, and we are fighting rear-guard actions. We cannot deal with this matter with dignity only. We are dealing with police court lawyers, to whom the truth is of no importance and the only goal is

³⁹ Not printed.

⁴⁰ *Ante*, p. 860.

their particular selfish ends, without reference to the rest of the world.⁴¹

Sincerely yours,

BERNARD M. BARUCH

USUN Files

Memorandum of Conversation, by Mr. John C. Ross, Adviser, United States Delegation to the United Nations General Assembly

TOP SECRET

NEW YORK, November 2, 1946.

Comments by Dean Acheson on Disarmament with Particular Reference to Conversation with Mr. Baruch on October 28,⁴² to Mr. Molotov's Speech on October 29, and to Senator Austin's Speech on October 30

I spent three hours with Mr. Acheson Saturday morning⁴³ during which time he developed his whole philosophy on the matter of atomic energy as it related to the general question of disarmament.

He said, first, that it was important to distinguish between international and national control. Second, he said that a clear distinction must be made between enforcement and inspection. On both of these points he said there had been a great deal of public misunderstanding; with particular reference to the enforcement question he said that Mr. Baruch and his people had been trapped in this cul-de-sac.

On the question of enforcement, Mr. Acheson said that there just is not any United States marshal or sheriff who automatically can enforce the law. He said that the situation was very much like that of the relations between the states of the United States. There is no United States Federal authority that can step in in disputes between the states.

It is asserted, he said, that there must be an automatic sanction against a violator. He asked what sanction is automatic, and answering his own question said there just is not any.

He said that the misunderstanding with regard to this matter of enforcement is based on misunderstanding of the true nature of big power relationships. This question must be considered in the light of the basic industrial and economic structures of the big powers.

⁴¹ Baruch concluded a memorandum to Senator Austin, also dated November 2, as follows:

"I warned the State Department on June 23, that the Soviets would be likely to make this latest move, and I wanted to make it first.

There must be closer coordination of the work in the United Nations. The present disjointed method cannot bring results, even with all the ability and good will of our delegations." (USUN Files)

⁴² Regarding this conversation, see Ross's memorandum to the Secretary of State, November 3, p. 988.

⁴³ November 2.

Supposing armaments were reduced to the level of peace forces, you would have to get a treaty with a tremendous emotional driving force. Every nation would be obligated by the treaty to take action against an aggressor, that is, a violator of the treaty.

He then asked who is the possible aggressor? It wouldn't be any of the small powers because that is not our problem. The possible aggressor in everybody's mind in the United States is the Soviet Union. What kind of a situation would you have should the Soviet Union violate a treaty? The answer, he felt, was quite simple. Whether within the United Nations or among the signatories of a treaty there would be an almost immediate division into two blocs: Eastern Europe, India, probably China would come under Soviet domination; the United Kingdom, Canada, probably Latin America, and Western Europe would come under United States domination. There would be a rough balance of power and the treaty would, therefore, really be ineffective because you would have war. This is actually the situation which confronts us today without a treaty.

Summarizing what he had said, Mr. Acheson went on that the talk of enforcement is really paper talk. The main point, he said, is treaty or no treaty, will governments take action or will they not. If a treaty would help a little, let's have a treaty by all means. But meanwhile let's not kid the American people along. It is perfectly clear that the peace forces envisaged in the Charter would be no good against a major power.

He said that in a recent speech he had tried to touch on this problem subtly by saying that you don't solve a difficult problem by turning attention to an insoluble one. He said that Mr. Baruch, by his emphasis on enforcement, had gotten us into an insoluble problem.

I then outlined to Mr. Acheson the very tentative views which Senator Austin had expressed the day before (see notes of this conversation on November 1),⁴⁴ with particular reference to the possibility of finding some middle ground of accommodation with the Russians.

Mr. Acheson commented that he thought Mr. Austin was probably now in the same position that Mr. Byrnes was in a year ago when Mr. Byrnes was thinking along similar lines.

Stating his personal conviction, Mr. Acheson said he felt the Russians were using the United Nations as an instrument for their own purposes and that they do not subscribe to the fundamental spirit of the United Nations.

He said that this situation in the United Nations seemed to him to be comparable to the theory of the liability of government depending directly on its acceptance by the very large majority of the people. He

⁴⁴ *Ante*, p. 980.

said that any organization, any government, is based on the emotional, spiritual acceptance of it by 95% of the people. When you have 20% of the people who are not going along, the government just does not work. He said this is true in our own country with our strikes and labor difficulties. He said it has been true with the British in Ireland, and [*in*] Palestine [and] in India. He said that when 20% of the people are against the government its entire ethical foundation is lost.

Going on from this point Mr. Acheson said there were two possible approaches: first, we could support the United Nations and continue our efforts patiently to draw the Soviet Union towards an accommodation with us. Second, plan to lick the hell out of them in 10 or 15 years. It was clear that we were committed to the first and should do it and not diminish our efforts, but that as practical men we should realize that our efforts might not succeed and that we must therefore be prepared, should it be necessary, to adopt the latter course.

He said we obviously must set up an enforcement system but that we should not rely on it too heavily.

This brought him to an analysis of what was meant by inspection. Here again he said there was a great deal of confusion and misunderstanding. He made it clear that in the case of atomic energy, inspection as ordinarily conceived made no sense at all. There was absolutely no way by sending inspectors around looking at things to tell what was going on until the very last stages of the production of atomic energy for destructive purposes. At this point the discovery was too late because the final processes were extremely speedy. He said that inspection as ordinarily conceived was misleading in the same way that the lawyer's doctrine of probing into the intent of the human mind was misleading. He said that any lawyer who had ever engaged in criminal practice realized how extremely difficult, if not impossible, it was to determine criminal intent. Lawyers had been trying for a long time to get away from this doctrine. It was necessary in the matter of atomic energy inspection to get into the field of administrative action. This meant getting all the best people concerned working together in this field toward the use of atomic energy for beneficial purposes.

Relating what he had just said to the question of international or national control, Mr. Acheson said that it was very, very important to realize that by the very nature of the atomic energy enterprise there was no half-way point. It was impossible to stop leaks or diversion of atomic energy for war purposes by inspection at one point or another. There were three great steps in the atomic energy field—mining, production of fissionable materials, and use of fissionable materials. International operation at all three steps was essential. Inspection or international operation at any one or two of the steps was simply worthless.

Digressing somewhat on the subject of the popular conception of inspection, Mr. Acheson said that as in the case of the prohibition, as in the alcohol factory, the whole situation is geared to trick the inspector. Under the circumstances of international control involving the participation of people of various nationalities in all three steps in the atomic energy process, foreign nationals would be in the atomic plants not as aliens but as operators; inspection would be an incidental function growing out of operation.

Mr. Acheson then discussed other weapons of mass destruction. The problem here was considerably more difficult because less tangible. On the other hand, there was some room for speculation whether the same principle we had been endeavoring to apply in the atomic energy field might not be applied in the other weapons field. If we could get into the other weapons field the best people, that is, scientists, whether Russian, British, French, or American, for the positive development of our knowledge towards beneficial purposes, the best people then would simply not be available for destructive development. In this way, for example, we might make great strides in developing the science of immunology and related sciences.

Digressing a moment, Mr. Acheson said that when people talked about stopping the production of fissionable materials they failed to realize that this was not quite as simple as the apparently similar concept of sinking navies. It would be impossible for us to stop the production of fissionable materials without losing the tremendous investment it was possible for us to make as a result of the war pressure and which we could hardly hope to regain. The vast potentialities of atomic energy for peaceful purposes would thus be lost.

Mr. Acheson then went on to say that Mr. Baruch had added the concept of sanction in the veto to our atomic energy presentation. He said that Mr. Swope was sick of it and would like to get away from these two points. The Baruch staff was trying to get out of this situation by some interpretation of Article 51 in the sense of there being not only a right but an obligation of self-defense. This is what Eberstadt probably thinks. Mr. Acheson thought that this was not a very important concept. Mr. Acheson then went on to mention a telegram which had been sent down the night before by John Hancock for him which referred to Stalin's statement about the Soviet willingness to accept international control and a conversation which had taken place with Alexandroff, the Russian scientist attached to the Atomic Energy Commission.⁴⁵

Coming specifically to the question which Mr. Baruch had raised with Mr. Acheson and which he had previously raised with the Presi-

⁴⁵ Telegram 745 from New York, November 1, p. 981.

dent and Secretary Byrnes, namely, whether we should not press for a showdown vote in the Atomic Energy Commission with the Russians, Mr. Acheson said it seemed to him that there were two considerations involved; one, possible relationship of such a vote to the work of the Council of Foreign Ministers and, second, whether as a matter of policy it would be a good thing to have such a vote anyhow. On the Council of Foreign Ministers point, this, of course, was something which the Secretary himself would have to decide.

On the question of policy, Mr. Acheson said that we had to decide whether we had reached a point of irreconcilable difference or not with the U.S.S.R., or whether taking the recent report of the scientists attached to the Atomic Energy Commission as a basis, we could not proceed intelligently by a committee process to the examination of the consequences of control or lack of control, national or international, at each of the three atomic energy steps. Such a study, he said, might reasonably be completed in thirty or ninety days and would really give a scientific, rather than a political, basis for determining whether there is some possibility of reconciling our differences with the Russians.

Digressing again for a moment, he said that some people say you should be able to control atomic energy much as the traffic in opium is controlled, but the situation here was entirely different. In the opium case violators were individuals and could readily be punished. In the atomic energy case, or the disarmament case, violators are states and you could hardly expect states to police themselves.

Further on the question of pressing for a vote in the Atomic Energy Commission, Mr. Acheson doubted whether Mr. Baruch actually had the ten votes he thought he had. He doubted whether the other governments actually agreed with Mr. Baruch's position. He said he had definite information that the British did not agree.

Mr. Cohen, who came into the room at about this time, said that even if some country did agree, they would perhaps not want to vote against the Russians on such an important issue.

Mr. Marks at about this point had also come into the room and our discussion continued with particular reference to the Molotov general disarmament proposals. The thought was developed more or less jointly among us that we should avoid any line of playing into the Russian hand to such an extent that general disarmament would swamp our atomic energy objectives. Mr. Marks made a very strong case against Soviet intransigent unwillingness to consider the necessity of international control with adequate safeguards. He argued strongly in support of the Baruch proposal to force a showdown vote.

Mr. Cohen and Mr. Acheson had a somewhat softer attitude and it

was more or less generally agreed that it was important to let Mr. Baruch take his vote but that the vote should not be taken in the sense of any drawing of a final issue but more in the sense of a definitive taking stock of progress to date.

It was agreed that Mr. Baruch should not be dissuaded, that Senator Austin and Mr. Baruch should both consult Mr. Byrnes, that while the sharpening of a *final* issue should be avoided, sharpening of the *fundamental* issue of Soviet intransigence against international control was necessary.

USUN Files

*Memorandum by Mr. John C. Ross, Adviser, United States Delegation to the United Nations General Assembly, to the Secretary of State*⁴⁶

TOP SECRET

[NEW YORK,] November 3, 1946.

In the course of a long and cordial conversation on Monday, October 28, Mr. Baruch sought Senator Austin's support for the proposal Mr. Baruch had made to the President that he be authorized to bring the United States proposals to a vote in the Atomic Energy Commission before November 15. He expressed confidence that the United States would win this vote by 10-2.

Senator Austin was noncommittal in his reply since neither atomic energy nor disarmament were on the Assembly's Agenda and since there was no evidence at the time that anyone intended to propose these subjects for the Agenda.

On the following day, Tuesday, Mr. Molotov in his Assembly speech proposed that the question of disarmament, including the control of atomic energy, be put on the Assembly's Agenda. On Wednesday, Senator Austin in his Assembly speech welcomed this proposal.

Thus the two questions of Atomic Energy Control and General Disarmament, which had previously not been considered together, were brought together, and the Soviet proposal was approved for inclusion on the Agenda at a plenary session of the Assembly on Thursday afternoon, October 31.

This whole matter, probably the most important question by far to be considered at this Assembly session, thus became one of immediate concern to Senator Austin, in view of his present Assembly responsibilities and in view of the effect which any action taken by the Assembly will have on his responsibilities after the first of the year

⁴⁶ Transmitted to Mr. Benjamin V. Cohen, Adviser to the United States Delegation and Counselor of the Department of State, for the Secretary, on November 4.

as United States Representative to the United Nations. After a long discussion with him on Friday it was decided that I should go to Washington over the weekend to communicate his initial views and explore the thinking in the Department on this subject.

As a result of discussions in Washington on Saturday with Mr. Acheson and Mr. Cohen, in which Mr. Hiss, Mr. Marks and I participated, it was agreed to submit to you and Senator Austin for approval the course of action which is set forth in the first of the two attached papers. The second paper is a draft outline of the speech on disarmament which Senator Austin might make.⁴⁷

[Annex]

Memorandum by Mr. John C. Ross to the Secretary of State

CONCLUSIONS AND PROPOSALS ON DISARMAMENT

November 4, 1946.

1. The objective of Mr. Molotov's disarmament proposals is probably to obfuscate the fundamental issues which have been developed in the Atomic Energy Commission in recent months. The purposes to be served probably are:

(a) to lead thinking in this country and throughout the world *away from the present emphasis* on control of atomic energy and other weapons of mass destruction and the fundamental issue of whether we are going to have international control with adequate safeguards or national control without adequate safeguards;

(b) to lead thinking *into a maze* of technicalities concerning the size and equipment of armies, navies, and air forces which come under the heading of "general disarmament";

(c) to capitalize on the widespread sentiment in this country and abroad for the drastic reduction of armies, navies and air forces (and cessation of production of fissionable materials)—a sentiment which does not take account of the consequences of such action, in terms of our own certain weakness vis-a-vis the Soviet Union, in the absence of a system of international control with adequate safeguards applicable in the first instance to atomic energy and other weapons of mass destruction.

2. Negatively, we should avoid a course which would follow the Soviet lead and which would commit us and the United Nations to involvement in the technicalities of "general disarmament" at the expense of loss of time and emphasis on our primary objective of inter-

⁴⁷ The draft outline is not printed.

national control with adequate safeguards of atomic energy and other weapons of mass destruction. Affirmatively, we should promptly develop a course which would (a) counteract the adverse effects which the Soviet proposals (and the manner of their presentation) have already had and which would (b) regain the initiative and leadership for the United States in the interest of the United Nations. A very important part of our approach would be a well organized and effectively carried out program of public education to dispel widespread misunderstanding of the issues involved and to clarify and lead public thinking, not only in our own country but throughout the world, with regard to this whole subject. Our proposed course is set forth in the following points, the timing and presentation conditional, of course, upon the requirement of your work with the Council of Foreign Ministers.

3. Mr. Baruch should be authorized to seek the vote he feels is essential at this time in the Atomic Energy Commission. He and his staff would presumably wish to re-canvas the other members of the Atomic Energy Commission to make sure of getting the best possible majority. It was our thought that this purpose might best be served if we were to avoid the drawing of a *final* issue as might be the case, for example, if we were to force a vote at this time on the American proposals as such. It would be preferable we felt to seek in this vote at this time to sharpen the simple but fundamental issue of whether the Soviet Government is intransigently opposed to international control with adequate safeguards of atomic energy and other weapons of mass destruction. Based on this objective a resolution could be framed so as to avoid putting other governments under the formal necessity of voting *for* the United States or *against* the Soviet Union.

4. The proposed vote would set the stage for a major policy speech by Senator Austin in which he would develop the objectives set forth under point 2 above and chart our course for dealing with this subject in the Assembly.

501.BC Atomic/11-446

*The United States Representative on the Atomic Energy Commission
(Baruch) to the Secretary of State*

CONFIDENTIAL

NEW YORK, November 4, 1946.

MY DEAR MR. SECRETARY: On September 17 I addressed to you and the President a memorandum asking for a statement of policy to govern our action in the U.S. Delegation to the United Nations Atomic Energy Commission.

At that time we were trying, and have since been pursuing the course of discussing the scientific and technical aspects of control, largely avoiding the political questions except as they arose by implication. At the middle of September it was clear to us that we could continue that course another month or two. There have been some unexpected delays, but we will certainly finish this phase of the work by the end of November at the latest. We now have two choices, as we pointed out:

- a. To push into the political issues, or
- b. To slow down the whole work of the Commission, going to the extreme of recess or adjournment.

At this moment we can reasonably expect a ten-to-two vote favoring our position on matters of policy. So far as our own problem is concerned, it is thoroughly feasible to move into the policy questions and attempt an agreed statement of policy to be completed by the year end—again on a ten-to-two basis. Again, purely from our own point of view, we will face a considerable delay and a good deal of uncertainty if we wait until after the first of the year. At that time three members of the Commission—Egypt, Mexico, and The Netherlands—all strong supporters of ours, will be replaced by presently unknown nations. These new delegations would require a long period of education, in all probability. It would be helpful to have even a ten-to-two vote on matters of principle arrived at during the present membership of the Commission. We couldn't look for any more than that as a result of the changes at the year end in the personnel of the Commission.

It is our thought to start immediately our staff work in concluding our views on the statements of policy and the matters to be covered by a ten-to-two interim report by the end of the year. We will need this month to complete the policy statement and to obtain clearances.

You probably have clearly in mind the original letter of September 17, but an additional copy is readily available in any event.

Incidentally, the Molotov move made here is a neat political maneuver which was implicit in the Russian attitude when I wrote to Dean Acheson on June 23. For the moment Molotov grabbed the initiative, but I think our people will see through the maneuver and that in the end he will not be the gainer. It may be that the maneuver is designed to back out of the commitment on controls and safeguards included in the Moscow Declaration and the January Assembly Resolution on atomic energy. We may attach undue importance to our part of the incident because early in our sessions we pointed out to Mr. Gromyko the ridiculous character of the Russian plan in that it was a proposal for unilateral disarmament and we told him we wondered whether

he was going to match the proposal with a proposal to demobilize nine-tenths of the Red Army. I think Senator Austin is handling the matter very well and of course we will keep in closest possible contact to insure that there is no unintentional "crossing of wires."

In view of the time and membership problem mentioned above, we will need a prompt decision. In the alternate, we will face a long delay—quite certainly six months—before the issue is joined on the political matters and even an interim report made to the Security Council or the Assembly.

Sincerely yours,

BERNARD M. BARUCH

501.BC Atomic/11-446

Memorandum by the Chief of the Division of International Security Affairs (Johnson) to the Legal Adviser (Fahy)

TOP SECRET

[NEW YORK ?] November 4, 1946.

Subject: Soviet Position on Atomic Energy Commission

On Friday, November 1, 1946, when I was in Washington, Mr. Frank Lindsay of Mr. Baruch's staff telephoned me to give me the following information:

Ambassador Bedell Smith went to see Mr. Baruch and members of his staff (I gather, on Thursday) to have a general discussion. When Ambassador Smith left Mr. Lindsay accompanied him downstairs and held a brief conversation with him. Mr. Lindsay told me that he had raised with Ambassador Smith the question of the possibility of a direct approach to Stalin *after* a vote has been taken in the Atomic Energy Commission on the Baruch proposals. According to Lindsay, Ambassador Smith thought this would be a good idea and promised to take it up with the Secretary in the near future.

Mr. Lindsay made it clear to me that the idea would be for Mr. Baruch to go to Moscow for this purpose. Mr. Lindsay also indicated that the Baruch people here think of the vote taking place before the composition of the AEC is changed by the replacement of Mexico, The Netherlands and Egypt.

I gave no indication of what I thought of this proposal. I merely asked a question in order to be sure that the idea was to have the approach to Stalin made after a vote was taken. Lindsay did make this very clear. At Lindsay's request, I agreed not to mention the matter

in Washington, but urged him to speak about this to Mr. Bohlen⁴⁸ when he saw him, which Lindsay hoped to do shortly after Bohlen's arrival in New York.

I should like to make to you the two following comments :

(1) I think it would be a great mistake to have the approach to Stalin made after a vote in the AEC. I think an approach to the Soviet Government, presumably by the Secretary speaking to Molotoff, should be made before any such vote. If a vote is taken before the approach to Stalin, the chances of a *démarche* being successful appear very small.

(2) If anyone is to go to Moscow, I think Baruch should not be the senior. The Secretary would be the logical person.

501.BB/11-446 : Telegram

Senator Austin to the Secretary of State

TOP SECRET

NEW YORK, November 4, 1946—8 p. m.

URGENT

[Received 8:02 p. m.]

757. Chinese Ambassador Wellington Koo⁴⁹ in conversation with me today said he had interpreted my remarks October 30 with regard to armed forces as indicating US assent to giving information on forces and bases in all countries outside national boundaries.⁵⁰ I told Mr. Koo that my remarks extended to information concerning armed forces at home as well as abroad.

The Ambassador said he wished to be frank in stating that this might be very embarrassing to his government. Referring to relations of Chinese Government with Communists in China he said his Government would scarcely wish to reveal to the Communists the size and disposition of government forces, bases, and airfields in China.⁵¹

I thanked Mr. Koo for bringing this aspect of the matter to my attention and assured him that my Government would wish to weigh it carefully in developing its position with regard to the armed forces item.

Foregoing has been communicated to Cohen for the Secretary with special reference to Deptel 253 of October 29.⁵²

⁴⁸ Charles E. Bohlen, Special Assistant to the Secretary of State.

⁴⁹ V. K. Wellington Koo, Chinese Delegate to the General Assembly.

⁵⁰ In regard to Mr. Austin's address to the General Assembly on October 30, see footnote 26, p. 975.

⁵¹ For documentation on United States policy with respect to the situation in China, see volumes IX and X.

⁵² *Ante*, p. 971.

Department of State Disarmament Files

Record of a Special Meeting of the Policy Committee on Arms and Armaments, Department of State, November 4, 1946, 11 a. m.

SECRET

PCA M-23 (Supplement)

Present:

General Crain,⁵³ A-H, Deputy Chairman
 Messrs. Cummins, A-R, Executive Secretary
 Sohm, ESC, Secretary
 Blaisdell, SPA
 Dreier, IA
 Exton, MD
 Labouisse, EUR
 Matlock (for McGhee, UE)
 Ringwalt, FE
 Timberlake, NEA

Consultants:

Messrs. Brown, Le
 Hiss, SPA
 Elliott, IS
 Jamison, ESC
 Lacy, SEA
 Wainhouse, OA

UNITED STATES POSITION WITH RESPECT TO REGULATION OF
 ARMAMENTS

1. *Action:* After considerable discussion of the situation resulting from the position taken by Mr. Molotov on regulation of armaments in the General Assembly on October 29, 1946, THE COMMITTEE AGREED that:

a. It would not at this time draft a proposed resolution for presentation to the UN;

b. The Russian motives in asking for disarmament, whether genuine or propaganda, should not affect the establishment of the U.S. position;

c. The United States should agree with the Russian position with respect to the importance of controlling atomic energy but insist that the Security Council be guided in its actions by reports and recommendations from the Atomic Energy Commission;

d. The United States should agree with the Russian position concerning the regulation and reduction of armaments other than weapons of mass destruction with the understanding that any such

⁵³ James K. Crain, Assistant to the Assistant Secretary of State for Occupied Areas.

regulation or reduction must be implemented by effective safeguards by way of international inspection and other means;

e. Solution of the problems with respect to the peace settlements and the forces to be provided under Article 43 of the United Nations Charter should not be brought forth as essential preconditions to an agreement upon regulation of armaments.

2. *Discussion* of above principles (The numbered paragraphs below correspond to the paragraphs above) :

a. Position due to instructions from higher authority.⁵⁴

b. The opinion of the people of this country and world opinion will be based upon the contents of the Russian resolution and not upon the motives actuating it.

c. This reiterates the present stand of the U.S., and of the United Nations as expressed in the resolution of the General Assembly of last January.

d. & e. The position of the U.S. will be improved by positive support of general disarmament rather than by attempting to attach conditions; however, the U.S. must insist upon adequate safeguards to be provided by international inspection and other means to insure that the disarmament will be multilateral.

Should the Russians object to international inspection they would be obstructing disarmament; should they agree to this inspection their present position with respect to control of atomic energy would be exposed as capricious.

501.BC Atomic/11-546

The Secretary of State to the United States Representative on the Atomic Energy Commission (Baruch)

CONFIDENTIAL

[NEW YORK,] November 5, 1946.

DEAR B. M. : Replying to your letter of the fourth, I have not had an opportunity to discuss the matter with the President.

I read your letter of September 17 and I think you should follow the course set forth in your recommendation *a.* There should be an expression of opinion by the present members of the Commission, who have participated in the study of this question for many months.

If you do not ⁵⁵ follow this course, you will have to grant those who become members of the Commission on January 1 an opportunity to familiarize themselves with all that has taken place since the Commission was organized. That means a long delay.

⁵⁴ Presumably the Secretary of State.

⁵⁵ In the source text, the handwritten addition of the word "not" has been made after the word "do." However, the letter went out without this correction. (Department of State Atomic Energy Files)

I am submitting your letter, together with my recommendation, to the President and will advise you when I hear from him.⁵⁶

Sincerely yours,

JAMES F. BYRNES

811.002/1-2446

Minutes of the Meeting of the Secretaries of State, War, and Navy, Washington, November 6, 1946, 10 a. m.

[Here follows discussion of various subjects.]

DISARMAMENT

MR. ACHESON stated that following Mr. Molotov's proposal before the General Assembly on disarmament the State Department has been considering how to avoid having the General Assembly discussions develop into useless arguments on details and comparisons between various types of armament such as air forces versus land troops and land troops versus naval vessels. He said that feeling in the Department of State is that we should endeavor to keep the discussion on important fundamentals. He went on to say that both as regards a regime for atomic energy control and a system for the reduction of other types of armament he feels that an international inspection system is of crucial importance. He said that he felt that the United States representative should handle this whole subject in such a way as to focus attention on the importance of an international inspection system. The Soviet Government had adamantly declined to agree to any international inspection system. Mr. Acheson said that he felt that we should endeavor to keep attention on this rather than be drawn into a useless discussion of details. MR. FORRESTAL and MR. PETERSEN⁵⁷ expressed agreement.

SPA Files

*The United States Representatives on the Military Staff Committee to the Joint Chiefs of Staff*⁵⁸

SECRET

[NEW YORK,] 6 November 1946.

Subcommittee on basic principles has completed study of purpose and have submitted final report to Military Staff Committee indicating divergent views.⁵⁹

⁵⁶ Mr. Byrnes submitted the papers under reference to the President on November 5. The file copy bears Truman's handwritten indication of approval. (501.BC Atomic/11-546)

⁵⁷ Howard C. Petersen, Assistant Secretary of War.

⁵⁸ The source text indicates that this communication was a despatch. A marginal notation reads as follows: "To Mr. Hiss from Col. Cress."

⁵⁹ In accordance with the decision taken at the 18th Meeting of the Military Staff Committee, September 18 (see the Summary of the Sequence of Events, p. 913), the Subcommittee on Basic Principles had resumed meetings on September 25. (IO Files)

Chinese, French, U.K. and U.S. representatives on Subcommittee accepted French proposed paragraph 1 as amended (U.S.M.S./50/16).⁶⁰ U.S. reserved commitment as to whether final document of the MSC on basic principles should include article on purpose. Chinese, U.K., and U.S. representatives on Subcommittee rejected all of Soviet proposed paragraphs and paragraphs 2, 3, 4, 5 and 6 of French proposal, but agreed that paragraphs 5 and 6 of both the French and Soviet proposals could be discussed later under other headings of basic principles. French favored retention of French paragraphs 3 and 4. Soviet adhered to its original proposal.

Security Council directed MSC to examine from the military point of view (not the military aspects) the provisions of Article 43 of the Charter. Since Article 43 mentions purpose and the French paragraph 1 as amended does not amend or alter the meaning of the Charter, the U.S. Representatives consider this one paragraph entirely suitable for inclusion in final basic principles report to Security Council. Unless instructions to the contrary are received, the U.S. Representatives will take that position at the next meeting of the MSC on 13 November.⁶¹

501.BB/10-2246

The Acting Secretary of State to the Acting United States Representative at the United Nations (Johnson)

SECRET URGENT WASHINGTON, November 6, 1946—7 p. m.

272. For US Gadel. Ur tel 692, Oct. 22, 10 p. m.⁶² Department has prepared additional guidance on that part of position paper "Prob-

⁶⁰ Not printed.

⁶¹ The Military Staff Committee at its 22nd Meeting on November 13 agreed on the following definition of the purpose of United Nations armed forces and agreed to include it in its final statement of basic principles:

"1. Armed Forces, made available to the Security Council by Member Nations of the United Nations are intended for the maintenance or the restoration of international peace and security in cases:

- a. of existence of any threat to international peace,
- b. of any breach of international peace and security,
- c. of any act of aggression.

when measures undertaken by the Security Council in accordance with Article 41 of the United Nations Charter would be inadequate or have proved to be inadequate and when the threat to international peace and security is such that it necessitates the employment of these Armed Forces.

"2. These Armed Forces may not be employed for purposes inconsistent with the purposes, principles, and the spirit of the United Nations Charter as defined in its Preamble and Chapter I."

The Subcommittee on Basic Principles did not complete its work as a whole in 1946. (10 Files)

⁶² Not printed. It requested additional guidance in view of strong criticism within the Delegation of the recommendation contained in SD/A/C.1/35a, not printed, that in the event that a proposal were made to criticize the work of the Military Staff Committee, the Delegation should seek further guidance. Senator Vandenberg had expressed the view that the United States should support a resolution expressing the concern of the General Assembly with respect to the lack of progress. (501.BB/10-2246)

lems raised by the Report of the Security Council to the General Assembly" (SD/A/C.1/35a) which deals with the MSC and special agreements under Article 43. Text which follows supplants Section III, Subsection 1 (pages 3 and 4) of reference paper:

SD/A/C.1/44 Rev. 1

November 5, 1946

SECURITY COUNCIL REPORT TO THE GENERAL ASSEMBLY
(PART II, MILITARY STAFF COMMITTEE)

GUIDANCE FROM THE DEPARTMENT OF STATE

I. Suggested Position

1. It is the Department's feeling that an active role for the Delegation in the debate on Part II of the Security Council Report is not indicated except to oppose motions or resolutions, the intent or effect of which would be critical of the Military Staff Committee.

2. It is suggested that the Delegation should not attempt to direct the course of the debate towards criticism of the Soviet Government, if such criticism is not made by other Delegations.

3. It is suggested further that the Delegation should not attempt to divert criticism leveled at the Soviet Government for the lack of progress of the Military Staff Committee, if such criticism is made by other Delegations.

4. If questions of fact are asked by Delegations not represented on the Military Staff Committee, the Delegation should feel free to consult Delegations of the other members of the Military Staff Committee in order to concert efforts in supplying answers.

5. It is suggested that motions or resolutions dealing with Part II of the Report of the Security Council be forwarded to the Department in order that additional guidance may be furnished the Delegation.

II. Background

In connection with the Security Council Report to the General Assembly (Part II, Military Staff Committee), it was suggested that the Delegation seek guidance from the Department "if proposals expressing the Assembly's concern, or calling upon the Security Council for further information or explanations, or urging it to direct the Military Staff Committee to take more vigorous steps in discharge of its responsibility are put forward" for the Assembly's consideration (SD/A/C.1/35a, page 4). In secret telegram 692 of October 22 from the Delegation guidance was requested from the Department, in consultation with the War and Navy Departments, in advance of any

particular recommendations arising in the consideration of Part II of the Security Council Report.

III. Discussion

The Department has been in consultation with the War and Navy Departments and presents the following views for the guidance of the Delegation.

It is a delicate matter to prepare guidance on this subject in as much as the United States is in possession of fuller and more accurate information regarding the work of the Military Staff Committee than is the General Assembly. In the absence of authorization by the Security Council to supply the General Assembly with information regarding the Military Staff Committee's activities since July 15, it is not believed that the United States Delegation should be the vehicle for the transmission of such information to the General Assembly. It is for the Security Council to decide whether and when to make this latter information available.

However, unofficial information regarding the work of the Military Staff Committee after July 15 is generally available through press reports. Although incomplete and not entirely accurate such reports lead to the conclusion that the Soviet Delegation was entirely to blame for the little progress achieved. Especially is this so if such reports are read in conjunction with Part II of the Security Council's Report.

Thus Members of the Assembly may raise questions regarding the activities of the Military Staff Committee not covered by the Report; about the reasons for the limited progress made; about the prospect of more rapid progress in the future. If Delegations were to attribute to all governments represented on the Military Staff Committee equal blame for the slow progress made, it is believed that this would be unjustified by the facts. In such case, the Delegation should feel free to point out in debate that delegations of four governments represented on the Committee submitted promptly their proposals of principles for the organization of forces to be made available to the Security Council while the fifth, that of the Soviet Government, did not make its proposals until a date after that covered by the Report and then in a form which has not facilitated progress.

Moreover, the Department shares the view of the representatives of the Joint Chiefs of Staff on the Military Staff Committee that it is the Soviet Government and not its delegation which must bear responsibility for the Military Staff Committee's limited progress.

On the other hand, the Department desires that no action of the General Assembly should reflect adversely upon the Military Staff Committee. The Department is particularly anxious that the representatives of the Joint Chiefs of Staff should not come in for criticism.

IV. Conclusions

In the light of these considerations, it is the Department's view that while the Delegation should not oppose debate on Part II of the Security Council Report, it should not take a prominent part in the debate by (1) attempting to direct its course towards criticism of the Soviet Government or (2) diverting such criticism if the Soviet Government comes in for criticism at the hands of Delegations for the lack of progress of the Military Staff Committee. In general, it is felt that an active role in this debate is not indicated, except to oppose motions or resolutions, the intent or effect of which would be critical of the Military Staff Committee.

However, if questions of fact are asked, the Delegation should feel free to consult Delegations of the other members of the Military Staff Committee with a view to supplying answers.

Motions or resolutions dealing with Part II of the Report of the Security Council should be forwarded to the Department in order that additional guidance may be furnished the Delegation.⁶³

ACHESON

Department of State Atomic Energy Files

The Under Secretary of State (Acheson) to the United States Representative on the Atomic Energy Commission (Baruch)

WASHINGTON, November 7, 1946.

MY DEAR MR. BARUCH: Even before receiving your letter of November 2, I had spoken with Mr. Byrnes regarding your concern in receiving an answer to the question contained in your letter of September 17 to the President and to him. Mr. Byrnes told me that he would go over the matter with you in New York and I now learn from him that by his letter to you of November 6 he has expressed his views. This morning the President told me that he was approving Mr. Byrnes' recommendation.

In regard to your comments regarding the general disarmament procedures, we here in the Department have been and are in communication with Mr. Byrnes about the matter. I presume that, if he has not already done so, he will soon be in touch with you and Senator Austin regarding a strong position in this matter which will give full

⁶³ At its 55th Meeting, December 11, the General Assembly unanimously adopted the following resolution: "The General Assembly, having received and discussed the report of the Security Council, resolves to pass to the next item of the agenda." (United Nations, *Official Records of the General Assembly, First Session, Second Part, Plenary Meetings*, p. 1133). No debate on the substance of the report occurred in Plenary meetings or in the First Committee to which it had been referred.

support to the position which you have been taking in the Atomic Energy Commission.

With kindest regards.

Sincerely,

DEAN ACHESON

501.BC Armaments/11-546

Memorandum by the Under Secretary of State (Acheson)

SECRET

[WASHINGTON,] November 7, 1946.

MEMORANDUM FOR SECRETARY BYRNES

Subject: Analysis of Molotov's Resolution on Disarmament⁶⁴ and Recommendations as to Method of Dealing With it.^{64a}

On its face, the Molotov proposal appears to be a forward step in achieving United Nations objectives. Actually it will have an opposite effect. For the result of the proposal is to divert attention from the untenable position in which the Russians find themselves in the United Nations Atomic Energy Commission.

American policy should be aimed at making this vital fact explicitly clear and should seek to focus attention on the real elements of any disarmament program. Otherwise we are likely to be forced into the dangerous position of discussing in detail the technical problem of reduction and elimination of various types of armaments, while the Russians will avoid (as they have so far succeeded in doing in the Atomic Energy Commission) any genuine collaboration in the working out of the international safeguards which are the heart of any effective disarmament program.

It is believed that these conclusions as to the Molotov proposal and the dangers for us in joining in it, are borne out by the events that have occurred in the United Nations since last January.

Molotov now proposes that the General Assembly resolve: first, that a general reduction in armaments is necessary; second, that "a primary objective" in such a program should be "the banning of the manufacture and use of atomic energy for military purposes"; and third, that the Security Council should see to it that these two objectives, that is,

⁶⁴ For the text of the resolution on disarmament proposed in Molotov's address to the General Assembly, October 29, see p. 973.

^{64a} A draft memorandum for the Secretary of State prepared by Mr. Hiss and dated November 5, not printed, had the same title as the present document and advanced substantially similar arguments. It included a draft resolution to be introduced in the General Assembly of the type described in the penultimate paragraph of the present memorandum. Although the Hiss draft is not a recognizable antecedent of the present document with respect to phraseology, the Office of the Under Secretary presumably considered its content in drafting the memorandum printed here. (501.BC Armaments/11-546)

general reduction of armaments and the banning of atomic weapons, are achieved.

The Molotov proposal has been made to appear as a new and far-reaching approach to the problem of disarmament. This is a quite erroneous impression. Nearly a year ago the General Assembly took action which, in its main features, represented a much more hopeful approach to the problem. In the popular stir created by the current Molotov proposal, many observers have lost sight of this significant circumstance.

The resolution of the General Assembly adopted on January 18, 1946 not only recorded the desire of that body to bring about the elimination of the most important weapons of war, but also provided specifically for practical machinery through which this immense task could be undertaken.⁶⁵ That resolution set up a Commission directed, among other things, to "proceed with the utmost dispatch" and "make specific proposals . . . for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction."

The resolution clearly recognized that the heart of the disarmament measures must be the establishment of safeguards to cope with the hazards of secret violations of the terms of a treaty. To give effect to this view, the General Assembly further directed the Commission to make "specific proposals" "for effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions."

The Commission, thus established by the General Assembly on January 18, has been in session for the past five months. During these months the Russians have repeatedly professed approval of international measures to eliminate atomic weapons. But at every stage in the proceedings, they have stubbornly refused to consider or discuss any measures of genuine international control. It has become plain that what the Russians mean by international control is a mere paper agreement to ban atomic weapons. The only teeth they would countenance in such an agreement would be a provision that "the government signing the convention would, by *national* legislation, take steps to insure that the convention is applied and would in particular provide for the most severe punishment." In short, each nation would have to take the word of every other nation that the treaty was being observed.

The only other "safeguard" advanced by the Russians is contained in the vague suggestion that "the Security Council would guarantee

⁶⁵ The reference is to General Assembly Resolution 1 (I), "Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy," approved January 24, 1946; for text, see GA (I/1), *Plenary*, pp. 258-59, or Department of State, *Documents on Disarmament 1945-1959*, vol. I, pp. 6-7.

the enforcement of the convention as a part of its duties in connection with maintenance of international peace and security." But despite the most persistent questioning by the representatives of other nations, the Russians have never been willing or able to explain what measures they believe the Security Council could possibly use to make this guarantee effective.

When in the course of the proceedings, the United States representatives have proposed real safeguards involving inspection and access to the various countries of the world by an international organization, the Russian representatives have responded that inspection is not reconcilable with the principle of sovereignty of states. This attitude, which is hardly consistent with the terms of the Resolution of January 18, 1946, is amplified in the following paraphrased translation from the Russian, issued to the press on July 31. The press release covered statements which the Russian representative was reported to have made in a committee meeting of the Atomic Energy Commission on that day:

"Mr. Gromyko said that the proposed inspection is not reconcilable with the principle of sovereignty of states. 'No inspection as such can guarantee peace and security.' And, he added, 'This idea of inspection is greatly exaggerated in importance. It is a too superficial understanding of the problem of control.' The Soviet Delegate repeated that inspection had assumed undue importance in the course of the discussions and said that the only real underlying method of control is 'by the cooperation of the United Nations.'"

The statement just quoted is typical of the position which the Russians have taken throughout the deliberations of the Atomic Energy Commission. In the process of discussion it has become increasingly clear that they are evading the main issue. The repeated attempts by the representatives of other countries to draw the Russians out have highlighted this fact, and in consequence the position of the Russian representatives has become more and more awkward. It is this situation which probably accounts for the rather conflicting statements of Alexandrov, Gromyko, Molotov, and Stalin in recent weeks. They are certainly aware of the difficulties of their stand in the Commission and of the impracticability of maintaining that stand indefinitely, and they have been searching for a way out.

It is in this setting that the proposal of Molotov should be appraised. As already suggested, its effect would be to divert attention from the untenable position in which the Russians find themselves. If the Molotov resolution or something similar is adopted it will mean that discussions of disarmament will be carried on in broader terms and in a new forum and the proceedings of the Atomic Energy Commission will be minimized. Attention will be centered instead upon such

matters as "banning the manufacture of atomic weapons", reducing the size of navies, reducing the size of air forces, and reducing the size of armies, and the issues as to safeguards will be buried in a maze of generalities and technicalities.

This is the serious danger in any attempt to develop in company with the Russians a broad new approach to the problem of disarmament in the General Assembly. To guard against it our representatives in the General Assembly should emphasize the futility of any proposals for reduction in armaments unless there is some real possibility of agreement upon effective international safeguards; they should emphasize that effective international safeguards are impossible without some form of inspection, or international operations, or other measures which involve ready access by an international organization to the various nations of the world.

Our representatives should point out that the most important aspects of disarmament have already been acted upon by the General Assembly in its resolution of January 18, 1946; that the Atomic Energy Commission, the special organ of the Security Council set up to implement this action, is the agency through which the work ought to be continued with all possible vigor; that it can only serve to confuse the problem and give the world a false sense of hope for the General Assembly to adopt, as a dramatic new measure, a resolution which in fact would be less effective than the measure adopted a year ago.

In view of the paramount importance of atomic weapons and other weapons of mass destruction, the main purpose of the United Nations should be to make progress in disarmament in those fields. Obviously, if the ambitious program already voted can make no progress, it is foolish to believe that a still more ambitious program, such as that which Molotov professes to advocate, could have any hope of success.

An early decision should be reached as to what, if any, formal action on this subject the United States should advocate in the General Assembly. If we do not propose or join in an affirmative measure of some kind, it may appear that the Russians are taking the lead in pressing for disarmament, a widely popular move, and that we are opposing this policy. Effective exposition of our true position as suggested in this memorandum, should go a long way toward meeting this danger. And Mr. Baruch's proposal in his memorandum of September 17, which the President and you have approved, should serve to complement this line of action. In addition, however, it may well prove desirable for us to propose a specific measure in the General Assembly.

One possibility for such action would be a resolution by the General Assembly reaffirming that the resolution of January 18, 1946 is the most important step in approaching the problem of disarmament, expressing the conviction that the establishment of safeguards by way of

international inspection and other means is basic to any measures of disarmament, and recording its sense that the expeditious fulfillment by the Atomic Energy Commission of its terms of reference with respect to atomic weapons and other weapons of mass destruction is of the highest importance. The foregoing is merely one suggestion.

There are doubtless a number of other possibilities for action which would serve the purpose as well or better, and the discussions which Senator Austin and Mr. Baruch are having should be very helpful in determining the best course to take. Through these discussions it should be possible for Senator Austin and Mr. Baruch to work out a program in which each would strengthen the other's position.

DEAN ACHESON

USUN Files

Memorandum by Mr. John C. Ross, Adviser, United States Delegation to the United Nations General Assembly

SECRET

[NEW YORK,] November 7, 1946.

PRESENT STATUS—FORMULATION OF DISARMAMENT POLICY

1. The United States has indicated (Senator Austin's speech) that it welcomed the general disarmament proposals made by Mr. Molotov the day before. Our action in so doing has been publicly and privately acclaimed.

2. Considerable doubt has been expressed concerning the sincerity of the Soviet Union's motives in advancing its disarmament proposals. Until this doubt is clarified it is *essential* that the United States restore and maintain its position of leadership in this field.

3. Up to the point of Molotov's speech we were in a position of at least partial leadership based on the initiative we had taken and maintained with regard to atomic energy. Our proposal for the establishment of an Atomic Energy Commission, which was adopted by the General Assembly in London, covered two of the three areas of the disarmament field, namely, (a) atomic energy and (b) other weapons of mass destruction. We have made specific proposals concerning the control of atomic energy but we have made no specific proposals concerning the control of other weapons of mass destruction. Moreover, we have made no proposals at all in regard to the third phase of disarmament which concerns the reduction of armies, navies, air forces, et cetera. The Soviet Union has made proposals which cover this third phase as well as the other two. Although we have welcomed their proposals we must be honest with ourselves and admit that until we

take some positive, affirmative, constructive action the leadership rests with them.

4. There is general agreement among us that adequate safeguards are an essential component of any system of disarmament. Exactly what we mean when we use the term "adequate safeguards" is not, however, entirely clear and this subject will require further study and development.

5. There is also general agreement among us that the United States must not disarm unilaterally. Here again our meaning is not entirely clear and will require further study and development.

6. Beyond the area of agreement concerning adequate safeguards and unilateral disarmament there is a considerable difference of views as to what policy we should pursue generally with regard to this whole subject of disarmament and, more specifically, what action we should take in the current Assembly.

7. One view which, generally speaking, Senator Austin seems to have held consistently for a long time is that the disarmament field must be considered and dealt with as a whole. Atomic energy, other weapons of mass destruction, armies, navies, air forces—all of these and perhaps more are closely related aspects of a single problem which, in turn, is closely related to other problems such as the provision of armed forces under Article 43 of the Charter, and the Soviet agenda item concerning troops on foreign territories. This generalized approach was stated in effect by Molotov in his speech. It is an approach which has very widespread public support in this country. Molotov was presumably not unaware of this fact, which is evidenced by public and governmental reaction to Senator Austin's speech. The principle of general disarmament has also received much support in the Congress. At the last session a considerable number of Bills on the subject were introduced, Senator Tydings' proposal for a general disarmament conference to reduce armaments by January 1, 1950 down to the level of the peace forces required under the Charter being perhaps the most notable. With a Republican and economy-minded Congress the additional and very natural motives of Republican Party leadership in the Congress and economy through reduction of armaments (by far the largest item in our national Budget) must be added as strong factors to the already strong desire for general disarmament. Unless there is real responsiveness to all of these factors through adoption of a policy which is at once bold, imaginative and creative, positive, affirmative and constructive, there is a great danger that we shall be caught in a wave of irrational, unilateral disarmament without any quid pro quo from the Soviet Union or the rest of the world generally, a situation which would immeasurably weaken our capacity for self-

defense, our position in the United Nations, and in our whole foreign relations program. Even if this danger were not great, even if the risk were only a very small one, we cannot afford in this vital area of our national security to take lightly even the smallest risk.

On the other hand the broad, sweeping approach characterized by Senator Tydings' Resolution may fairly be described as an oversimplification of an exceedingly complex problem. Moreover, it would be more appropriate for the United States to take the initiative in the establishment of appropriate machinery within the framework of the United Nations rather than having our President, as suggested by Senator Tydings, convene an international conference. Furthermore, the job of disarmament is a very tough as well as complex one and an international conference is not the best machinery for this kind of job.

A broad generalized approach would be most responsive to Molotov's proposals. This might presumably be considered as a fact that would facilitate the negotiation and speedy conclusion of mutually satisfactory arrangements with the Soviet Union and other United Nations. However, while we want to be as responsive as possible to Soviet views the Molotov proposals are stated in very general terms and carry no assurances that would be considered essential by us. We cannot, therefore, risk jumping to the conclusion that virtually complete responsiveness to the Molotov proposals will produce satisfactory results and allow ourselves meanwhile to be sidetracked and lose the advantage we have gained and hitherto maintained, through our atomic energy proposals. I believe Senator Austin and everyone else would now agree, therefore, that whatever else we may decide to do, we must re-focus attention on the necessity of international control and development of atomic energy with adequate safeguards against diversion for non-beneficial purposes.

8. If I understand correctly, Mr. Herbert Marks feels strongly and Mr. Acheson tends to agree that the emphasis should be placed on atomic energy control to such an extent as virtually to exclude *any* action at this time with regard to other aspects of disarmament. If correctly represented this seems to be a somewhat extreme position. It would not be sufficiently responsive to the Russian proposals to offer real hope that progress could be made with them even in the atomic energy field. It would not be sufficiently responsive to public and Congressional opinion in the United States to avoid the danger of unilateral disarmament referred to above. It would not be sufficiently responsive to the general sentiment in the Assembly in favor of disarmament. Finally, it would in effect repudiate what was said in Senator Austin's speech about disarmament.

9. A less extreme alternative is embodied in a resolution drafted

by Alger Hiss and reviewed by Ben Cohen (copy attached).⁶⁶ The essential parts of this resolution are contained in the first three paragraphs. The first paragraph reaffirms the desirability of general disarmament and "recommends that the Security Council give prompt consideration to the practical measures essential thereto" and recognizes that disarmament must be general and not unilateral. The second paragraph recognizes the necessity of "effective safeguards". The third paragraph re-focuses attention on the atomic energy problem and "recommends that the Atomic Energy Commission expedite its deliberations".

This draft resolution accomplishes the purpose of re-focusing attention on the work of the Atomic Energy Commission. Beyond that, however, it could hardly be considered as responsive to any of the various elements referred to above; on the contrary it is a very weak response. It is hardly to be expected that the Security Council which is already heavily burdened with work could at this time be expected to take on this additional very big and difficult job and discharge its responsibilities toward that job very effectively. Furthermore, the veto would be a serious deterrent to real progress. As in the case of atomic energy, specialized machinery consistent with the Charter and the responsibilities of the Security Council with regard to disarmament is necessary. (See Quincy Wright's letter.)⁶⁷

10. This leads to the suggestion that we propose in the Assembly a resolution which would (a) emphasize the necessity of expediting the work of the Atomic Energy Commission, in this connection underscoring the essentiality of international control with adequate safeguards, (b) emphasize the close inter-relationship of all phases of disarmament, including atomic energy, other weapons of mass destruction, armies, navies and air forces, and the provision of armed forces, the presence of troops abroad, et cetera, (c) emphasize the necessity of close correlation of all of these factors as parts of a comprehensive whole in the development of a rational program along parallel and integrated lines, and (d) propose, in order to achieve this correlation and establish the broad political principles and objectives which are necessary to achieve practical results at the technical level (tonnages, et cetera), the establishment of a Permanent Disarmament Commission related to the Security Council in much the same way as the

⁶⁶ The draft resolution under reference is not attached to the source text and has not been found in the files of the Department of State. See, however, the text of the resolution ultimately introduced by the United States, p. 1076.

⁶⁷ Letter not identified.

present Atomic Energy Commission is related to the Council. The best organization of this Commission would be as indicated on the attached Chart No. 1,⁶⁸ namely, a Commission composed of three or more panels to deal respectively with atomic energy, other weapons of mass destruction, armies, navies, et cetera, and possibly related questions such as armed forces under Article 43, et cetera. This Permanent Disarmament Commission might best consist only of the Members of the Security Council in view of the Council's particular responsibilities.⁶⁹

[Here follows a detailed description of the proposed Permanent Disarmament Commission and of parallel United States machinery to facilitate participation in its work.]

501.BC Armaments/11-846

Memorandum by the Under Secretary of State (Acheson) ⁷⁰

SECRET

[WASHINGTON,] November 8, 1946.

I have had two conversations with Mr. Reams regarding our memorandum of November 7 to Secretary Byrnes entitled "Analysis of Molotov's Resolution on Disarmament and Recommendations as to Method of Dealing With It". The result of the two discussions is that Mr. Byrnes has read the memorandum carefully and agrees with it. He wishes to note one reservation for the time being. This runs to the next to the last paragraph on page 5 of the memorandum. Mr. Byrnes, as I understand it, is not questioning the propriety of such a resolution as that described in this paragraph should it be considered necessary at some stage to introduce a resolution. His point is that he thinks the time is not now opportune to introduce any resolution.⁷¹

He, therefore, wishes us to proceed with whatever work we can do and are doing on the subject matter of the memorandum along the lines of the memorandum but until we put the matter up to him again not to propose a resolution.

DEAN ACHESON

⁶⁸ The chart is not attached to the source text and has not been found in the files of the Department of State.

⁶⁹ In regard to the proposal contained in this paragraph, see the USUN draft resolution of November 26, p. 1061.

⁷⁰ This memorandum was directed to Messrs. Hilldring, Hiss, and Marks.

⁷¹ At a November 20th meeting of the Three Secretaries, Acheson, representing the Department of State, circulated his memorandum of November 7, informing the service Secretaries that Secretary Byrnes had approved it subject to the reservation with respect to the submitting of a resolution. (811.002/1-2446)

Department of State Atomic Energy Files

*Memorandum of Conversation, by Mr. Franklin A. Lindsay*⁷²

CONFIDENTIAL

[NEW YORK,] November 21, 1946.

Subject: Conversation with Dean Acheson, Friday, Nov. 8, 1946
(Messrs. Hancock and Lindsay)

With respect to proposed University of Chicago meeting, Mr. Acheson stated that he had asked Kennan not to attend the session.

Acheson had seen the President that morning concerning our proposed course of action and the President was writing Mr. Baruch a letter confirming the Secretary of State's recent note.⁷³

We discussed the form in which the political questions should be put. Acheson fully agreed that there was no advantage in bringing up the easy questions first, but that we should begin with the basic fundamentals of international control. He took the position that this report should not be considered as final but rather as an interim report. We suggested that it might be in the form of a single report which could be accepted unanimously by the Commission and which would include:

- a) Areas of complete agreement,
- b) The principles which the United States and its friends supported, and
- c) The position held by Russia and Poland.

Such a report would have the advantage of highlighting the basic differences between us without forcing the Russians at this time to take a public stand against our proposals. This might make it easier for them to reverse their position at a later date.

In respect to the Molotov resolution on disarmament, rather than an attempt to revise the Molotov resolutions (an indirect attack) except when final action and vote is in order, Acheson agreed with Hancock that our initial approach should be a direct attack and should say in effect, "We have already been negotiating for nearly a year on disarmament in the field in which the Russians are weakest and in which we are the strongest. We have had no success whatsoever. Under such circumstances, it seems unthinkable that the Russians are sincere in their proposal for general disarmament in other fields in which they hold the advantage." Acheson asked that he be kept informed of our progress and added that the Secretary of State sometimes neglected to keep him informed.

F[RANKLIN] A. L[INDSAY]

⁷² Staff member, United States Delegation to the Atomic Energy Commission.

⁷³ Dated November 5, p. 995.

Department of State Atomic Energy Files

Memorandum of Conversation, by Mr. Franklin A. Lindsay

CONFIDENTIAL

[NEW YORK,] November 12, 1946.

Subject: Notes on Conversation Held on Friday, November 8, between George F. Kennan of State Department, and Messrs. Hancock and Lindsay.

Mr. Hancock opened the discussion by referring to the University of Chicago meeting in December to discuss alternate atomic energy proposals. Kennan stated that he thought he would not be able to attend the meeting.

We outlined briefly our current status and our plan for bringing the political issues to the fore again before the end of the year. He agreed in general with this proposal, but felt that it should not be regarded in any way as a final step but rather as an interim step in long and drawn-out negotiations. He thought when the question of atomic energy came before the Politburo, the question was undoubtedly asked, "What will the Americans do if we don't sign up?" At the present time the Soviets probably answered that question by assuming that we will do nothing. Under such circumstances they would undoubtedly reason that it was not necessary for them to take any action now. Kennan believes that we should begin a series of moves designed to convince the Russians of our serious intent and of the consequences if they chose to continue their present course. Such a series of steps might, for example, include Military Staff conversations between ourselves, the British and the Canadians or the construction of a new bombproof General Staff headquarters in a remote region. He firmly believes we must keep a constant and firm pressure on the Russians. We must show no sign of weakening whatever in the position which we have taken. Despite his realistic and rather pessimistic attitude, he feels that ultimately it may be possible to reach a satisfactory agreement with the Russians.

He believed that there was a slight possibility that Stalin and the Politburo really did not understand our proposals in the spirit in which they have been put forward. He considers that a direct appeal, therefore, to Stalin would be very desirable. This appeal should be made quietly and without publicity and should be made by Ambassador Smith and one or more qualified men from the United States. He also thinks that either he or Chip Bohlen should go along to interpret because of the personal confidence that Stalin has developed through long association with them.

FRANKLIN A. LINDSAY

501.BB/11-1846: Telegram

Senator Austin to the Secretary of State

SECRET URGENT NEW YORK, November 18, 1946—10:15 p. m.
[Received November 19, 12:58 a. m.]

822. The following position on Soviet troop proposal, approved by Secretary, will be presented to Delegation tomorrow morning for approval: Recommendations

A. Substantive

(1) We should immediately take steps to broaden the inquiry so as to include all mobilized troops at home and abroad, including those in ex-enemy territories.

(2) We should indicate from the beginning complete readiness to comply with an appropriate request to furnish such information.

(3) Neither Austria nor Korea is to be regarded as an ex-enemy country.

(4) Only troops in excess of 100 in any particular country should be reported.

(5) If troops in home territories are to be included, only total figures should be required, without giving locations and breakdown.

(6) Should circumstances make it appropriate to do so, we should reaffirm the importance which we attach to adequate safeguards in the field of armament regulation.

B. Proposed tactics

The Soviet representative will presumably open the debate on the item relating to the disposition of troops of United Nations in other than ex-enemy countries.

The following tactical moves are recommended:

(1) The United States should endeavor to speak soon, if possible immediately, after the Soviet representative.

(2) The initial statement of the U.S. representative should be a brief and forceful one making it clear that we have a clear conscience and nothing to hide, and embodying the points made in A, 1-4, above.

(3) The U.S. should endeavor to avoid raising the issue as to whether broadening the resolution is within the Committee's competence. If the question is raised by others, we should insist that such an amendment as we propose is entirely appropriate.

(4) Before any statement is made in open committee, the U.K. Delegation should be consulted and, if possible, their concurrence with the U.S. position obtained.

AUSTIN

IO Files

Minutes of the Twenty-second Meeting of the United States Delegation, New York, Hotel Pennsylvania, November 19, 1946, 9 a. m.

SECRET

[Here follow list of names of persons present (31) and discussion of other questions.]

THE REPORT ON LOCATION OF TROOPS QUESTION

Mr. Sanders⁷⁵ noted that Committee I was going to postpone further discussion on the veto for a few days and turn to the question of the location of troops in ex-enemy territories. This item had been placed on the agenda by the Soviet Union. However, no Russian resolution had yet been submitted, although doubtless there would be one. He noted that the Russian intention was to have troops withdrawn throughout the whole world. Particularly in the long run this applied to the United Kingdom. He noted that Mr. Molotov in his opening speech had said, that the purpose of the Russian motion was to allow the Security Council to proceed under Article 43 of the Charter on forces. However, in the Security Council when this question had been discussed, the Russians had refused to agree that there was any connection between the two items. They had then claimed that the presence of troops in other countries was a source of uneasiness.

Mr. Sandifer⁷⁶ then read the recommendations from position paper US/A/C.1/54 (Rev. b)⁷⁷ as follows:

a. Substantive

1. We should immediately take steps to broaden the inquiry so as to include all mobilized troops at home and abroad, including those in ex-enemy territories.

Senator Connally pointed out that Secretary Byrnes had suggested the word "mobilized" in order that there might be included the large mobilized reserves. The Secretary's thought was that a report should be made on all troops wherever they might be. Senator Austin noted that this might refer to the United States troops since we were quite likely to have a large reserve and a small active force.

Senator Vandenberg inquired about the meaning of the word "mobilized". Did it mean prepared and ready to shoot? He thought it

⁷⁵ William Sanders, Associate Chief of the Division of International Organization Affairs; Adviser, United States Delegation to the General Assembly.

⁷⁶ Durward V. Sandifer, Chief of the Division of International Organization Affairs; Adviser, United States Delegation to the General Assembly.

⁷⁷ The recommendations under reference are printed in telegram 822, November 18, from New York, *supra*.

connoted readiness for war. Senator Connally said that this was the case.

Mr. Dulles said he wanted to question the desirability of including a report on troops at home. He thought the reason for the Soviet proposal was clearly that it was a propaganda effort to show that the United States had troops in China and the United Kingdom had them in Greece. Now the United States was coming back to say that it would not tell about its troops in China unless the Russians told about their troops in Russia. He thought that most people felt that the home forces were properly a matter of secret military information, just as we thought was the case with the atomic bomb. He thought that the proposal as put forward, was too wide to be on sound ground, and that we were over-playing our hand. He pointed out that the United States was not willing to disclose information regarding the atomic bomb which was our principal weapon. We would put forward our information regarding our subsidiary weapon while asking the U.S.S.R. to disclose information regarding its primary weapon.

Senator Austin pointed out that this was in line with United States views on disarmament. He said his own choice was to put the whole matter together and to consider this item as a matter of military intelligence with inspection accompanied by a disarmament proposal on a well arranged and organized plan. Disarmament obviously could not be accomplished in a day. The question is how to handle the report on troops—whether it could be taken up now or in connection with the general disarmament.

Senator Connally said that some of the advisers were insisting on combining the whole proposition into one. He did not agree, for he thought it lost the entire character of the proposal. He thought the Russians would not want the proposal if it was changed in this way. He did not expect that we would get far with disarmament at this session of the General Assembly. He said he was for disarmament but with a good many “ifs” and “whens”. He did not want disarmament when someone else had a bead on us. Senator Austin said that this was exactly right, that Senator Connally had never spoken truer words. He said that the United States had no idea of reducing its military posture until security was acquired through the United Nations Peace Force.

Mr. Cohen reported that the Secretary's suggestion on mobilized troops came as a result of a talk with Mr. Bevin. Mr. Bevin's view was that if there were any resolution it should cover all mobilized forces. Mr. Cohen thought that feeling arose from the fact that the Soviet Union had large troops close to other territories and that this was relevant to the maintenance of security. He supposed that “mobi-

lized" meant troops in a position to be ordered out of the country for combat. At Senator Vandenberg's request, Colonel Bonesteel replied that mobilized troops meant troops under military discipline and control as opposed to inactive or reserve status. Senator Connally noted that when press reports spoke of mobilization [it] meant a call to the colors putting soldiers on active duty. Senator Austin noted that the United States system gave a less specific meaning to the word mobilized. Senator Vandenberg thought that the word had a belligerent atmosphere. Mr. Cohen said that he was sure that the phrase was used in a lay sense and he thought that the advisors might consider whether there was a more appropriate phrase.

Senator Connally reported that the Secretary had told him that he wanted the resolution to cover all troops everywhere. This was on the theory that the information was necessary when there was talk on disarmament. He did not think that the military and naval people wanted the clause regarding inspection to check on the information submitted. He thought that some of our military units were not strong enough to stand inspection.

Mr. Cohen said that he did not know whether the word "mobilized" was necessary. Mr. Ross suggested that the term "on active service" or "on active duty" might better be used.

Mrs. Roosevelt said that she believed with Mr. Dulles that we were making a mistake to expect the Russians to say what forces they had within their borders. We had a perfect right to ask what troops there were outside. She thought that to ask what troops there were at home, unless the request was implemented with an inspection provision, was not going to produce information of much value. It was asking a good deal of others. She said she was not sure this government would be perfectly glad to let the world know about our military situation. Senator Connally remarked that the world knows how many troops we have.

Mr. Dulles said that everyone wanted to keep the United States strong militarily as long as it was under the guns of a threatening power. He thought that the Soviet plan was a subtle one to disarm the United States unilaterally. If the American people were led to believe that the United States was militaristic, then we will disarm. He thought that the Soviet proposal regarding the presence of troops abroad and their attitude on the Japanese mandated islands question⁷⁸ were being used to the same propaganda end. He thought that the United States had to play a propaganda game as skillfully as the Russians. We would be over-playing our hand, from a propaganda

⁷⁸ For documentation on United States policy with respect to the Japanese mandated islands question, see pp. 544 ff.

viewpoint, to demand the number of troops at home in return for giving the figures on those abroad for this would be considered an unreasonable condition.

Mr. Cohen said that it was not suggested that the information should not be disclosed unless the proposal were broadened. He noted that the United States position paper did not say that the United States would not join in disclosing all troops. He thought there should be no distinction between disclosing the troops abroad whether or not the Russians went along with disclosing the troops at home. There was no suggestion that in pressing for a broadened resolution, that the United States was unwilling to disclose its troops abroad.

[There follows further discussion of the subject. The formal Record of Decisions of this meeting indicates that the Delegation agreed to the substance of the recommendations contained in US/A/C.1/54 (Rev.b). The Record concludes as follows: "It was agreed to give Senator Connally discretion in handling this matter in Committee I, particularly with reference to the degree to which the U.S. should press to have the resolution cover the reporting on troops at home." (IO Files)]

Matthews Files ⁷⁹

The Ambassador in the Soviet Union (Smith) to the Director of the Office of European Affairs (Matthews)

TOP SECRET

Moscow, November 19, 1946.

DEAR DOC: While I was in New York Mr. Baruch gave me a memorandum of a conversation on October 19th between Mr. Franklin A. Lindsay and other members of the Atomic Energy Commission and Mr. Sobolev of the Soviet Union.⁸⁰ I assume you have a copy of this memorandum which is extremely interesting.⁸¹

It has been gone over carefully by the political officers of this Embassy, who believe that the conclusions reached by Mr. Lindsay as a result of this meeting are eminently sound. In fact, from close study of public pronouncements by Soviet officials, the position assumed by Soviet representatives at various international conferences, the authoritative statements of Communist Party ideologues and the line

⁷⁹ Lot 5, files of Messrs. H. Freeman Matthews and John D. Hickerson who were in 1946 Director and Deputy Director, respectively, of the Office of European Affairs.

⁸⁰ The memorandum is printed p. 955. For a memorandum by Mr. John Paton Davies, First Secretary of the Embassy in Moscow, on the memorandum of the conversation with Mr. Sobolev, see vol. VI, p. 806.

⁸¹ Mr. Matthews wrote "I have *not*." in the margin opposite this sentence.

followed by the Soviet press, our people had reached the same general conclusions which I quote below.

“The Soviet attitude toward American production of atomic bombs and the more general issue of adequate control and inspection is based upon and directly derives from the Soviet world outlook. This outlook is inspired by and inextricably bound up with the Leninist-Stalinist interpretation of historical materialism—a predetermined and dogmatic explanation of all human phenomena. The political philosophy of the men who rule Russia, despite its confusing tactical flexibility, is as intolerant and dogmatic as that which motivated the zealots of Islam or the Inquisition in Spain.

“By the terms of the Soviet outlook, the world is an arena of struggle between the forces of ‘progress’ led by the Soviet Union and the forces of reaction led by the United States and the British Commonwealth. According to Leninist-Stalinist dogma, there can be no compromise between the two camps. One or the other must be destroyed. Because the USSR is advancing along the ‘scientific’ path of historical materialism, the Soviet system is the one predestined to survive. But it is not likely to survive without a struggle. The decaying forces of capitalism are likely, by the same ‘scientific’ rule, to attempt to crush the Soviet Union.

“Because the western world is regarded as organically hostile, because there can be no compromise with the western world excepting for temporary tactical maneuvers, and because there is every likelihood of a war between the imperialist west and the Soviet system, Sobolev was speaking a Stalinist truth when he stated that the USSR was seeking to pursue its own policies in complete freedom and without control from the outside. For the same reason it may be assumed that Sobolev accurately reflected Kremlin thinking when he stated that the world was not ready for world government. The Stalinist doctrine preaches that the Soviet state must grow in strength and authority so long as ‘capitalist encirclement’ continues and that it cannot wither away until ‘capitalist encirclement’ has been eliminated. It is clear from the pronouncements of Soviet ideologues that ‘capitalist encirclement’ will not even diminish until the relative strength of the United States and the British Commonwealth has been drastically reduced below that of the Soviet empire.

“With the foregoing in mind, it is evident that the USSR will not voluntarily cooperate in any effective international scheme for inspection and control of atomic energy. If under pressure it consented as a matter of tactics to *pro forma* inspection and control, it would still employ every ruse and stratagem to prevent such inspection and control from fulfilling the purposes for which they were designed.

“As basic Soviet strategy is to weaken its ‘enemies’, it is wholly logical that the USSR should exert every effort to bring about the cessation of atomic bomb production in the United States. If the USSR succeeds in this, it will certainly attempt to prevent the resumption of American bomb production. It would, of course, be utterly naive to assume that the cessation of bomb production in the United States would induce the USSR either to abandon its own gigantic atomic research project or to participate sincerely in an effective pro-

gram for atomic control and inspection. The Kremlin creed is one of implacable hostility, not collaboration; unremitting preparation for war with the democratic west, not conciliation; the existence of two worlds now and the establishment of one world only when it will assuredly be a Soviet world.

"Mr. Lindsay's final conclusion, that the proposal for discussion between Molotov and Byrnes was probably prompted by the hope that the USSR might obtain concessions from the United States, would seem to be accurate, for reasons stated above.

"Having said the foregoing, the question arises—what should our future policy with regard to the control of atomic energy be? It is felt that nothing is to be lost and a good deal to be gained by continued pressure for genuine control and inspection. At the same time, production of atomic bombs should, of course, be continued. It might be well to broaden the proposals for control and inspection to include reduction, control and inspection of all armaments (as was suggested in the Embassy's telegram 2013, June 26 ⁸²).

"From a security point of view, the United States probably has little to lose in the unlikely event that the USSR accepts such a proposal. The USSR presumably already has extensive information regarding American military strength, while the United States has comparatively slight information regarding the Soviet military position.⁸³

"It is essential, however, in undertaking such a program that the United States attempt to regain from the USSR the moral initiative and leadership in the whole question of armaments reduction, control and inspection. If this is done and non-Soviet world opinion is mobilized behind the United States, we should be able to put the Russians on the spot sufficiently, if not to force adequate control and inspection measures, at least to place our own good faith indelibly on record and expose Soviet 'peaceful intentions' for what they are worth and thereby awaken the non-Soviet world to the peril which now threatens it."

My own opinion is that the ultimate and logical developments of our proposals for the control of atomic energy and the results which would seem to provide the greatest obtainable security for the western world and for ourselves, is the extension of our confidence ⁸⁴ to those nations which are willing *in good faith* to accept and cooperate with the control measures which we have proposed. This would eventually include most of the nations of the non-Soviet world who are, of course, vitally interested in the security as well as in the economic benefits which might be expected to result if the combined scientific and productive capacities of a group of democratic nations were directed toward the development of atomic power.

⁸² See Mr. Thompson's memorandum to Mr. Hickerson, June 27, and footnote 5, p. 857.

⁸³ Mr. Matthews placed a vertical line and a question mark in the margin opposite this paragraph.

⁸⁴ Mr. Matthews underlined the word "confidence," placed a question mark opposite it in the margin, and wrote "What does this mean?"

Such a result would inevitably be interpreted by the Soviet Union as a direct threat, and might produce a violent reaction instead of their cooperation for which we have been hoping. However, I can see very little chance of any other really satisfactory solution, and if we now discard our last trump card we have nothing left to play.

I suggest that you furnish a copy of the above evaluation to Mr. Baruch for the information of the appropriate personnel of his Commission. I am sure he will find it interesting.

Sincerely,

BEDELL

501.BB/11-1846

The Director of the Office of Special Political Affairs (Hiss) to the Under Secretary of State (Acheson)

[WASHINGTON,] November 19, 1946.

Subject: Position of our Delegation on Soviet Proposal for Information About Location of Troops

Three main points have been under active consideration for the past few days and will probably arise again in the debate in Committee. Our initial position is, of course, settled by telegram 822 of November 18 from New York which you saw this morning.

1. *Our proposal to broaden the inquiry to include troops at home.*

It has been recognized in New York that many of the smaller countries are likely to resist this extension for the reason that without such an extension the proposal would not apply to them at all in as much as they have no troops abroad. The only suggestions any of us in the Department have made to New York on this topic have been that the possible adverse reaction from a number of the smaller countries to this broadening of the proposal made it appear unwise for the United States to submit an actual resolution at the outset of the debate. (There were other reasons which we also advanced as to why we should not initiate a resolution at this time.) The Delegation and the Secretary are agreed that we should not propose a resolution at this time.

I learned today that Mr. Dulles and others of the Delegates actually opposed including troops at home. Mr. Dulles in particular thought that if adopted it would simply lead the Soviets to say that numbers of troops were of less importance than some types of weapons and that they would thereupon ask that the inquiry be broadened to include a report on stocks of atomic bombs, etc. This must be the opposition the Secretary mentioned to you. It is, as you know, now settled that we

will continue to assert our support for this extension. Whether we will formally propose it will depend on reactions of other delegations.

2. Inspection and relationship to disarmament proposal.

The British apparently continue to hope to have the whole proposal dropped. In line with this they have advocated the requirement of inspection to enable verification of any figures submitted. They have also indicated a desire to combine consideration of the troop proposal with consideration of the disarmament proposal.

Our Military Staff Committee representatives in New York have also favored inspection as they fear that otherwise our figures, which would be accurate, would appear to the public as unduly large in comparison with the Soviet figures which would probably be markedly understated.

We have suggested to New York that it might be confusing and inconsistent with our major objectives in the disarmament field to combine these two topics. We have also said that the troop proposal would be a poor issue on which to fight out the question of inspection. Most of the smaller countries (on the assumption that we would still be supporting the inclusion of troops at home) would be apt to favor minimal inspection. Our people in New York, apart from the Military Staff Committee representatives, agree with us on both points. They are keeping in close touch with Ben Cohen on this.

3. Unilateral disclosure of our troop dispositions.

We have suggested to New York that in view of the British desire not to disclose the locations of their troops it would be unfair for us to make unilateral disclosure before any Assembly request for such disclosure. This would force the British to do the same against their will. We have suggested that any consideration for unilateral disclosure should therefore be checked with the Secretary through Ben Cohen who would know the effect of this on our commitments to the British.

Our Military Staff Committee representatives in New York have also opposed unilateral disclosure as they think it would weaken our bargaining position in trying to get the Soviets to disclose their troops in territories where the Soviets have not wanted to make such a disclosure.

Ben Cohen thinks that for public relations reasons we may have to state figures of our troops in particular countries, such as China, in the course of debate. He thinks also that we may have to release all our figures at the last moment if the resolution is being smothered to demonstrate that we have nothing to hide and have not tried to kill the resolution in order to cover up. He will keep in close touch with the British and clear the matter with them before making unilateral disclosure.

SPA Files

*Memorandum by the Director of the Office of Special Political Affairs
(Hiss) to the Under Secretary of State (Acheson)*

SECRET

[WASHINGTON,] November 19, 1946.

DEVELOPMENTS WITH RESPECT TO SOVIET DISARMAMENT PROPOSAL IN
THE GENERAL ASSEMBLY

I told Mr. Ross today, following up conversations I have had with you recently on this subject, that in view of the Secretary's approval of your memorandum of November 7, copies of which are in Mr. Baruch's and Senator Austin's hands, it appeared that our Delegation in New York now have available material on which to prepare Senator Connally's statements in Committee 1.

I made clear to Mr. Ross that the Secretary's approval of your memorandum was subject to the proviso that the Secretary did not think it profitable to consider at this time the terms of any possible resolution.

Mr. Ross said that Senator Austin plans in the near future to talk to the Secretary about your memorandum. Mr. Ross says that he is confident that the Senator is in full agreement on the major points of the importance of safeguards, the primary significance of control of atomic energy, and the impossibility of unilateral disarmament. Mr. Ross is also confident that the Senator is aware of the dangers of getting into a consideration of the technical details of regulation of armaments. However, it is likely that the Senator may have somewhat different views as to how to accomplish the general objectives of your memorandum and wishes to discuss the question of tactics directly with the Secretary.

The foregoing is simply for your information and, so far as I can see, calls for no action on your part at this time.

Department of State Atomic Energy Files

*Notes of a Luncheon Meeting Between Members of the United States
and Soviet Delegations to the Atomic Energy Commission, New
York, November 20, 1946*

RESTRICTED

Present:	Prof. Alexandrov	Mr. Hancock
	Dr. Mescheryakov	Mr. Burton
	Mr. Vavilov	Mr. Lindsay
	Mr. Kondratiev	Dr. Fine
		Mr. Chase

In a general discussion at the start of the luncheon, Mr. Hancock observed that the problem of atomic energy is unique in his experience

in that it seems to have no limits. Prof. Alexandrov stated that this was quite understandable since the problem concerns every aspect of humanity.

However, we must, in our work, put the problem within certain limits based on what we know. Otherwise, we can't arrive at any solution. Dr. Mescheryakov remarked that in the field of research, distant limits or no limits at all are desirable and, for that reason, confessed to a certain pessimism. Prof. Alexandrov replied that we are now talking of controls, and that he felt optimistic about the possibilities of setting certain limits and also of getting agreement within this area. The problem is almost one of what to exclude rather than what to include.

Mr. Hancock stated that he too was of an optimistic nature and felt that an agreement not only must, but could be reached. Prof. Alexandrov added that we must confine ourselves to the area of what is known, or certain. No one can foresee the full possibilities of atomic energy now, just as no one could foresee the possibilities of electricity when that form of energy was discovered. He felt that it would be better to centralize all development in this field for the present. The French suggestion of decentralizing this work throughout the universities is quite premature. That is for the future. We should so work that only those activities that are fully understood become decentralized or "democratized." We cannot foresee all such developments, and for this reason, we must not tie ourselves too firmly to any particular line. Dr. Mescheryakov added that students the world over are a wild lot and they should not be permitted to fool around with atomic energy. They might start making bombs.

Prof. Alexandrov prefaced his answer to this question by remarking that he was a scientist, engineer and pedagogue and not a political man. However, it seemed to him that we should look for progress in the field of atomic energy to our superiors. Mr. Molotov had suggested (*a*) general reduction in armaments and (*b*) in this connection, the banning of atomic energy for military purposes. Mr. Stalin had also stated that a strong international control is necessary in the field of atomic energy. If Mr. Molotov could meet with a corresponding individual from the United States to agree on the general principles or policy of control, the Atomic Energy Commission could move forward very rapidly. At present, the members of the Atomic Energy Commission are working in the general background of this problem. They are handicapped by the fact that there is no agreement in principle on the part of the U.S. and the U.S.S.R. It is surprising that we have been able to progress as far as we are now in view of this lack of agreement.

Mr. Hancock stated that he agreed that agreement in principle or in

policy must be achieved but feared that tying the problem of control of atomic energy to the general problem of disarmament might submerge this important problem in the overall debate and discussion.

Prof. Alexandrov replied that he did not think that this was possible, that he has felt all along that it was unfortunate that the problem of atomic energy has always been so isolated from the other problems affecting the entire world. If our Ministers of State, or other individuals empowered to deal with such problems could be persuaded to take up the problem of atomic energy while they are discussing problems of, let us say Trieste, Germany, the Far East and general disarmament, an agreement in principle might be reached in the field of atomic energy which would fit this problem into the general pattern of world problems and would permit the Atomic Energy Commission to proceed rapidly in the working out of the details. Prof. Alexandrov asked Mr. Hancock's permission to bring up this subject with his superiors with the view of persuading them to take up this problem with corresponding U.S. officials.

Mr. Hancock gave Prof. Alexandrov blanket authority to report everything that was being said during the luncheon and added that he had no objection to such a proposed line of action. He stated that such added problems are not within his competence but that he understood that the U.S. was preparing to deal with this problem at the level suggested by Prof. Alexandrov. Mr. Hancock further added that the Moscow Declaration and the General Assembly Resolution had given a clear mandate to the Atomic Energy Commission on how to proceed with this problem. Prof. Alexandrov agreed but added that in the light of the Moscow Declaration and the G.A. Resolution the U.S. had proposed the plan known as the Baruch Plan and the Soviets had proposed a plan put forth by Mr. Gromyko. These plans are not in agreement, and Prof. Alexandrov felt that we have gone about as far as we can under these directives. He felt that a further agreement on policy was necessary before any appreciable progress could be made in the Atomic Energy Commission. When such an agreement is reached, and after the G.A., he felt that more frequent meetings of the Atomic Energy Commission would be possible in order to expedite our work. He again asked Mr. Hancock for permission to report the result of this conversation to his superiors with a view of having appropriate action taken. He also asked Mr. Hancock what his opinion was on this course of action.

Mr. Hancock repeated that this was outside his competence but that he understood that the United States was awaiting a further clarification of the Soviet position prior to taking any action. Mr. Hancock said that it was felt that the Soviet position was unclear, that recent statements by Mr. Stalin and Mr. Molotov were not entirely consistent

with statements made earlier in the proceedings of the Atomic Energy Commission. The United States felt hesitant about pressing the U.S.S.R. representatives for a clarification, feeling that Mr. Molotov would give this clarification in the general debate on disarmament before the General Assembly.

Prof. Alexandrov asked whether he could look upon this present meeting as a gesture of friendship on the part of the United States representative and as an indication of a genuine desire on the part of the U.S. to come to an agreement as soon as possible. He further asked whether the United States would like to receive advance notice of Mr. Molotov's clarification of what was meant by a strong international control mentioned by Mr. Stalin. He added that every nation is entitled to its own guess as to what was meant by a strong international control, and that it seemed to him, speaking as an individual, that this statement meant, a strong control that was international, and shared in by all nations, beginning with raw materials and going through the entire process of atomic energy development. Discussions to date had indicated that a technical or scientific control was feasible, except for some blank areas in the final stages in atomic energy development. He hoped that physicists and scientists could eventually solve these technical problems. A policing method of control also seemed to be indicated. He repeated that the agreement on a higher level on general policy or principle in this problem was necessary. This agreement should cover the fields of (a) general disarmament, (b) the banning of atomic weapons in connection with general disarmament, and (c) some form of control. He added that with an incorrect solution on overall problems, agreement on atomic energy would be of little value. He added that if international inspection were established he hoped he might be the inspector in the United States and Mr. Hancock in the U.S.S.R. Mr. Hancock laughingly agreed.

Mr. Hancock assured Prof. Alexandrov that the present luncheon was more than a gesture of friendship and that the United States was sincerely and genuinely interested in solving the problems as soon as possible. He favored many more such meetings. Mr. Hancock added that he feared we might slow down the tempo of our work after the first of the year because of the necessity of educating three new members in the complexities of our problem.

Prof. Alexandrov thanked Mr. Hancock for this gesture of friendship and added that he himself had thought of approaching the United States representatives in a similar way, but had refrained because of a general atmosphere of suspicion and a possible misunderstanding of his motives. Such meetings would expedite our work as no agreements are ever possible without such frequent contacts.

Prof. Alexandrov agreed readily when it was suggested to him that

it might be a good idea to make a breakdown of the various problems in the general field of atomic energy control so that areas of agreement and disagreement would be clearly delineated. Such a breakdown would greatly aid our superiors in their considerations of the entire problem.

After the luncheon, Prof. Alexandrov, enroute to the elevators, asked Mr. Chase whether he would be at the meeting on Thursday.⁸⁵ Upon receiving an affirmative answer, he stated that he might be able to give some advance information of the Soviet clarification of their present position at that time. He added that he would probably be a member of the U.S.S.R. Delegation for some time and looked forward to working for an agreement. After the luncheon Prof. Alexandrov stated that he expected Prof. Skobeltsyn⁸⁶ to return to the United States.

JOSEPH CHASE

USUN Files

Memorandum of Conversation, by Mr. John C. Ross, Adviser, United States Delegation to the United Nations General Assembly

SECRET

[NEW YORK,] November 21, 1946.

Subject: Disarmament; Atomic Energy Commission

Participants: Senator Austin
 Mr. Bernard Baruch
 Mr. John Hancock
 Mr. Ferdinand Eberstadt
 Mr. John Ross

Mr. Baruch, at his request, came in to see the Senator at 11:30. The discussion continued until one o'clock.

While we were waiting for Mr. Hancock and Mr. Eberstadt to arrive Mr. Baruch made a few preliminary remarks. He made a reference to the importance of punishment and said that in developing the other cardinal principles of our atomic and disarmament policy, we should not neglect this factor. He also said that he and his associates had in mind, among other things, to discuss evidences of a conciliatory attitude on the part of the Russians which they felt they had seen. Mr. Baruch said that he was always wary of Greeks bearing presents but at the same time he also always thought that it was sometimes a good thing to have a look at the presents.

⁸⁵ November 21.

⁸⁶ Professor D. V. Skobeltsyn, Adviser, Soviet Delegation to the Atomic Energy Commission.

When Mr. Hancock and Mr. Eberstadt arrived, Mr. Eberstadt stated the purpose of their call, roughly along the following lines. In their work in the Atomic Energy Commission during the past two or three weeks they had seen evidence of a softening in the Russian position. It was becoming clearly more apparent to the Russians that they were in a situation, from which they had no good way out, of a very substantial majority of the Commission being for the United States proposals and against them. He said that they had had a test vote a week or ten days ago which they had anticipated would come out nine in favor of the United States with France abstaining and the Soviet Union and Poland voting in the negative. What actually happened was that there were ten votes for the United States, France voting with us, and two abstentions, namely, the Soviet Union and Poland.

Mr. Eberstadt went on to say that at the second and third Russian levels there had been evidence of a more conciliatory, softening attitude. Based on these sources he thought the Russians might be trying to find a way out of their present dilemma with regard to the atomic energy work in two ways; first, by using the Molotov general disarmament proposals as a means of confusing the atomic energy issues, second, by suggesting that with regard to the latter issues the time had perhaps come for a discussion between Mr. Byrnes and Mr. Molotov. It was the view of Mr. Baruch and his associates, Mr. Eberstadt said, that we should not allow ourselves to be misled in either of these directions. On the former point it was very important that we do not allow the general disarmament proposals to confuse the atomic energy matter. On the second point Mr. Byrnes and Mr. Molotov had discussed this matter fully in Moscow last December and again at the Assembly in London; they had agreed upon the fundamental principles. At this time it was felt further discussion would merely serve to take the focus off the Commission's work as such.

Senator Austin turned his attention to the first of these points, namely, the question of disarmament. He said that we have been giving a good deal of thought to this question, having in mind the importance of not detracting from or delaying the atomic energy work, that he and I yesterday afternoon had read over a long paper which was set up in the form of a draft resolution which was probably much too long as a resolution, but that regardless of its form it was, in effect, a statement of all of the objectives and problems involved in the disarmament question, particular attention being paid to the constitutional basis under the United Nations Charter for the various specific proposals made.⁸⁷ The Senator then asked me to read this paper which I did.

⁸⁷ The paper under reference is a preliminary draft of a resolution prepared in Senator Austin's office; for the text of the 4th Draft, November 26, see p. 1061.

After I had read it, Mr. Eberstadt was kind enough to say that he thought it was a magnificent paper, and that with regard to the atomic energy program he thought that it filled the bill and hit the nail on the head completely.

Mr. Baruch and Mr. Hancock appeared to agree with this general estimate.

Senator Austin queried whether the other gentlemen did not think that the paper was much too long. Mr. Eberstadt said he thought that while some of the matters relating to procedures, et cetera, might be taken out, he nevertheless felt that for a matter of this great importance there was much value in having a very full statement of all of these important points, having in mind that we would be establishing here, in effect, in such a resolution a worldwide basis for full public understanding of the principal points and issues involved. Mr. Baruch and Mr. Hancock appeared to agree.

We then discussed the preamble material in this paper, Senator Austin raising the question whether all of this preambular material might not be boiled down to the fundamental issue of the whole objective of the United Nations. Mr. Baruch seemed to react favorably to this idea. Mr. Eberstadt seemed to feel that while some boiling down could be accomplished, he nevertheless felt that there were some points in the preambular material which should be retained. I suggested that it was of great importance that the two fundamental principles contained in the paragraphs relating to multilateral, rather than unilateral, disarmament and to effective safeguards should be covered in the preamble and strongly affirmed. These were such fundamental principles, from our point of view, that it was perhaps not realistic to assume that any substantial progress could be made in the disarmament field unless these two principles were accepted. This did not, of course, mean that we would be putting forward any preconceived or half-baked ideas about, for example, the particular forms that safeguards might take in the different phases of disarmament. These were all open questions and part of the work of the proposed disarmament commission itself. Mr. Eberstadt and the others appeared to agree with this viewpoint.

There was then general agreement that in addition to eliminating the procedural material, the draft resolution could be further boiled down by omitting some of the itemizing of particular things that would be done and by attempting to cut down on some of the repetitious material. We then discussed some of the relatively minor points which Mr. Eberstadt raised as follows.

1. He had some doubt whether Canada should be included by name and by right as a permanent member. This was, of course, vital in the atomic energy case because of Canada's particular relationship

to this problem. We indicated that we saw no real reason why Canada should be included in this way.

2. Is a treaty necessary in order to establish and make the commission operative or can we operate on the basis of a General Assembly resolution? I pointed out that we were not here attempting to set up an operating agency which probably would require a treaty, but a policy-making and planning agency which, I thought, was clearly within the powers of the General Assembly and would not require any treaty implementation.

3. On the general question of reporting by the proposed commission, Mr. Eberstadt said he would like to study this more carefully. He had one thought and that is whether we had adequately covered the point of the commission being able to report on its own authority.

4. With regard to the paragraph on relationships between the Permanent Disarmament Commission and the Atomic Energy Commission, where we state that the former should not infringe upon or impede "unduly" the work of the latter, Mr. Eberstadt felt that the word unduly was unfortunate and could be twisted by the Russians. We readily agreed that this word was not at all necessary.

5. He hoped that it would be possible to get in something about nipping aggression in the bud. (This, in a way, is the same idea as Senator Austin expressed yesterday about "removing the means for conducting aggressive warfare".)

There was then some further general discussion about presentation with particular reference to Mr. Baruch's experience in the Atomic Energy Commission and the procedure they had followed of making, first, a fundamental statement of principles which they then followed up by fuller statements setting forth in greater detail some of the aspects of the principles originally stated. It was indicated that copies of these various papers would be sent to us.

With reference to the paragraph under the statement of functions which concerns the proposed commission as a clearing house and coordinating center, Mr. Hancock, while indicating his understanding of an agreement with the objective sought, thought that the wording could be improved in order to avoid some of the unfortunate wording used so much, during the war, in Washington.

Mr. Baruch then said that he would like to make a few off-the-cuff comments. He said that the first statement by Senator Austin will attract much more attention than any second, third, or fourth statements he might make. He said that the first statement, therefore, he felt, should be based fully on "high grounds". For this reason he would incidentally leave out anything more than the bare minimum relating to procedures and put this kind of material into supplemental papers.

Reverting to the theme of high grounds, Mr. Baruch said he hoped that Senator Austin would find it possible to develop the theme of elimination of war as an objective. He said he fully realized that this was considered to be an unrealistic sort of thing, but that he nevertheless thought the human yearning for the reestablishment of this objective in terms which were associated with some reasonable hope of accomplishment was tremendous and should be met. He said when he had discussed with the State Department the original presentation of his material in the Atomic Energy Commission he had been advised that the best thing to do would be merely to lay the Acheson-Lilienthal Report on the table. He said he had told Secretary Byrnes that he had to do more than this. He said that if he were going to do a job he had to get into it the basic convictions that he had held strongly for a long time.

He then went on to say that his second major point was a plea that in his statement Senator Austin should discuss the question of punishment. He said there must be no interference with the daily operations. He said that also there should be no interference with the punishment. He said that they must not veto the daily operations and they must not veto punishment.

Mr. Baruch said that he knew his views with regard to the veto were not exactly popular. He made it clear that he was for the veto given present circumstances, but he thought (and Mr. Eberstadt subsequently developed this point a little more fully) that when the United Nations reached the point of going beyond the Charter and making a solemn agreement in a field as important as atomic energy or disarmament, they must be willing to go beyond the Charter as well with regard to the veto.

Discussion of this point developed that in effect Mr. Baruch was suggesting the addition of a fourth cardinal point, namely, enforcement to the three cardinal points which we already had, that is, no unilateral disarmament, effective safeguards, and get on with the work of the Atomic Energy Commission.

In response to Senator Austin's question whether it would be necessary in dealing with the enforcement question to get into the veto, Mr. Baruch and Mr. Eberstadt both said that there was no possibility of ducking the question, that it would be asked and it would be said that there is no possibility of enforcement because of the veto or if there were going to be any enforcement what would you do about the veto.

Mr. Baruch, apologizing to the Senator for being so vehement and explaining that he was only because of his deep conviction and sincerity, said that he hoped from the bottom of his heart that in the initial statement on this disarmament proposal nothing would be re-

served that the Senator has in the back of his head. He said he thought we must speak out very plainly on these fundamental questions.

By agreement I gave a copy of the paper which I had read to Mr. Hancock, explaining to him that it was very much of a first draft working paper which Senator Austin and I had been over only yesterday evening, that no one else had copies of it.

The discussion then concluded on a very friendly and cordial and cooperative note, it being understood that each group would keep in the very closest touch with the other.

After Mr. Baruch and his associates had left Senator Austin telephoned Secretary Byrnes and made an appointment to see him at 2:30 Friday. It was agreed that meanwhile I should try to boil down this present paper to somewhat more manageable proportions taking into account as much as possible of the discussions we had just had as a basis for discussion with the Secretary.

501.BB/11-2146: Telegram

Senator Austin to the Secretary of State

PRIORITY

NEW YORK, November 21, 1946—12:30 a. m.

[Received 12:47 a. m.]

831. Text of resolution on armed forces proposed in Committee I November 20 by Molotov follows:

“General Assembly recommends to Security Council to take a decision to effect that states-members of UN should submit following information to Secretary General and Security Council within a month:

1. At what points in territory of UN members or other states with exception of former enemy territories and in what number are armed forces of other UN members.

2. At what points in former enemy states and in what number are armed forces of Allied powers and other UN members.

3. At what points in above mentioned territories are air and naval bases and what is size of their garrisons belonging to armed forces of other UN states members.

4. Information to be provided under paragraphs 1, 2, and 3 should refer to the situation as it existed November 1, 1946⁸⁸.

AUSTIN

⁸⁸ The First Committee took up the question of United Nations members reporting on their troops stationed on non-enemy territories at its 24th Meeting, November 20; for the record of that meeting, see GA (I/2), *First Committee*, pp. 127-130. Molotov reiterated the Soviet position and submitted the resolution contained in the present telegram. Senator Connally responded that United States troops were stationed on foreign territory with the consent of the governments concerned. He emphasized that the United States was willing to report on all troops as it had nothing to hide, but stated that the Soviet proposal just offered would have to be studied before he could comment upon it.

501.BB/11-2146

*Memorandum of Telephone Conversation, by the Director of the Office
of Special Political Affairs (Hiss)*

[WASHINGTON,] November 21, 1946.

Subject: Soviet Proposal for Reports on Disposition of Troops

Participants: Senator Warren Austin (USDel-New York)
Mr. John C. Ross (USDel-New York)
Mr. Alger Hiss

Mr. Ross called me this afternoon on the above subject and said that Parodi had supported Molotov's position that the subject of troops at home should be taken up under the subject of disarmament.⁸⁹ Molotov had then stated, in answer to Cadogan's question of yesterday,⁹⁰ that the Soviets believe this information would be helpful in connection with the preparation by the Security Council of agreements for the supply of forces under Article 43. He also referred, although more indirectly than in the past, to the political aspects of the presence of troops in other countries.

Bevin had then spoken and had said that the British would be prepared to give information of this kind in connection with the negotiation of agreements under Article 43. However, he thought that the whole question of reporting on troops should be considered in connection with disarmament and he made a formal motion to this effect.

This morning the Turkish Ambassador⁹¹ had called on Senator Austin and had expressed great anxiety about our suggestion that members of the United Nations should report on the number of their troops at home as well as those abroad. The Turkish Ambassador said it would be most embarrassing for his country at this time to report on this subject.

Mr. Ross said that Senator Austin wished to propose to the Secretary that in order to avoid confusing the troop question with the more important question of disarmament we should tomorrow express our willingness to support the Soviet-French proposal.⁹² In order to meet the British position as far as possible, Senator Austin would propose

⁸⁹ The first two paragraphs of this memorandum relate to the 25th Meeting of the First Committee, November 21; for the record of that meeting, see GA (I/2), *First Committee*, pp. 131-137.

⁹⁰ At the 24th Meeting of the First Committee, November 20, the United Kingdom Representative, Sir Alexander Cadogan, had asked Molotov to explain the exact purpose of the Soviet proposal.

⁹¹ Huseyin Ragip Baydur, the Turkish Ambassador in the United States; Head of the Turkish Delegation to the General Assembly.

⁹² "Soviet-French proposal" refers to the fact that the French Delegation had expressed support for the Soviet resolution at the 25th Meeting of the First Committee.

an amendment to the Soviet motion which would recite that information on troops at home would of course be furnished by member states in connection with any disarmament program which might in the future be adopted by the United Nations. The Senator felt that in view of the fact that we would be differing from the British it would not be practicable for us to propose our own resolution along the lines of the Soviet-French proposal but differing in detail. He felt that this would confuse the parliamentary situation and he had been told that our proposal would get lost in the shuffle. Instead, therefore, he was going to suggest to the Secretary, unless we saw objection, that we support the Soviet proposals (the text of which is set out in New York's telegraph 831 of November 21) with simply the amendment referred to above about information being given on troops at home in connection with any subsequent disarmament program.

Mr. Blaisdell discussed this suggested course of action with Colonel Giffen and Colonel Bonesteel and found that the Army would find it very burdensome to report as to what points in various countries our troops were located or the numbers at those points. Our present reporting system does not cover these matters and it would be necessary to ask for special reports in all cases. Colonel Bonesteel and Colonel Giffen felt that this effort was not warranted by the importance of the proposed resolution. They confirmed our feeling that reporting on specific locations would be particularly disagreeable to the British. They felt, however, that there was no real strategic disadvantage to the British or ourselves in this respect but they recognized that the British might disagree with their view on this. They did feel that the political question which we, of course, have been particularly concerned with was of major importance, namely, having it appear that the Soviets had succeeded in driving a wedge between us and the British. On the subject of our bases they said that they would prefer not to report on the size of our garrisons at particular bases and questioned whether the resolution was of sufficient importance to warrant such reports by us. They did not, however, feel that this was as important to them as the question of specific location of our forces in other countries.

After going over all the foregoing with Mr. Acheson I called Senator Austin and told him that Mr. Acheson thought it would be highly desirable for us to make every effort to get the British to agree to go along in support of a resolution asking for reports on troops both in friendly countries and in ex-enemy countries. However, he felt that it was more important to avoid confusing the troop reporting problem with the vital question of disarmament. He felt that if we pointed out

to the British the great importance of emphasizing in the disarmament discussion the necessity for adequate international inspection they might agree with our position. In any event he thought avoiding confusion in the disarmament field was more important than avoiding a split with the British on the troop question.

I then pointed out the views of the Army as set forth above with respect to the difficulty of reporting on exact locations of our troops and pointed out that this would probably be particularly objectionable to the British. With British support it might be feasible for us to propose desirable amendments to the Soviet proposal. I said that if we could not get an amendment making express provision that reports need not be made on troops below 100 in any country, our representative should get an expression of the committee's agreement that whatever resolution was adopted was not meant to cover such small units. I pointed out that we had military attachés with their staffs in practically every country in the world and that if we reported on all these units propaganda could be made that we had troops in a very large number of countries.

Senator Austin appeared to appreciate the importance of each of the points which I made.

Department of State Atomic Energy Files

Memorandum by Mr. John M. Hancock of the United States Delegation to the Atomic Energy Commission

[NEW YORK,] November 21, 1946.

I want to marshal all the arguments relating to the suggestion that we stop making bombs.

This argument takes these obvious forms with all sorts of permutations of them.

1. Truman should have offered to stop making bombs at the time of the Moscow Declaration.

2. The United States should now offer to stop making bombs.

3. When the advocates of #2 realize the futility of that argument, then they propose that the United States should stop making fissionable materials.

4. Beyond this, the first step in the appeasement process is to dispose of the present fissionable material.

5. The next step in the appeasement process is to offer the world the right to inspect to be sure that we are keeping our word.

6. The United States should turn over its atomic energy plants to an international trusteeship.

The various forms in which this argument appears make it very difficult to grab hold of the whole concept.

There seem to be two general ideas rolling around in the back of the minds of those who approach our difficulties by urging any one of the six suggestions above. One argument takes the form of urging that it would create a better attitude on the part of the other nations, particularly Russia, and that this better attitude would be of some tangible benefit in the negotiations. The difficulty I find is that at best the idea is only a gesture, which would be utterly ineffective unless it went the whole way, and if it should go the whole way it would be very dangerous because it would be the first step in the start of a general policy of appeasement, and the making of the first step would only lead to further demands.

The second argument in the minds of the advocates seems to be that it would be desirable to equalize the bargaining position of the nations. I don't see any benefit in equalizing the bargaining positions if we expect thereby to get an effective treaty. The equalizing of the bargaining positions would be a fair guarantee there would be no effective treaty. If we start out with the theme that we are going to equalize the bargaining position, the first question is whether we mean to equalize it in (a) the atomic energy field, or (b) in the general disarmament field. If we talk of equalizing it in the atomic energy field, I don't see any limit to which the demand would go. Certainly we couldn't equalize it unless we gave up all the information, destroyed all our plants, killed the scientists, destroyed the know-how of production and the plants in which such know-how could be applied. It obviously would do no good for us to destroy all these things and leave the rest of the world free to go as far as it could in arriving at our present position.

As to the proposition that we stop making bombs, the advocates of that idea forget that we would have to stop making fissionable material, or the promise to stop making bombs would have no meaning. The production of fissionable material would put us in a position to make a bomb in a very short time. This fact shows the unsubstantial nature of the gesture to stop making bombs. If we go the whole way of stopping the production of fissionable material, we would interfere seriously with the research work and with the entire peaceful industrial program.

No one would assert that any one of these forms would not be a friendly gesture. The only answer is that the making of the gesture would be utterly ineffective.

So far as I am aware, no nation has asked us to do this, and quite surely no delegate has made the suggestion, but Dr. Auger did make the suggestion last July.

Some small nations have expressed opposition to the idea and have

urged us not to accept the suggestion. It seems logical that some small nations would feel safer with a bomb in our possession in the present condition of troublesome world affairs.

The suggestion has been made that we stop making the bombs for a specified time, disregarding for the moment the lack of clarity as to what we should stop making, and whether the request was limited to bomb manufacture alone or not. It would seem clear that any such offer would have to be conditioned in either of two ways: (a) for a specified time, or (b) under certain conditions. As to the first suggestion regarding the time limit, it seems obvious that at the expiration of the time there would be a heavy responsibility on this country if it were to decide to resume manufacture. It would be quite a terrifying notice to the rest of the world that an arms race really was starting and that war was imminent. The resumption of manufacturing would add to the terrors of the world in a very marked degree. Our stopping of the making of bombs would be regarded as an act in aiding the peace. Quite obviously, the resumption of manufacturing would be regarded as a threat to the peace.

As to the alternate suggestion it would be difficult to outline the conditions under which we would no longer be bound to stop production at this time, but if they were outlined, quite obviously we would face the alternative of having the decision as to compliance with the conditions rest with ourselves alone or with some other body. If we left it to our sole discretion, we would have the problem to meet that we met in the Wallace argument regarding the matter of stages. No one in that case, however, proposed that this matter should be handled at our sole discretion, but, still, we were accused of having that view. As to the bodies to decide whether conditions were met, I don't want now to advocate any such decision except as a part of a treaty.

The argument seems to me to boil down to about this—that the advocates of these various ideas want us to do now what we are proposing to do under our plan in the treaty by well-defined stages, with some organization set up in the treaty to decide that the stages have been obtained. I don't know at this time what that body should be, and, yet, I am sure that if we pursue the arguments for appeasement, we will be in that position very promptly.

Underlying this whole argument is a lot of confusion of mind about the duty and responsibility of this Government. It seems to me clear that this Government has a responsibility to its own people to protect them as a nation. Under our plan we are proposing that we surrender this responsibility in the field of atomic energy provided that no other nation is in a position to achieve what we are giving up.

People seem to forget that the atomic bomb is only one weapon in-

volved in the disarmament program. If other nations could get us to give up the bomb unconditionally or by the mere exchange of promises, my guess is that disarmament in the broad pattern would be doomed.

Take the specific case of Russia and her views of the atomic bomb and the treaty to deal with it. It seems clear to me that if Russia will not agree to inspection in that field where she gives up no weapon, she certainly will not agree to an effective disarmament in other fields where she will have to give up weapons. What she is after now is unilateral disarmament in the field where she has nothing to surrender. All we ask is that she surrender the chance to make bombs at some future date without our knowing that she has started to make bombs. Until the time arrives when Russia is able to make bombs, she gives up not even the opportunity to use them. Our own theme is that we will not lessen the security of any nation by any plan to which we will agree in connection with the atomic bomb.

One great difficulty with the suggestions is that they overlap each other, and whatever might be done in this matter would not create a uniform frame of mind on the part of those considering our action or attempting to interpret it. Any move by us should be calculated to have one certain logical effect, but that seems impossible in this particular case.

The Russian position regarding the surrender of sovereignty in the field of atomic energy seems to show a strange concern for their sovereignty with very little regard either for our sovereignty or for the sovereignty of the rest of the world, and still less regard for our national security.

On the one hand Russia has rejected the United States Proposals because it is an undue interference with national sovereignty. On the other hand the Russian proposal, made by Gromyko during the opening sessions of the Atomic Energy Commission, provided a very material infringement on United States sovereignty. In addition, the proposed Russian treaty would force an infringement on the national sovereignty of all nations who might not ratify the treaty, provided only 51% of the nations did ratify it.

It is very strange that some people think that Mr. Molotov has really scored a victory in referring to disarmament before the General Assembly at this time when the fact is that it was discussed at San Francisco almost two years ago that the Russians are the only ones up to now who have delayed action in this field insofar as the Military Staff Committee is concerned. There isn't anything new in their suggestions. The real fact is that the discussions started so long ago that people have forgotten about these discussions of almost two years ago.

SWNCC Files

*The Joint Chiefs of Staff to the United States Representatives on the
Military Staff Committee of the United Nations*⁹³

SECRET

[WASHINGTON,] November 23, 1946.

SWNCC 219/15, Enclosure "A"

U.S. POSITION WITH RESPECT TO FURNISHING INFORMATION OF
ALLIED TROOPS IN COUNTRIES NOT EX-ENEMY

1. Reference is made to your memorandum to the Joint Chiefs of Staff dated 19 November,* concerning the position of the United States with respect to a Soviet proposal for information of Allied troops in territories not ex-enemy. The Joint Chiefs of Staff perceive no objection from the military point of view to the position approved by the Secretary of State as indicated in Annex (E) of the enclosure to your memorandum.⁹⁴

2. The Joint Chiefs of Staff understand that the U.S. Delegation will not in the discussion of troop information raise the question of safeguards in the field of armament regulation as indicated in paragraph A 6 of Annex (E) of your enclosure unless the subject of troop information is considered together with the question of armament regulation. The Joint Chiefs of Staff concur in this plan not to raise this issue except under the circumstances indicated above. In the event, however, that the subject is considered jointly with the question of armament regulation, the Joint Chiefs of Staff concur with the position indicated in paragraph A 6 of Annex (E), and with the amendment suggested by you that there be added the phrase "with appropriate measures of international verification."

3. In general, the Joint Chiefs of Staff consider that the U.S. position regarding the importance of safeguards, including appropriate measures for international inspection (verification), would be more appropriate for consideration with the important issues of international control of atomic energy and armament regulation

⁹³ This memorandum was prepared by the Joint Strategic Survey Committee of the Joint Chiefs of Staff; it was approved by the JCS on November 22 and circulated in the State-War-Navy Coordinating Committee for information on December 4. The Joint Strategic Survey Committee report submitting the present document to the Joint Chiefs of Staff indicated that a Department of State representative, Hiss, had been consulted in its preparation and perceived no objection to the guidance it provided.

*Transmitted Enclosure "B". [Footnote in the original.] Enclosure "B" is not printed. In that document the Military Representatives summarized the situation created by the Soviet proposal, indicated that they had consulted with the United States Delegation on the matter, and requested guidance from the Joint Chiefs of Staff.

⁹⁴ Annex E of Enclosure "B", telegram 822, November 18, from New York, is printed on p. 1012.

rather than with the lesser subject problem of providing information regarding the location of troops.

Department of State Atomic Energy Files

*Memorandum of Conversation, by Mr. John R. Burton, Jr.*⁹⁵

[NEW YORK,] November 22, 1946.

Subject: Talk On French Disarmament Proposal at Luncheon Given by Mr. deRose of the French Delegation, Attended by Mr. Lindsay and Mr. Burton.

Had lunch with Mr. deRose of the French Delegation on Thursday, November 21. The general subject of the proposed French disarmament agreement was discussed. It seems certain that the French intend to submit some kind of a disarmament proposal in the near future. They are not certain in their mind yet, however, exactly what form this will take, and it might be that the copy we have is more in the nature of a trial balloon. The conversation developed the fact that the drafting was hurried and had not yet received the entire approval of either the local delegation or the French Foreign Office.

The only feature which was discussed at this particular luncheon with Mr. deRose was the inclusion of the concept of atomic energy control within the framework of any general disarmament proposal, and particular reference was made to any features involving an atomic truce while negotiations proceeded. The French point of view which, incidentally, is not shared by the entire French Delegation, is that some form of atomic truce would have a beneficial effect on negotiations. The length of time of the truce was stated to be six months. That had been chosen since the French were led to believe that it took six months to manufacture an atomic bomb from fissionable material. There was no thought that the United States should cease the manufacture of fissionable material which, of course, had peacetime applications but only cease the manufacture of atomic bombs. It was called to Mr. deRose's attention that the subject of general disarmament which would be discussed during this six months was so vast that it was doubtful whether agreement could be reached within that time on even a majority of the problems involved. He was asked what the reaction would be at the end of the six months period when we announced recommencing of atomic bomb manufacture. He admitted that this would have a disastrous and depressing effect on world opinion and might cause more harm in the long run than if the atomic truce had never been mentioned in the first place. He again stressed at this point

⁹⁵ Staff member, United States Delegation to the Atomic Energy Commission.

that the atomic truce was not favored by all the members of the delegation but evidently there is some substantial pressure behind this idea from undisclosed members. In closing, he was asked his opinion of the French reaction to a statement by this Government that it had ceased the manufacture of atomic weapons. He stated, "The average Frenchman in the street will simply say, 'Oh, the United States has so many of the bombs anyway that they do not need to make any more' ". It was pointed out to him that based on this very frank statement, he could see what an empty gesture any such move on our part would be, and its failure to have any real beneficial effect on international negotiations at this time.

JOHN R. BURTON, JR.

IO Files

Minutes of the Twenty-fifth Meeting of the United States Delegation, New York, Hotel Pennsylvania, November 22, 1946, 9 a. m.

SECRET

[Here follow a list of persons (29) present, consideration of another subject, and discussion of the Soviet resolution on reporting by United Nations members of their troops on non-enemy territory.]

Mr. Cohen said that the Secretary's view was that it was advisable to support a merger of the two questions, making it clear that we did not want to delay disclosures of the number of our troops.⁹⁶ That is, the United States should support consideration of the two items together but it should also vote for fairly prompt disclosure of the information requested in a matter of thirty or sixty days or some such time.

Mr. Dulles inquired whether when the Delegation voted on the Bevin resolution, that meant that we would disclose or would not disclose the number of our troops abroad. Senator Connally said that it was simply a question of discussing disarmament in the course of the debate and that some resolutions would certainly be brought in but that there were none before the Committee yet.

Mr. Dulles said that he thought it was all right to support the Bevin resolution if it was made clear that we will make the disclosures of the location of our troops whether the Bevin resolution passed or not. He said that the Soviets were of the opinion that our troops were scattered around the world engaged in some nefarious activities.

⁹⁶ The merger under reference was proposed by British Foreign Secretary Bevin at the 25th Meeting of the First Committee on November 21; in regard to that meeting, see the memorandum of telephone conversation by Hiss, and footnote 89, p. 1031.

This was another kind of Soviet trap. The United Kingdom wanted to be evasive about giving this information. If we went along with them it would make us parties to the evasion. The alternative was to go along with the Union of Soviet Socialist Republics against the United Kingdom. If we went along with the Bevin resolution it should be made clear that we would none the less report on the presence of our troops abroad.

Mr. Cohen said that he thought that he had made it clear that the Secretary's position was that we should support considering the two items simultaneously, that is, the resolution on reporting and the discussion of disarmament. It should be made clear that we did not want to delay the prompt disclosure of the troops abroad. Mr. Dulles observed that the reporting might be delayed unless the date for giving the information were set. Mr. Cohen pointed [out] that if the Bevin resolution were passed it amounted to considering the two agenda items, the report on the number of troops and disarmament, as one item. Mr. Fahy pointed out that the discussions might be held together but that the problems could be separated when it came to voting.

Mr. Yost⁹⁷ observed that it was likely that Manuilsky,⁹⁸ the Chairman, would push for a vote on the Soviet resolution and he thought it likely that there might be a wrangle over this question.

Mr. Sandifer said that he thought it was important that the point which Mr. Cohen had made should be perfectly clear; our support of the Bevin motion was with the understanding that it did not affect our position regarding the prompt disclosure of our troops abroad. Mr. Dulles agreed that this was a good idea.

Senator Austin said that he wished to poll the Delegation as where [*as to whether?*] it supported the Bevin resolution for merger of the two questions, at the same time serving notice we were ready to disclose troops in the home territory and everywhere else.

Senator Connally said the matter should not be made contingent, for that would give our hand away. Senator Austin said that he did not intend to make the matter contingent and he restated the Delegation position to be that this Delegation favored the merger of the resolution relating to information regarding troops and that relating to disarmament to be accompanied by a statement of our willingness to reveal the number of our troops abroad. This position was unanimously approved by the Delegation.

[Here follow additional discussion of the troops question and discussion of other subjects.]

⁹⁷ Charles W. Yost, Adviser, United States Delegation to the General Assembly.

⁹⁸ Dmitri Z. Manuilsky, Minister for Foreign Affairs and Deputy Chairman of the Council of People's Commissars of the Ukraine; Chairman of the Ukrainian Delegation to the General Assembly.

USUN Files

Memorandum of Conversation, by Mr. John C. Ross, Adviser, United States Delegation to the United Nations General Assembly

[NEW YORK,] November 22, 1946.

SECRETARY BYRNES' VIEWS ON ARMED FORCES MATTER

In the course of a discussion on a number of matters, the Secretary handed Senator Austin the attached, "Possible Redraft of Resolution on Armed Forces".⁹⁹ He expressed the thought that we should not go along with the British on anything that looked like a stall. He said that in a phone talk he had with Ben Cohen during the Delegation Meeting this morning¹ he had expressed this thought and thought we ought to put up something which would make it clear that we were fully prepared to provide this information in 30 or 60 days.

The Secretary said he thought we could get the Bevin idea in in a paragraph in this resolution.

(The Secretary apparently had in mind the first paragraph of the attached redraft.)

The Secretary said that all the British were doing was to try to expose what they considered to be nothing but a Soviet propaganda effort.

Senator Austin mentioned the position of the Turks and Chinese who were reluctant to report on their troops at home. The Secretary said that could be taken care of by eliminating the phrase "at what points" in the Molotov draft. He said that is what gives them concern. It is the pin-pointing which would be involved as a result of this language.

Secretary Byrnes then went on to say that there was another point which affects us with reference apparently to paragraph 3 of the draft resolution circulated at the United States Delegation Meeting this morning. The Secretary said that the language "at what points in their own territories including territories outside their metropolitan areas for whose administration they may be responsible". He said that this was very confusing because this might cause us to report on our troops in Alaska, Hawaii, Puerto Rico, and other places. He said this would give us the appearance of having thousands and thousands of troops all over the world. He said he thought this difficulty could very well be taken care of by paragraphs 2 and 3 of the attached redraft.

Upon returning to the Pennsylvania Hotel I discussed this redraft

⁹⁹ Not printed, but see resolution contained in telegram 843, November 23, *infra*.

¹ The minutes of the 25th Meeting of the Delegation, November 22, 9 a. m., are printed *supra*.

somewhat further with Senator Austin. It was agreed that it would be submitted to the Delegation for discussion at the meeting Saturday morning.² Before having it reproduced for distribution, however, we would have to straighten out the reference to the regulation of armaments in the first paragraph. The Senator felt that this language, particularly the verb "to implement" was too rigid and that the whole reference to disarmament would have to be made more flexible and somewhat more vague.

501.BC/11-2346 : Telegram

Senator Austin to the Acting Secretary of State

SECRET

NEW YORK, November 23, 1946—1 p. m.

URGENT

[Received 1:30 p. m.]

843. Re troop question, delegation decided November 23 on following course:

1. Confirmed decision to support Bevin motion to merge items 4 and 5 and consider them simultaneously;³ (on understanding that this would not involve making issuance of information on troops subject to delays involved in question of disarmament);

2. Will immediately request views of Secretary of State as to whether Senator Connally should in Committee I Monday⁴ make statement that U.S. will by December 1 issue information as of latest practicable date covering:

(a) Total number of US uniformed personnel on active service wherever stationed (including personnel of armed forces and military organizations);

(b) Number of such personnel in active service within US territory;

(c) Number of such personnel on territory of each other country in which such personnel are presently maintained;

3. That over week-end experts be authorized to discuss with experts of other delegations possibility of securing resolution along lines of following US revised draft:

"The General Assembly, in order that the United Nations may have available information relating to armed forces necessary to assist the Security Council in giving effect to article 43 of the Charter, and relating to the general reduction of armaments,

a. Recommends that each member of the United Nations should submit the following information to the Secretary-General and to the Security Council:

² November 23.

³ With respect to the decision under reference, see extract from the Minutes of the 25th Meeting of the United States Delegation, November 22, p. 1039.

⁴ November 25.

1. The total number of its uniformed personnel on active service wherever stationed, including personnel of the armed forces and in military type organizations;

2. The number of such personnel in active service within its own territories;

3. The number of such personnel on the territory of each other country in which such personnel are presently maintained;

b. Recommends that the requested information be descriptive of the situation existing on November 1, 1946 and that such information be supplied to the Secretary-General within thirty days after the adoption of this resolution; and

c. Instructs the SYG after the expiration of thirty days after the adoption of this resolution to publish promptly all information received and to furnish copies to the Security Council and to all members of the United Nations."⁵

USdel agreed informally yesterday to drop limitation contained in draft previously cleared with War and Navy Dept's, that troops only in excess of 100 in each particular country need be reported.

AUSTIN

USUN Files

Memorandum of Conversation, by Mr. John C. Ross, Adviser, United States Delegation to the United Nations General Assembly

SECRET

[NEW YORK,] November 23, 1946.

Subject: Troops Matter

Participants: Secretary Byrnes
 Senator Austin
 Senator Connally
 Mr. Ben Cohen
 Mr. Charles Fahy
 Mr. John Ross
 Mr. Robert Shirley

Senator Austin outlined to the Secretary the Delegation discussion at its meeting this morning on the question of reporting on troops.⁶ In particular, Senator Austin raised the question whether the United States should, through Senator Connally, make a statement on Monday⁷ of our intention, as of a given date before the Assembly closes, to publish information on our troops at home and abroad along the

⁵ This draft resolution had been presented to the Delegation as position paper US/A/C.1/69, November 22.

⁶ Regarding the Delegation's decisions on the subject, see telegram 843, November 23, *supra*.

⁷ November 25.

lines of the draft resolution discussed in the Delegation this morning and regardless of whether any resolution is passed or whether any other government released similar information.

After considerable discussion of the various reasons for and against this proposal, the Secretary clearly indicated his strong opposition to such a unilateral declaration on our part and it was agreed, therefore, that no such declaration would be made.

The Secretary's principal reason was that if we were unilaterally to publish information of the character indicated, this would merely provide a target for other people to shoot at without our information being considered in the light of similar information provided by other governments. Rather than being improved our public relations would thereby be very considerably impaired. On the other hand, the Secretary felt that our public relations position would be very strong if our information were published as he felt it should be, together with similar information from the other countries.

There was then considerable discussion of the position which the United States should now take. It was agreed that for the present our political officers would not discuss with representatives of other delegations any specific resolution, but that they would discuss with them the fundamental points in our position, and that Senator Connally would make a statement in Committee 1 on Monday which would state these points with such explanation and amplification as may seem desirable.

These points were enumerated and agreed to as follows:

1. The United States agrees with the views expressed by Mr. Molotov, Mr. Bevin and others that the question of information concerning troops is related to and should be considered in connection with the Article 43 armed force agreements.

2. The United States agrees that information concerning troops is related to and should be considered with the question of a general reduction of armaments. The United States therefore supports Mr. Bevin's suggestion that these two matters should be considered together, provided, however, that, as the Secretary stated, we would support Mr. Bevin's suggestion if it envisaged that meanwhile the information called for would be provided within thirty days after passage of an appropriate resolution by the Assembly, and as further stated by the Secretary, if this were not the case then we could not support the British suggestion.

3. The United States believes that each Member of the United Nations should submit the following information to the Secretary General and to the Security Council:

- (a) The total number of its uniformed personnel on active service

wherever stationed, including personnel of the armed forces and in military type organizations;

(b) The number of such personnel in active service within its own territories;

(c) The number of such personnel on the territory of each other country where they are stationed.

4. The United States believes that this information should be descriptive of the situation existing on November 1, 1946, and that it be supplied to the Secretary General within thirty days after the adoption of an appropriate resolution by the Assembly.

5. The United States believes that the Secretary General should publish promptly all information received and should furnish copies of such information to the Security Council and to all Members of the United Nations.

The Secretary stated that if the resolution contemplated failed of passage the United States had a free hand to furnish the information independently and to consider when and if it would do so regardless of the course of the resolution in the Assembly. This would not be said in Senator Connally's statement.

On the question of supporting the British motion to combine consideration of this matter with the disarmament matter, the Secretary very clearly stated if the purpose of the British motion were merely to assure in all good faith that at the proper time the two matters would be considered together then he was for it. If, however, the British proposal meant that there would be any delay in action by the Assembly on the troops matter considered separately, then he would oppose it. In other words, the Secretary felt very strongly that whatever action is taken in Committee 1 and by the Assembly should include a provision calling for the information in question within thirty days after approval of a resolution. The Secretary said he had, in effect, told Mr. Bevin from the very beginning when they first discussed the matter in Paris and he would tell him the same thing over and over again as much as might be necessary and seemed to indicate that he would definitely speak with Bevin about it this afternoon.

SPA Files

Memorandum of Conversation, by Mr. Elwood N. Thompson of the Office of Special Political Affairs

SECRET

[WASHINGTON,] November 23, 1946—5 p. m.

After the conversation with Mr. Joseph Johnson and Mr. William Sanders in New York, reported in my memorandum of conversation

of 11:30 A. M., same date,⁸ I arranged for Mr. Acheson to receive an advance copy of telegram 843 of November 23 regarding the troop question. This telegram reports the Delegation position as of November 23 and contains also a revised US draft on the subject of troops.

I suggested that the position of US Del stated in telegram 843, and as outlined by Messrs. J. Johnson and Sanders in my earlier conversation with them, linked the troop reporting proposal rather closely to disarmament whereas I had understood the Department's position was to keep these issues separate. I also pointed out the omission of the previously held U.S. view that reports on troops need not cover countries where less than 100 foreign troops are stationed.

Mr. Acheson telephoned the Secretary in New York to discuss these and related issues raised by telegram 843. Mr. Acheson learned that the Secretary had talked directly with Senator Austin, Senator Connally, and other members of the Delegation, and there would be no unilateral disclosure of US troops stationed in other countries as recommended by the Delegation in the telegram of November 23.

The Secretary told Mr. Acheson that Senator Connally might indicate to the Committee on Monday⁹ that the US does favor prompt disclosure of troops and believes that the US or any other country could report within thirty days after a GA resolution on the subject was adopted. The Secretary also indicated that Senator Connally might use the substance of the three points stated in the draft US resolution contained in Telegram 843 of November 23 when stating the US position on Monday.

Mr. Acheson had told the Secretary of his concern that the Delegation was omitting that part of our former position which would preclude the necessity of reporting on troops where less than 100 were stationed. Mr. Acheson pointed out that this might even include posts where there were military attachés and that would mean reporting on troops in nearly every country in the world. Mr. Acheson said the Secretary shared his concern and that the Secretary said he would indicate to Senator Connally that the US should not drop this part of its position.

Mr. Acheson also expressed to the Secretary his concern that the Delegation in its draft resolution was linking the subject of disarmament too closely with the question of reporting on troops. The Secretary had said that there was discussion of a new resolution containing two parts, one concerned with reporting on troops and the other concerned with disarmament, inspection, etc. The Secretary had felt that part 2 would take care of the US desire that the subject of reporting on troops should not be confused with disarmament proposals.

⁸ Not printed.

⁹ November 25.

Mr. Acheson suggested that we should in addition telephone the New York Delegation emphasizing our concern that the question of reporting on troops was being too closely linked to disarmament and also that the Secretary and Mr. Acheson had agreed that we should continue to maintain our point that there was no necessity to report on troops where less than 100 were concerned. With respect to the latter, Mr. Acheson said that he thought such a provision should actually appear in any resolution adopted or, at a minimum, the US should make clear in its public statements in Committee 1 that this was an accepted interpretation of any resolution that may be adopted.

Mr. Acheson also hoped that the Department would receive additional texts of proposed resolutions on the troop and disarmament questions as soon as they were formulated in New York, and suggested further that we obtain from the Delegation their understanding of the agreements reached in their conversation today with the Secretary.

Mr. Hiss subsequently talked with Mr. Ross in New York concerning the above points and again on Sunday to Mr. Acheson. These conversations are reported in separate memoranda.¹⁰

501.BB/11-2446

Memorandum of Telephone Conversation, by the Director of the Office of Special Political Affairs (Hiss)

[WASHINGTON,] November 24, 1946.

Subject: Question of Disclosure of Disposition of Troops

After learning from Mr. E. N. Thompson that Mr. Acheson talked to the Secretary in the afternoon, November 23, on the above subject, I called Mr. Ross in New York and told him of Mr. Acheson's talk with the Secretary.¹¹ I said that I understood that the Secretary would be getting in touch with Senator Connally about this subject and would urge the Senator to be sure that any resolution that was adopted did not require us to report on our naval attachés, military attachés and other smaller missions of less than 100. I said that Mr. Acheson would prefer to have an express statement to this effect in the resolution but I understood that he was more interested in substance than in the form by which our objective would be accomplished. Mr. Ross said he felt confident that the result would be accomplished. He pointed out that neither the British nor the Soviets would presumably want to have to report on their naval and military attaché

¹⁰ See memorandum of conversation by Mr. Hiss, November 24, *infra*.

¹¹ For an account of the Byrnes-Acheson conversation under reference, see Mr. Thompson's memorandum of November 23, *supra*.

missions. He added that if, however, despite a statement of our understanding of the resolution, a majority of the delegations were to ask for a report on naval and military missions, we would not be able to accomplish our objective. (I talked Sunday morning, November 24, with Colonel Bonesteel who said that G-2¹² had no objections in principle to reporting on our attachés in small missions; they merely felt that such a report was silly and not really in keeping with the objectives of the proposed resolution.)

I also said that Mr. Acheson was particularly anxious to avoid any confusion over the issue of safeguards and inspection with respect to disarmament. He had understood from the Secretary that the Delegation would be drafting a resolution on the troop question which would have some references to disarmament. The Secretary felt confident on the basis of his discussions with the Delegation that the references to disarmament would fully protect our position with respect to safeguards. Mr. Acheson would like to see a copy of the resolution before it is introduced. Mr. Ross told me that it seemed very unlikely that the Delegation would introduce a resolution in the near future and that no drafting of a resolution would at present be undertaken.

In connection with Mr. Acheson's desire to avoid confusion as to the disarmament question, I said it was my understanding that the Secretary in talking to the Delegation had said that we should take the position that information as to troops should in any event be made available within thirty days after the adoption of a resolution calling for such information by the General Assembly. In other words we should make it plain that any reference to the connection between the troop question and disarmament is not to result in delaying the publication. Mr. Ross said that the Delegation understood this clearly.

I said I understood that the Secretary had quite emphatically stated that there should be no unilateral disclosure by us of our troop dispositions. Mr. Ross said that this was clearly understood by the Delegation.

On Sunday afternoon, November 24, Mr. Ross called me and read a copy of a draft resolution which had just been received from the British Delegation and which the British would introduce on Monday, November 25, if opportunity afforded. (See New York's telegram 849, November 24,¹³ which sets forth this resolution.) Mr. Ross said that

¹² War Department General Staff, Intelligence.

¹³ Not printed. For a description of the British draft resolution, see US/A/C.1/72 (Rev. a), the text actually submitted in the First Committee, and footnote 17 thereto, p. 1050.

the Delegation would consider the British draft resolution at its meeting on Monday, November 25 at 9:00 a. m.¹⁴

I then called Mr. Acheson and read the text of the British draft resolution to him. On the basis of his comments I subsequently told Mr. Ross that Mr. Acheson thought the Delegation should make a strenuous attempt to persuade the British not to confuse disarmament and the troop question. He thought we should point out to the British that this would tend to confuse the whole question of disarmament and particularly the question of safeguards. He thought that the phrase in the second paragraph of the British draft resolution "as a first step in a study of this question", i. e., regulation of armaments, was objectionable as tending to give impetus to a drive for consideration of technical details of a disarmament program rather than clearing up at the outset the vital question of safeguards. Mr. Acheson also felt that the final clause of the British draft resolution, namely, that the troop information "should be immediately subjected, on the spot, to an effective United Nations system of verification", was most unfortunate. Mr. Acheson said that this latter provision seemed to him really inconsistent with the Secretary's decision that we should oppose any delay in making the figures as to troop dispositions promptly available after adoption of the resolution. He thought that the British argument that the verification provision would permit prompt publication of figures was disingenuous as obviously there would be prolonged discussion in the committee of the verification provision. Its effect would really be to delay and sidetrack the troop census proposal. In addition, Mr. Acheson thought that it was impractical and most unwise as tending to jeopardize the much more important question of safeguards for disarmament. He thought that if we could not persuade the British to eliminate this provision we should tell them that we would support its elimination on the foregoing grounds.

Mr. Acheson agreed that in view of the fact that the British themselves were now suggesting specification of the particular points where troops are located we could not oppose such a provision. He thought we might still interpret such provision as calling for a listing of the points where troops are located but with simply an over-all figure as to our troops within any particular country. He also felt that we could not as a practical matter argue against specification of air and naval bases and their garrisons.

¹⁴ For a summary of the decisions taken by the Delegation at its meeting on the morning of November 25, see telegram 851, November 25, from New York, *infra*.

501.BB/11-2546: Telegram

*Senator Austin to the Acting Secretary of State*SECRET
URGENTNEW YORK, November 25, 1946—11:20 a. m.
[Received 11:39 a. m.]

851. Re armed forces USdel decided this morning:¹⁵ 1. To make early statement along lines determined on November 23 (now embodied in US/A/C.1/69, Rev. A),¹⁶ except that we would not give out information on our armed forces unilaterally;

2. To seek to secure agreement among the several draft resolutions in a subcommittee (of Committee I);

3. If situation permits, to present provisions for reporting forces at home and paragraphs b and c of US/A/C.1/69, Rev. A, as amendments rather than as separate resolution;

4. To oppose provisions for verification of reports and to authorize political officers to inform British to this effect.

AUSTIN

IO Files: US/A/C.1/72 (Rev. a)

United States Delegation Document

[NEW YORK,] November 25, 1946.

UNITED KINGDOM RESOLUTION ON ARMED FORCES¹⁷

The Committee considers that items 4 and 5 on the Agenda are concerned with two aspects of the same question, the reduction and regulation of armaments.

As a first step in a study of this question, and to assist in the imple-

¹⁵ 28th Meeting of the United States Delegation, 9 a. m.

¹⁶ United States Delegation position paper US/A/C.1/69, November 22, a draft resolution approved by the Delegation on November 23, is printed in telegram 843, November 23, from New York, p. 1042. US/A/C.1/69 (rev.a) differed from the original draft only in matters of minor wording and in its sub-paragraph A.3 which read as follows: "The number of such personnel on the territory of each other country in which they are stationed." (IO Files)

¹⁷ The present document is identical with the draft submitted by the United Kingdom Delegation at the 27th Meeting of the First Committee, November 25, 11 a. m.; for the Record of that Meeting, see GA(I/2), *First Committee*, pp. 143-151. The tentative draft of the present document transmitted by the British Delegation to the United States Delegation on November 24, not printed, differed from the present document in the following respects: it made no reference to Article 43; it made no provision for reporting on "military type formations;" and it did not specify that the system of verification would be one established by the Security Council prior to January 1, 1947. In the Minutes of the United States Delegation Meeting of 9 a. m., November 25, Sanders is reported as saying that the present document had been drafted "as a result of conversations with the British over the week-end." (IO Files)

At the 27th Meeting, Senator Connally expressed agreement with the British proposal to broaden the request for information to include all uniformed personnel in active service with military type organizations at home and abroad. He

mentation of Article 43, the Committee propose that the Assembly recommend that all members of the United Nations furnish the following information to the Secretary-General for communication to the Security Council and to other members of the United Nations and for publication.

1. At what points in the territory of members of the United Nations, or other States, with the exception of former enemy territories, and in what number, are armed forces of other members of the United Nations, including military type formations?

2. At what points in the former enemy States and in what number, are armed forces of the Allied Powers and other members of the United Nations, including military type formations?

3. At what points in the above-mentioned territories are air and naval bases, and what is the size of their garrisons, belonging to the armed forces of States of members of the United Nations?

4. What is the total number of their uniformed personnel on the active list, wherever stationed, at home as well as abroad, including military type formations?

This information, which should be furnished not later than January 1st 1947, should relate to the situation on that date, and should be immediately subjected to an effective United Nations system of verification on the spot by a Committee to be established by the Security Council before that date.

IO Files : US/A/C.1/79

*Memorandum of Conversation, by Mr. G. Hayden Raynor, Adviser,
United States Delegation to the United Nations General Assembly*

SECRET

[NEW YORK,] November 25, 1946.

This morning before the opening of Committee 1 Mr. Escott Reid ¹⁸ handed to me a revised copy of the Canadian proposal on disarmament. He inquired firstly if I had any comments on the earlier draft of this proposal which he had given to me a week ago.¹⁹ I told him that it was under study in my Delegation and in the State Department but to date I had received no comments on it. He then stated that the

also stated that in the long run there must be verification of the reports on troops to make disarmament effective. The record of Senator Connally's remarks includes the following: "His delegation emphatically rejected any implication in this discussion that the information was needed to quiet uneasiness over the presence of United States forces abroad. In this connexion he expressed appreciation for the statements made by the representatives of (China), Panama, Brazil, and Ecuador, which had absolved the United States from any inference that their troops were in those States for any improper purposes."

¹⁸ First Secretary, Canadian Embassy; Adviser, Canadian Delegation to the General Assembly.

¹⁹ For text of the Canadian proposal introduced in the First Committee at its 30th Meeting, November 28, see GA (I/2), *First Committee*, p. 335. This proposal was a revision of the Soviet draft. The United States Delegation had transmitted a very similar version of the Canadian proposal to the Department of State in telegram 844, November 23, not printed (501.BB/11-2346).

Canadian Delegation was under pressure from Ottawa to submit this proposal at once but before doing so they want to know if that action would embarrass us in any way or if there was any reason we would prefer they not take this action.

After talking to Mr. John Ross on the telephone, I informed Mr. Reid later in the day that while we did not wish to make any request of the Canadians to defer this action we would appreciate their considering in this connection the points which I would make to him. I then explained that at very high levels in our Government a comprehensive plan on disarmament was being developed for presentation to this Assembly and that we expected our proposal would be a very important one. I explained that while I could not yet disclose its contents as it was not completed I could say that while parts of the Canadian proposal were along the same line as ours there were several points in the Canadian proposal which were at considerable variance from what our plan would probably propose. I said that we had expected all along, and still desired, to consult with the Canadians on our plan and that we hoped that we would be prepared for such consultation toward the latter part of this week.

Mr. Reid agreed to bring the points which I had made to the attention of Mr. St. Laurent.²⁰ He later told me that he had done so and Mr. St. Laurent was referring the matter back to Ottawa and that there certainly would not be any action on their part for another twenty-four hours. Mr. Reid added, however, that he did hope the consultation would be a consultation and that we would not wait until our plan was so definitely frozen that there would be no opportunity for it to be revised and that the consultation would not be a consultation but the giving of information to them.

Mr. Reid, at the reception tonight, told me that he had been talking to the Australians on this matter as they also have a resolution which they plan to submit immediately. He asked if I would say something to the Australians along the same line as I had said to him as he then thought they might be able to work out an agreement between themselves so that each would postpone submitting its proposal.²¹

²⁰ Louis S. St. Laurent, Canadian Secretary of State for External Affairs; Head of the Canadian Delegation to the General Assembly.

²¹ In a memorandum also dated November 25, Raynor stated the following: "Following Mr. Escott Reid's request, referred to in a separate memorandum of this date, I spoke to Mr. Paul Hasluck at the reception this evening on the matter of disarmament. I repeated to him almost exactly what I had said to Mr. Reid relative to the development of our comprehensive proposal which we feel to be very important. I also said that we wished and planned to consult with the Australians on this matter. As a result of this conversation, Mr. Hasluck said he would telegraph Canberra in an effort to get permission to defer the submission of the Australian proposals until consultation with us could take place. Apparently, Mr. Hasluck, as have the Canadians, has been under pressure from home to submit their proposals to the Assembly promptly." (USUN Files)

For text of the Australian proposal introduced at the 30th Meeting of the First Committee, November 28, also a revision of the Soviet draft, see GA (I/2), *First Committee*, p. 337.

USUN Files

Memorandum of Conversation, by Senator Austin

TOP SECRET

[NEW YORK,] November 26, 1946.

I called on Secretary Byrnes by appointment at ten o'clock this morning and told him my purpose was to discuss, if he chose to do so, the draft relating to regulation of armaments and disarmament which we left with him last Thursday.²² He replied that he had not been able to study that, that he had been so tied up by his duties in reference to the treaties that he had been obliged to postpone the consideration of it. Thereupon, I told him that I felt time was of importance in this matter and that we are getting pressures from many sides to make our position clear. He said that he had not noticed pressures from other delegations, and I referred to papers that had been circulated showing that the Australians intended to make a proposition unless we did and wanted to know whether we were going to make one, and that the French likewise had indicated a similar position.

He then turned to the subject of troops and stated, in effect, that he had already told Mr. Bevin that the Delegation yesterday voted to oppose that part of the British proposal relating to troop disclosures which called for verification and that Mr. Bevin was coming to see him and might be there before I left, and that he intended to state our firm position on that matter in opposition to verification.

By way of bringing up to date the situation respecting regulation of armaments and disarmament I handed him the worksheet which I had made dealing with the possible speech to be made by me on this subject,²³ and I said that I was particularly anxious to call his attention to the last three pages containing a reference to his statement publicly; then I read those three pages and asked him if I had correctly set forth the position he took and he said no, that he had never said he would have a proposal to make, that he did not make that statement at the Foreign Press Association Meeting, but that the substance of his remarks were a reply to Mr. Molotov's speech made that night,²⁴ that we would have a further statement which, "I intend making". He remarked that this is a government matter. "First," he said, "we will get to the atomic thing and have a showdown on that."

This is not a complete statement but is my recollection of features of his statement which is to the effect that during the past six months

²² Reference is to a draft, presumably the 3rd draft dated November 21 (Thursday), of a disarmament proposal prepared in Senator Austin's office; for text of the 4th draft, November 26, see p. 1061.

²³ Not found in Department of State files.

²⁴ Both Byrnes and Molotov addressed the Foreign Press Association in New York on the evening of November 11.

he had been so engaged that he could not consider this subject. "Whether we are ready now to sponsor a proposal," he said, "has not been decided. When the plenary session is held on December 6 I am going to discuss the atomic resolution, the troop business and our position on disarmament. This is a matter of highest policy and must be studied by the President and the Joint Chiefs. I will turn it over to the President to be submitted to the Joint Chiefs and give you a prompt answer."

Then I said that this, in effect, answered some questions that I had not yet asked but intended to ask, namely, to what extent I should go in getting views, and that I had in mind asking him whether it was wise to get the views of Mr. Acheson and the War and Navy Departments, say on tomorrow when they meet. He replied no, that this is not in the scope of their meeting, that they meet on other subjects and not on a high policy like this, that this could only be handled by the President and the Joint Chiefs. Then I said I had wanted to ask him about taking the matter up with Senators Connally and Vandenberg and perhaps other members of our Delegation but that I had not yet turned over to them any copy of this draft and what he said warned me, put me on notice. He said, "You are right. This ought not to go to them now." I said, "Perhaps I have stubbed my toe in one respect. I have turned it over to Mr. Baruch." He said, "Well, if you want to avoid the press getting access to this you couldn't have done worse than turn it over to Mr. Baruch. He has with him Mr. Swope who has access to the papers and there is danger of its going out through him." He said, "I will get in touch with Mr. Baruch promptly and caution him that this draft must be kept secret until after he hears from me further."

"Now," he said, "I will take the draft you handed to me the other day and get copies made. I will send them to the President with a view to having him submit it to the Joint Chiefs." I said, "We have done a little work on that draft since then and I think it would be wiser to let me give you the latest draft for that use," and he said, "Do that; get it ready and send it right up here."²⁵

So the matter stands like this. At the next plenary session he will make an address covering this subject as well as the other two. The question whether a definite proposal shall be made by us has not yet been decided but will be decided promptly and we will be informed. In the meantime the draft is to be kept secret **except** as above stated.

²⁵ The following notation by Austin appears on the bottom of the last page of the source text: "Nov. 29—Sec. phoned he had sent to the Pres. two copies (one for Gen'l Eisenhower). Pres. expressed objection to hurrying."

IO Files

Minutes of the Twenty-ninth Meeting of the United States Delegation, New York, Hotel Pennsylvania, November 26, 1946, 9 a. m.

SECRET

[Here follows a list of persons (28) present.]

Resolution on Armed Forces

Mr. Sanders, at the request of Senator Connally, introduced the subject of the Resolution on Armed Forces. He reported that the United Kingdom on November 25 had submitted its resolution on the subject (US/A/C.1/72 (Rev. a)).²⁶ The question now before the Delegation he said was whether the United States should go along with the verification provision, which was set forth in the British resolution as follows:

“This information which should be furnished not later than January 1, 1947, should relate to the situation on that date, and should be immediately subjected to an effective United Nations system of verification on the spot by a Committee to be established by the Security Council before that date.”

Mr. Sanders continued that other than this paragraph the British resolution was acceptable to the United States.

Senator Connally pointed out the principle [*principal*] difference was that the United Kingdom provided for inspection in its resolution. He reported that on the previous day in Committee 1 he did not make a stand on the question, for the Secretary had said that he did not want to support the verification procedure. At the same time, Senator Connally said that he was hesitant, following the speech of Noel-Baker,²⁷ to come out strongly against the British. He said he did not want to throw a wet blanket at that point. Therefore, the Delegation was now still in a position to talk about the verification procedure from either point of view.²⁸

Upon being asked by Senator Connally, Mr. Cohen replied that he had not had an opportunity to discuss the question with the Secretary since the previous day.

Mr. Sanders said that it might be possible to have both the Russian and United Kingdom proposals referred to a subcommittee. Senator Connally said he was not sure that such a move would be successful. Mr. Sanders pointed out that the essential question was what the Delegation wished to do on the inspection provisions.

²⁶ *Ante*, p. 1050.

²⁷ Philip Noel-Baker, British Representative at the General Assembly.

²⁸ Regarding Senator Connally's remarks at the 27th Meeting of the First Committee, November 25, see footnote 17, p. 1050.

Senator Connally recalled that at its previous meeting the Delegation²⁹ had taken a position against the inspection provision because of the Secretary's views. Senator Connally said that he was going to oppose the verification proposal although his own feeling was that the verification was necessary in the long run at least. He recalled that it had been asked in the proposals on atomic energy. However, he realized the difficulties in establishing a verification procedure on short notice.

Mrs. Roosevelt³⁰ said that if the inspection were established by the Atomic Energy Commission then a similar or the same procedure could be used for inspecting for all kinds of armaments. However, she thought that the last sentence of the British proposal was very difficult when it said that the information should be verified on the spot by a Committee established by the Security Council. She said that she thought the proposal would have some sense if it were to say that when a system of inspection was established for general disarmament then there should be verification of the reports.

Mr. McClintock^{30a} reported that Cadogan had told him on a previous day that the United Kingdom was willing to publish where their troops were located first and then have a check made later. He added that this was told him in a private conversation. Senator Connally observed that of course the information could not be verified until it was published. He said that he agreed with Mrs. Roosevelt that any comprehensive arms plan must have an inspection system. Mrs. Roosevelt added that she thought it would be top-heavy if there were separate inspection systems for each type of armaments.

Mr. Sandifer reported that following the meeting of November 25, Mr. Ross had called the Department. It was Mr. Acheson's view that it was politically impractical, and would be considered as a delaying move, to support the verification procedure. Mr. Acheson was most anxious that the reporting provisions should be put through soon.

Mr. Dulles said that he did not see why we should vote against the verification procedure. It was a fundamental principle that the United States has voted for previously. He did not want to delay the reporting but asked why we should not request the various nations whether they would be willing to permit verification on the basis of reciprocity. If they were willing to do so, then the Security Council should be asked to set up machinery.

²⁹ The reference is to the 28th Meeting of the Delegation, November 25; in regard to the decisions taken at that meeting, see telegram 851, November 25, from New York, p. 1050.

³⁰ Mrs. Franklin D. Roosevelt, widow of the late President Roosevelt; United States Representative at the General Assembly.

^{30a} Robert M. McClintock, Adviser, United States Delegation to the General Assembly.

Mr. Cohen said that he agreed that we should not oppose verification as a principle, but he thought we should be slow to allow verification to be brought into this resolution in the vague and all inclusive way in which it was proposed. He thought it was likely to endanger the effective safeguards which might be established later. If it were proposed that outside inspectors would be able to pry everywhere before there was an effective system of disarmament established, the effect would be to discredit all verification procedures. He thought it would be impossible in advance to define an effective verification method. He believed it was right to make clear that effective safeguards were the essence of disarmament. It should be pointed out that the United States did not think that the form of verification proposed for this purpose had been sufficiently worked out to warrant United States support for it.

[Here follows additional discussion of the troops question and of other subjects.]

Mr. Dawson observed that he would not like to have to go to the Latin American states and tell them that the United States was going to vote against inspection. He said he had the distinct impression that the speech of Noel-Baker had greatly impressed the Latin American delegates on the previous day. He thought that if the matter came to a vote and the United States had to inform the Latin American states that we were going to vote against the verification procedure, we would be in a most difficult position.

Mr. Sandifer reported that he understood that Mr. Acheson was also concerned lest hasty action of this kind might work to the detriment of the atomic energy inspection proposals.

Mr. Stevenson said that he wanted to concur in the opinion which Mr. Sandifer had just reported. He said it seemed to him that it was quite possible that the inspection proposal would be interpreted as a disingenuous manner of sabotaging the entire reporting procedure. Mrs. Douglas said that she agreed strongly. She believed that one of the reasons that the United Kingdom made the proposal was to delay and she thought that if we went along with this we would be falling into the trap.

Mr. Dawson explained that he did not mean that the British verification scheme should be supported, but he thought it would be embarrassing if it were necessary to oppose it flatly.

Mr. Dulles said that he had not heard anyone present advocate supporting the British proposal for verification, there being general agreement that it was playing right into the Russian hands. He said that the only question he was going to raise was whether we were going to reject the principle of verification, even admitting that it could

not be put into effect now. He maintained that the Soviet proposal had been intended to show a militaristic picture of the world. He pointed out that under this each country could draw its own military picture and there was no way of checking the reality. This followed the general Soviet propaganda line which painted the picture of the Soviet Union which it desired and which it was not possible to check. Pictures of other military establishments might also not always be accurate. It was his opinion that verification as proposed under the U.K. statement should not be approved but he thought it was entirely different to vote against the principle.

Mrs. Roosevelt inquired whether it could be argued that the principle of verification must apply to the whole disarmament question. Perhaps some temporary method of verification could be applied to this situation that would not be as satisfactory as might be devised when the whole picture developed. She thought that it might be pointed out by Senator Connally that the United States was not going to vote for this specific proposal but wanted it clearly understood that it agreed that eventually there must be verification procedures and methods set up to enable us to see the whole picture of disarmament. At present, we did not want to delay the information which should be given. Future arrangements for verification will change with altered circumstances.

Senator Vandenberg said that the last paragraph was out of harmony with the rest of the British proposal. The first paragraphs of the British proposal were a set of preliminary premises on which to base later study. To move from the general statement to the very specific one in the last paragraph, which in itself was not remotely adequate to defend the principle of inspection, would result in defeating that principle by its very inadequacy. He felt there should be a change in approach to indicate that this preliminary information was a specific instance and to establish any system for immediate verification was incompatible with what had been set forth in the preceding paragraphs.

Senator Connally said that on the previous day in Committee I the delegation had not been committed as to how we would vote. He reported that he had gone on to say that any disarmament proposal must have a verification procedure as an essential. He had recalled that that had been insisted on in the Atomic Energy Commission proposals. He noted that the British were greatly irritated at the Russians over this question, Mr. Molotov had as well as said that the purpose of the Russian resolution was to get foreign armies out of the overseas territories where they were stationed. Since the British felt that this was essentially a political question, it was no doubt part of their motive to introduce a paragraph which the Russians did not want.

Senator Connally continued that he was not anxious to leave the British open to the assaults of their enemies by announcing right after Noel-Baker's statement that the United States would vote against the United Kingdom proposal. He pointed out that it would be possible to vote on the resolution piece-meal and to avoid voting on the last paragraph or try to substitute a paragraph for it.

Senator Vandenberg pointed out that the United Kingdom paper described the information procedure "as a first step in the study of this question". He thought that was the point of view which should be maintained. It should not be attempted to make of this motion more than an exchange of information. To go further would need many other provisions which were not included in the United Kingdom resolution.

Senator Connally pointed out that part of the point of the United Kingdom proposal would be met if there were included in the resolution a report on the number of troops at home.

Mr. Dulles pointed out that the original Russian resolution did not make a connection with disarmament, it did not speak of any first step towards disarmament, it merely asked for the disclosure of information on the location of troops abroad. The connection would be established only if the United Kingdom resolution were passed.

Mr. Sandifer said that he thought that Senator Vandenberg had put his finger on the heart of the question. He inquired whether it was realistic to expect acceptance of an indefinite, ill-defined system. He was sure that other nations would not accept such a proposal.

Mr. Dulles pointed out that the delegation was unanimous in opposing the last paragraph of the British resolution. What he wanted to know was what was going to be said regarding the principle of verification.

Senator Connally left the meeting at this point to talk with the Secretary. Senator Vandenberg took the chair.

Senator Vandenberg remarked that he thought that this question should be referred to the Secretary who had the power to act on this matter.

Mr. Wadsworth reported that the British Political Officer for the Near East had on the previous day given him to understand that the British were bringing pressure to bear on the Arabs to vote for the resolution as it stood. With respect to the last paragraph of the British resolution, the British official had said that they wanted to go along with the United States realizing the difficulty the U.S. faced. He suggested that a great deal could be accomplished if only the United States would make some suggestion regarding the common ground. Mr. Wadsworth continued that he thought Mr. Dulles and Mrs. Roosevelt had found that common ground, that was to make the

resolution more general to approve the principle of verification and to assign the means and time for making such verification to the Security Council.

Mr. Fahy suggested that the difficulty might be resolved by the adoption of an amendment along the following lines "the information with respect to the numbers and location of armed forces shall be subject to such method of verification or inspection as may be adopted in connection with reduction of armaments or otherwise."

Mr. Stevenson observed that he thought that linking the question in this way was going to get us into a long discussion. He said it seemed to him that Senator Connally should say repeatedly that the United States insists on the principle of verification. However, this was a one-shot job to get the figures on the location of troops and close the matter there. He was sure that if verification were insisted upon there would be no action taken. He pointed out that this was not a continuing matter of verification or reporting on a month-to-month basis. Such reports would be provided under general disarmament machinery.

Senator Vandenberg observed this was essentially a questionnaire. He continued that it was fantastic to think that the verification could be handled by the procedure set up under the last paragraph of the British draft. However, he thought that the discussion could be most profitably resumed on the following day.³¹

501.BB/11-2846

*Memorandum by the Director of the Office of Special Political Affairs
(Hiss) to the Under Secretary of State (Acheson)*

[WASHINGTON,] November 26, 1946.

Mr. Ross informed me today by telephone that this morning the Secretary spoke both to Senator Connally and to Mr. Bevin to the effect that he is strongly opposed to any resolution on the disposition of troops containing an inspection provision. This apparently settles our position on this point clearly. (It will be recalled that Senator

³¹ The record of decisions of this meeting indicates that the following decisions were taken:

"1. *Resolution on Armed Forces*

The decision of the Secretary of State was reported that the United States should not agree to the British proposal for verification in connection with the furnishing of information on armed forces. The Delegation decision of the previous day, November 25, on this question was then reaffirmed.

It was agreed that the Delegation should move at the appropriate time for the substitution of paragraph B of the draft US resolution (US/A/C.1/69 Rev. a) for the final paragraph of the British resolution, with a change of the date November 1 to December 15."

For text of US/A/C.1/72 (Rev. a), see p. 1050.

Connally in his statement of yesterday on this subject did not make clear our opposition to such provision being in the resolution relating to troops. His emphasis, instead, was upon the importance we attach to safeguards, including inspection, in regard to disarmament.) Mr. Ross said that both the Chinese and French Delegations are also opposed to inspection in connection with reporting on troop dispositions.

Molotov today stated in Committee I that the U.S.S.R. is prepared to report on troops at home only in connection with the consideration of disarmament. He said that if such troops are to be reported upon then their armament, mentioning in particular jet-propelled planes and atomic bombs, should also be reported. He also indicated that the Soviets will be prepared to discuss the question of inspection in connection with disarmament. At that time, he said, they will have specific proposals to make with respect to inspection.³²

USUN Files

*Draft Resolution on Disarmament Prepared by the Staff of the United States Delegation to the United Nations General Assembly*³³

TOP SECRET
4th Draft

[NEW YORK,] November 26, 1946.

THE GENERAL ASSEMBLY:

With a view to strengthening peace and international security in conformity with the aims and principles of the United Nations* (Preamble, Chapter I of the Charter) ;

³² The reference is to Molotov's statement at the 28th Meeting of the 1st Committee, November 26, 11 a. m. ; for the record of that meeting, see GA (I/2), *First Committee*, pp. 151-158. In the course of the meeting, Senator Connally offered an amendment to the United Kingdom resolution (p. 1050) which eliminated the provision for the verification of information. Molotov then submitted an additional Soviet proposal which was subsequently resubmitted in connection with disarmament; it read as follows: "The General Assembly deems it necessary that all States Members of the United Nations should submit information regarding armed forces and armaments in their own territory, this information to be submitted when the Security Council will consider the proposals for general reduction of armaments."

³³ The first draft of this resolution, November 17, and subsequent drafts, are similar in configuration to the present paper, emphasizing the advisability of creating a United Nations Permanent Disarmament Commission. The third draft, November 21, was transmitted for comment to Ferdinand Eberstadt of the United States Delegation to the Atomic Energy Commission on November 25, Eberstadt's reply of November 29 suggested certain changes in the language of the portions of the resolution directly related to the international control of atomic energy. It did not comment on the advisability of actually presenting the resolution to the General Assembly. (USUN Files)

The source text of the present document bears a marginal notation indicating that the original copy of the 4th draft was transmitted to Secretary Byrnes on November 26 to be forwarded by him to the President and thence to the Joint Chiefs of Staff for comment.

*This language is quoted from the text of the Soviet Resolution. [Footnote in the source text.]

With a view to determining the principles governing disarmament and the regulation of armaments, and recognizing its responsibility for making recommendations with regard to such principles to the Members of the United Nations or to the Security Council or both (Article 11, paragraph 1) ;

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, and recognizing the responsibility of the Security Council for formulating with the advice and assistance of the Military Staff Committee plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments (Article 26) ;

Recognizing the necessity of a general reduction of armaments,† thereby progressively removing the means of conducting aggressive warfare ;

Recognizing that the provision of peace forces by the special agreements called for by Article 43 of the Charter should be considered in close relationship to the question of the general reduction and regulation of armaments, and that the ultimate objective of disarmament should be the reduction of armaments to the level of these peace forces together with the forces necessary to maintain domestic order and tranquility under law ;

Recognizing that the provision of information concerning the armed forces of Members of the United Nations, whether at home or abroad, should be considered in close relationship to the question of the general reduction and regulation of armaments and disarmament, as well as to the provision of peace forces under Article 43 ;

Recognizing that progress toward the general reduction and regulation of armaments and disarmament depends upon the accomplishment as a first step of the purposes and objectives of the Resolution adopted unanimously by the General Assembly at the first part of its first session at London, January 24, 1946, which established a Commission, known as the Atomic Energy Commission, "to deal with the problems raised by the discovery of atomic energy and other related matters", and which set forth the terms of reference of the Commission ;

CALLS UPON the Atomic Energy Commission to proceed with the utmost dispatch to complete its task of formulating, in the spirit of unanimity contemplated in the Charter, specific proposals for the international control of the production of fissionable materials and of the production and use of atomic energy, including effective safeguards by way of inspection and other means at all stages of production and use to protect complying States against the hazards of violations and evasions, to ensure its use only for peaceful purposes, and to pro-

†This language is quoted from the text of the Soviet Resolution. [Footnote in the source text.]

hibit the production and employment of weapons based on the use of atomic energy for the purpose of mass destruction;††

AFFIRMS the fundamental principle that the general reduction and regulation of armaments and disarmament must be progressive, international and multilateral in character and not unilateral on the part of any Member of the United Nations;

AFFIRMS the fundamental principle that effective safeguards by way of inspection and other means to protect complying States against the hazards of violation and evasion are essential to the general reduction and regulation of armaments and disarmament;

RESOLVES, under the authority conferred by Article 22 of the Charter, to establish as a subsidiary organ of the General Assembly a Permanent Disarmament Commission, the composition and organization of the Commission, its functions and responsibilities, its relationship to other organs and agencies of the United Nations and its procedures to be as set forth in the following paragraphs:

1. *Composition and Organization.* The Commission shall be composed of one Representative of each of those States represented on the Security Council, and of four additional Members of the United Nations. § The four additional Members shall be elected for a term of two years. Each member on the Commission may have such assistance as he may desire. The Commission shall be so organized as to be able to function continuously and each member of the Commission shall for this purpose be represented at all times at the seat of the organization. The Commission may establish subsidiary organs as it deems necessary for the performance of its functions.

2. *Functions and Responsibilities.* The functions and responsibilities of the Commission, being directed toward the general reduction and regulation of armaments and disarmament, shall be as follows:

(a) *To provide* a coordinating center for the activities of all United

††The last phrase is quoted from the title of the Soviet draft convention introduced in the Atomic Energy Commission on 1946. [Footnote in the source text.]

§ N.B. This would be a Commission of fifteen members. The additional four members are added for the twofold purpose of diluting somewhat the relative weight of the five permanent members who would thus have one-third of the voting strength but would of course be permanent members of the Commission, and of giving broader representation to other Assembly Members in view of the Assembly's responsibilities in disarmament matters. By providing a more broadly representative Commission of fifteen members the political handicap of a possible Soviet veto in the Security Council of recommendations made to the Council by the Commission would be watered down, at least in the early stages of the Commission's work. The interests of the United States would be protected by our own veto power in the Security Council, should the occasion to use it arise. The non-permanent Members of the Security Council would rotate on the Commission as a result of the system of election to the Council. A similar electoral system is provided in the case of the additional four members of the Commission. [Footnote in the source text.]

Nations organs and agencies concerned with the general reduction and regulation of armaments, disarmament and related matters.

(b) *To consider* all matters relating to the general reduction and regulation of armaments and disarmament; to prepare studies and reports and *to formulate* recommendations to the General Assembly or to the Security Council, or to both with regard to such matters; and to make an annual report jointly to the General Assembly and to the Security Council on its progress.

(c) *To advise* the General Assembly with regard to the principles governing disarmament and the regulation of armaments (Article 11, paragraph 1) and related matters and in carrying out this responsibility to make such special reports and recommendations to the Assembly as it deems appropriate or as the Assembly may request.

(d) *To formulate* for submission to and consideration by the Security Council plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments (Article 25) and in carrying out this responsibility to make such special reports and recommendations to the Security Council as it deems appropriate or as the Council may request.

(e) *To provide* such advice and assistance as may be requested by the Council of Foreign Ministers with regard to the relationship between plans for the demilitarization and permanent disarmament of ex-enemy countries, in particular Germany and Japan, and plans for the general reduction and regulation of armaments and disarmament.

(f) *To maintain*, following the establishment of a comprehensive system for the general reduction and regulation of armaments and disarmament, constant surveillance over the effectiveness of the system, with particular reference to the effectiveness of safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions, *to report* annually to the General Assembly and to the Security Council jointly on the progress of the system and to submit special reports as it deems appropriate or as may be requested by the General Assembly or by the Security Council, and *to make* recommendations as it deems appropriate in the light of changing circumstances to the General Assembly, or to the Security Council, or to both with regard to any matter within its field of responsibility.

(g) *To bring* immediately to the attention of the Security Council, the General Assembly and the Members any situation it considers to be a violation or an evasion of the terms of the system to be established for the general reduction and regulation of armaments and disarmament, together with its recommendations in regard to such situation.

3. *Relationships with other organs and agencies of the United Nations.* In addition to its relationships with the General Assembly and the Security Council as set forth above, the relationships of the Commission with other organs and agencies of the United Nations shall be as outlined in the following paragraphs.

(a) *Military Staff Committee.* The Military Staff Committee, consistent with its responsibilities as set forth in Article 47, paragraph 1, and other Articles of the Charter, may, upon the request of the Commission, advise and assist the Commission in any or all aspects of its work.

(b) *Atomic Energy Commission.* In carrying out its responsibilities the Permanent Disarmament Commission, having in mind the primary and urgent importance of the work of the Atomic Energy Commission, shall avoid any action which might infringe upon the responsibilities of the Atomic Energy Commission or impede or delay the prompt accomplishment of its task of formulating specific proposals for the international control with effective safeguards of atomic energy for peaceful purposes only and for prohibiting the production and employment of weapons based on the use of atomic energy for the purpose of mass destruction. The two Commissions shall work in close cooperation and whatever reports and recommendations the Atomic Energy Commission may submit to the Security Council under the Resolution of January 24, 1946 shall be made available to the Permanent Disarmament Commission.

(c) *Economic and Social Council.* The Economic and Social Council shall, under Article 66 of the Charter and upon the request of the Commission, prepare studies and reports and advise and assist the Commission with regard to expenditures for armaments and the costs of armaments in terms of the world's human and economic resources and the relationship between the general reduction and regulation of armaments and disarmament and the attainment of the objectives set forth in Article 55 and elsewhere in the Charter.

(d) *Secretariat.* The Secretary General shall serve as Secretary General of the Commission with the right to participate fully in the discussions and deliberations of the Commission but without the right to vote. The Secretary General shall provide all necessary staff and facilities to carry on effectively the work of the Commission and shall defray all necessary expenses of the Commission from the Budget of the Organization.

4. *Procedures.* The Commission shall adopt its own rules of procedure, being guided as a matter of convenience and to the fullest extent practicable by the Rules of Procedure of the General Assembly; provided that decisions of the Commission on procedural matters shall

be by simple majority vote and that decisions on all other matters shall be by two-thirds majority vote.

THE GENERAL ASSEMBLY:

CALLS UPON the Government of all the Members of the United Nations to give to the Permanent Disarmament Commission all the assistance necessary to enable it to discharge its responsibilities arising out of this task, the achievement of which lies within the scope of the mission of the United Nations to establish an enduring peace and maintain international security. This task is also in the interest of the peoples who would be released from the heavy economic burden caused by excessive expenditures on armaments which do not correspond to peaceful post-war conditions.||

IO Files : US/A/C.1/80

Memorandum of Conversation, by Charles W. Yost of the United States Delegation to the United Nations General Assembly

SECRET

[NEW YORK,] November 27, 1946.

Subject : French Attitude on the Troop Case

Participants: Mr. Lawford, of the United Kingdom Delegation
 Mr. Dejean, of the French Delegation ³⁴
 Mr. Charles W. Yost

Separate conversations were held with Mr. Lawford, of the United Kingdom Delegation, and Mr. Dejean, of the French Delegation, on this subject.

Mr. Lawford said that Sir Alexander Cadogan had had a long session with Mr. Parodi, of the French Delegation, last night at which Sir Alexander had taken him to task for the uncooperative French attitude on the troop case. It appeared that Mr. Parodi was adamant in refusing to support the principle of reporting on forces at home and that he was even considering presenting a resolution urging the early withdrawal of armed forces now on the territories of other United Nations. Sir Alexander had been able to persuade Mr. Parodi to drop this latter project. The British feel that the French Delegation has had recent instructions from Paris obliging them to support the Russians on this whole question.

A little later I discussed this same matter with Mr. Dejean. Mr. Dejean insisted that the question of forces at home is properly a part of the problem of reduction of armaments and should not be con-

||This paragraph is very close to a direct quote from the last paragraph of Molotov's disarmament proposal. [Footnote in the source text.]

³⁴ Maurice Dejean, Alternate French Representative to the General Assembly.

sidered in connection with armed forces abroad which is after all, whatever may be said, basically a political issue. He said that there might be, of course, some cases in which the Security Council should have information about forces on home territories in connection with action it might wish to take concerning forces on foreign territories. He said that, for example, if the Security Council should be considering the question of the withdrawal of British troops from Greece, it might wish to ask the Yugoslav Government for information with regard to Yugoslav troops in Yugoslavia. In order to provide for cases of this kind the French Delegation believed that it would be proper to amend the resolution on armed forces now before Committee 1 to authorize the Security Council to take action of the sort he had just described. He handed me the text quoted below of a paragraph on this subject but indicated that the French Delegation did not itself propose to introduce this paragraph as an amendment at this time.

“If the Security Council decides that, in addition to the information prescribed in the three preceding paragraphs, information should be obtained concerning troops stationed on their own national territory, it will request the presentation of this information by the Governments concerned under the same conditions as in the case of the information indicated in the preceding paragraphs.”

501.BB Summaries/11-2746 : Telegram

Senator Austin to the Acting Secretary of State

NEW YORK, November 27, 1946—8: 10 p. m.

[via Courier]

Daily Plain Summary

865. *Committee I (29th Meeting)*³⁵

With eight roll-call votes in a five-and-a-half hour meeting November 27, the Committee adopted the U.K. amendments to the U.S.S.R. troop proposal, providing for a report to the SC by all UN members of troops and military type organizations on foreign territories and uniformed personnel at home. The U.S. amendment was adopted 25-19, calling for the report of January 1 of the situation as of December 15, and eliminating the need for verification.³⁶

³⁵ For the Record of this Meeting, see GA (I/2), *First Committee*, pp. 158-177.

³⁶ The original Soviet proposal is printed in telegram S31, November 21, from New York, p. 1030. The resolution as amended by the United Kingdom is printed in US/A/C.1/72 (Rev.a), November 25, p. 1050. For text submitted in the Report of the First Committee on the Presence of Armed Forces of Members of the United Nations on Non-enemy Territories, see GA (I/2), *Plenary*, pp. 1504-1505 (Annex 49). That text consisted of the resolution adopted here, differing slightly as to wording and couched in the form of a General Assembly draft resolution. With respect to the action of the General Assembly on the resolution, see telegram 962, December 13, from New York, p. 1099.

The Committee decided 24-18 not to consider a U.S.S.R. amendment to the U.K. text which would have required a report at the same time on armaments on home territories.³⁷ By the same vote, the Committee refused to consider this as a separate U.S.S.R. amendment. A Soviet amendment which would have delayed the report on home troops until SC consideration of disarmament was rejected 31-10. An amendment introduced by Fawzi (Egypt) calling for a GA recommendation of withdrawal of troops where they are stationed on foreign territory without conformity to the letter and spirit of the Charter³⁸ was warmly supported by Molotov. When Noel-Baker (U.K.) and Senator Connally asked for more time to consider the amendment, the Committee decided 29-13 to defer consideration. Chairman Manuilsky (Ukraine) announced the Egyptian amendment would be considered at 10:30 a. m. November 28, as well as the U.K.-U.S.S.R. resolution as a whole and the Argentine resolution.³⁹

[Here follow a more detailed description of the meeting and accounts of the November 27 proceedings of other United Nations bodies.]

501.BB/11-2846 : Telegram

Senator Austin to the Acting Secretary of State

NEW YORK, November 28, 1946—6 p. m.

[Received 6:37 p. m.]

871. Following is text of Soviet proposal referred to by Molotov at end his speech Committee 1 today:⁴⁰

“To supplement the proposal of the USSR delegation regarding the general reduction of armaments of October 29, 1946⁴¹ by the following paragraph:

To ensure the adoption of measures for the reduction of armaments and prohibition of the use of atomic energy for military purposes there shall be established within the framework of the Security Council, who bear the main responsibility for international peace and security, international control operating on the basis of a special provision which should provide for the establishment of special organs of inspection for which purpose there shall be formed:

³⁷ For text, see footnote 33, p. 1061.

³⁸ For text, see GA (I/2), *First Committee*, p. 160. Hiss stated the following in a memorandum to Mr. Acheson, November 27, in regard to a telephone conversation with Ross concerning the Egyptian amendment: “Mr. Ross and I were in complete agreement that for obvious reasons the Delegation will oppose the amendment in its present form. It obviously makes no sense in its present form as the Charter simply does not cover the question and any such action by the Assembly would only lead to complete confusion and recrimination.” (501.BB/11-2746)

³⁹ For text of the Argentine resolution, see GA (I/2), *First Committee*, p. 333 (Annex 8b).

⁴⁰ 30th Meeting.

⁴¹ For text of the Soviet proposal of October 29, see the bracketed note, p. 972.

(a) A commission for the control of the execution of the decision regarding the reduction of armaments.

(b) A commission for the control of the execution of the decision regarding the prohibition of the use of atomic energy for military purposes.

AUSTIN

SPA Files

Memorandum by Mr. John C. Ross, Adviser, United States Delegation to the General Assembly, to Senator Austin ⁴²

SECRET

[NEW YORK,] November 29, 1946.

The situation on disarmament in Committee 1 when it adjourned at about two o'clock is as follows: ⁴³

Molotov was not present; Vyshinsky represented the Soviet Union. Senator Connally had made the speech we prepared last night and discussed with him before he left for Lake Success.

Following Senator Connally's speech Shawcross, the British Attorney General, ⁴⁴ asked Vyshinsky four questions which he said he would like to have answered tomorrow. These questions were:

1. The United Kingdom Government assumes that the Soviet Union has no intention by its proposals to replace or sidetrack the Atomic Energy Commission. He asked Mr. Vyshinsky to reaffirm the Soviet Government's support of the Commission.

2. He asked Vyshinsky whether the Soviet Government advocates the *prompt* establishment of an effective system of control. He apparently did not relate this question to atomic energy or any other particular phase of disarmament.

3. Assuming that atomic energy would be controlled by a separate agency, he asked Vyshinsky whether the Soviet Government advocates that the Security Council under the unanimity rule (veto) should control all other weapons.

4. After stating that the Canadian and Australian Governments had put forward proposals which were somewhat more detailed than the Soviet proposals, he asked Vyshinsky whether the Soviet Govern-

⁴² The source text accompanied the following handwritten covering note:

"11/29. Dear Alger [Hiss]: Copies of attached were supposed to go down to you and Dean [Acheson] tonight but I'm not sure and am sending this as precaution. Will you see that Dean sees if he didn't get his copy. Austin talked to Sec. at length tonight—not much on attached—but Austin is sending original to Sec. 1st thing in morning. This is very rough dictation in course of busy afternoon. Yours, Jack [Ross]."

A copy was also sent to Mr. Cohen.

⁴³ For the record of the 31st Meeting of the 1st Committee, November 29, see GA (I/2), *First Committee*, pp. 185–199.

⁴⁴ Sir Hartley Shawcross, British Representative at the General Assembly.

ment sees any difference in principle among these three proposals. If no difference in principle is seen, would the Soviet Government agree to setting up tomorrow a drafting subcommittee which could boil down the three proposals into one which might then be unanimously accepted by Committee 1?

5. Vyshinsky spoke somewhat later on to the effect that (a) the Soviet Union is in favor of complete disarmament involving all weapons in every country; (b) Mr. Molotov has made abundantly clear the Soviet position in favor of controls; (c) disarmament must come first before security; (d) the Australian and Canadian paragraphs relating to atomic energy were not as good as the original Russian paragraph on this subject. (The Australian-Canadian paragraphs are close to our own views; the Russian paragraph is, of course, based on their position in the Atomic Energy Commission.)

6. Vyshinsky indicated that a revision of the Soviet resolution incorporating the new paragraph proposed by Molotov yesterday, and bringing back into the picture the Molotov proposal of several days ago linking the reporting on troops at home to reporting on armaments, was being circulated and would be distributed later today. Vyshinsky raised no objection to the British proposal of a subcommittee.

7. Subsequently Shawcross probed into the Soviet position on the veto saying that Vyshinsky had not answered his question on this subject and that it looked as though the Soviet Union was trying to interpose the Security Council between the Atomic Energy Commission and any system of international control. He expressed the hope that the prospect of disarmament would not be broken down by any misuse of the unanimity rule.

8. Vyshinsky, replying to Shawcross, said that everyone knew where the Soviet Union stood on the unanimity rule and that it would be a bad omen if the abolition of the veto should be considered a condition precedent to accomplishment in the disarmament field.

9. Meanwhile some of the British advisers had sounded out our people indicating that the Canadian resolution might be acceptable to them and asking whether we can support it.

10. Since then I understand that the Canadians and Australians have gotten together and agreed on a consolidated text which we should have available later this evening.⁴⁵

The situation we will be in at 10:30 tomorrow morning is as follows:

1. The only real difference between the Australian and Canadian

⁴⁵ In a letter to the Secretary-General, November 29, the Canadian Delegation submitted a revision of the Soviet draft which combined the earlier Canadian and Australian proposals; for text of the letter, see GA (I/2), *First Committee*, p. 340.

proposals, on the one hand, and the Soviet proposals on the other, is with regard to atomic energy. It is clear to me, however, that the Russians could readily accept, aside from details, the Australian-Canadian formulation in this regard without weakening to any substantial degree what, I am sure, is their simple objective of getting atomic energy, general disarmament, reporting on troops, the Article 43 agreements, and related matters all jumbled together into the Security Council at the earliest possible moment.

2. I doubt whether Vyshinsky is likely to raise any strong objection tomorrow to the appointment of a subcommittee.

3. If we raise no objection to those proposals tomorrow our failure to do so may be considered equivalent to *agreement* in principle to their content.

4. The principal question we have to decide before tomorrow morning, therefore, is whether we do have any objections to those proposals. If so, Senator Connally would presumably state them in Committee tomorrow morning.⁴⁶

5. Having stated any objections we may have, the next question we must consider is whether we will have any alternative to propose, if not tomorrow then at an early date.

It is my strong personal view that these resolutions contain a number of objectionable features as set forth below :

1. First of all, the second paragraph of the Soviet proposal which reads, "The implementing of the decision concerning the reduction of armaments should include as a primary objective the prohibition to produce and use atomic energy for military purposes" is objectionable on two counts: (a) it links too closely together the general reduction of armaments and atomic energy and thereby weakens the focus we want to maintain on the latter; (b) it is based upon the Soviet position in the Atomic Energy Commission which emphasizes the prohibition of atomic weapons rather than the necessity of international control with effective safeguards which is the United States position. The Canadian-Australian formulation with regard to the work of the Atomic Energy Commission which "urges the expeditious fulfillment by the Atomic Energy Commission of its task" under its terms of reference, would be more acceptable to us.

2. All three resolutions in one form or another would have the General Assembly recommend that the Security Council take action in this matter. The Soviet paragraph incorporating this recommendation is the most objectionable, not only because it is incomplete but because

⁴⁶ Although the 32nd Meeting of the First Committee, November 30, was devoted to the question of the regulation of armaments, neither the United States nor Soviet representative was called upon to speak. The 33rd Meeting, December 1, concerned itself with another subject.

it would have the effect of referring to the Security Council for implementation both atomic energy and the general reduction of armaments. It seems clear that Vyshinsky evaded this issue under questioning by Shawcross today. The Canadian-Australian formula is an improvement over the Soviet formula because, having in a separate paragraph emphasized the work of the Atomic Energy Commission, the recommendation to the Security Council would be limited to the general reduction of armaments. Beyond this, however, there are a number of objections to the reference of even the general reduction of armaments to the Security Council at this time as set forth below:

(a). The most serious objection is that despite all the efforts we have been making to keep the related questions of atomic energy and general disarmament in separate channels the reference by the Assembly of the general disarmament question to the Security Council at this time would throw the two subjects immediately together since we are making every effort in the Atomic Energy Commission to get a vote in the Commission referring our specific proposals to the Security Council before the end of the year. That is, the reference from the Atomic Energy Commission of specific proposals on atomic energy would arrive in the Security Council almost simultaneously with the recommendation from the Assembly that the Security Council take up the general reduction of armaments. Once brought together in this way in the Security Council, it would be extremely difficult to keep them separated so that we could keep the emphasis on the atomic energy proposals. In the course of a telephone conversation just now with Mr. Eberstadt, who called me on another matter, I asked his reaction to this point and he agreed with my analysis.

(b). As a result of Molotov's initiative in the Assembly on October 29, the world has been led to expect some progress in the general disarmament field. Because of the veto power the Soviet Union would be in a position to block any progress in this field except on their own terms from the outset and at every step of the way.

(c). On the other hand, it is possible to respond to the strong pressures which have built up to do something about general disarmament without interfering in any way with the progress of our atomic energy program if we can deflect the general disarmament question away from the Security Council and into another channel.

(d). The Canadian-Australian proposal speaks of the advice and assistance of the Military Staff Committee. However competent in their highly specialized field, the members of the Military Staff Committee may be, we are here dealing with matters of the highest political importance: the professional and technical details of tonnages and the like, while important, are of a distinctly subordinate character. While the MSC should certainly assist in any program, they cannot fairly be expected to do the job that needs doing. Another suggestion has been a subcommittee of the Security Council comparable presumably to the so-called Committee of Experts which has worked on the veto. Again because of the highly political character of the subject it is not believed that any such subcommittee would be effective.

(e). In view of the emphasis which has been placed on disarmament

as the principal issue at this Assembly, failure of the Security Council to accomplish any tangible result whatever in this field for the reasons stated above will further seriously damage the status and reputation of the Security Council which was established as one of the vital organs of the United Nations.

3. The three resolutions also have in common the idea of establishing some kind of control commission. In the case of the Canadian-Australian proposals such a control commission would be based upon a general disarmament treaty or convention. The principal objection to this proposal is that it greatly over-simplifies one of the key points in our policy which is the necessity of effective safeguards by way of inspection in application to any phase of disarmament. This over-simplification is bound to confuse the already badly confused thinking on this subject and fails to take into account that the nature of safeguards and of the instrumentality to apply them requires very careful and patient study and could probably vary considerably from one phase of disarmament to another. It is believed that Dean Acheson would feel particularly strongly about this point.

If the foregoing objections are valid, the next question is whether in stating these objections we will be in a position to offer any alternative approach. The only alternative which seems at all feasible would be the proposal of appropriate machinery which would, on the one hand, deflect the general disarmament question away from the work of the Atomic Energy Commission and the Security Council but which would, on the other hand, provide a realistic opportunity for some accomplishment in the general disarmament field in response to the demand for such accomplishment.

501.BB/11-2946

*Memorandum by the Director of the Office of Special Political Affairs
(Hiss) to the Under Secretary of State (Acheson)*

[WASHINGTON,] November 29, 1946.

Subject: Resolutions on Disarmament

Mr. Ross has told me of his telephone conversation today with you in which the above subject was discussed briefly. In as much as you may be called upon to give opinions on this subject in the course of the next day or so, I am attaching hereto copies of the documents now before the Assembly. They are (1) the Canadian amendment to the Soviet proposal, (2) the Australian amendment to the Soviet proposal, and (3) the Soviet proposal itself. The latter is at the moment in three parts: Molotov's original resolution of October 29, the addition he proposed on November 28, and the proposal with respect to

troops and armaments at home which the Soviets proposed but did not press during the debate on the troop proposals. They have now said that they will incorporate this in their disarmament resolution. A consolidated Soviet text is not yet available.

I gather from Jack Ross that the feeling in New York is that it will not be feasible simply to oppose any Assembly resolution on the subject of disarmament. Secondly, they are all now much concerned about the confusion which would be created were the disarmament matter to be referred to the Security Council along the lines of any of the pending resolutions. They are apparently of the opinion that as a result of these resolutions it would now be too late for us to propose that the matter be referred to the Security Council but only to be considered after the Security Council had disposed of the subject of atomic energy on the basis of the Atomic Energy Commission report. The alternative they are thinking of is apparently the creation of a new disarmament commission similar to the Atomic Energy Commission which would in due course report to the Security Council. They feel that this would meet the pressure for action with respect to disarmament (which they apparently consider practically irresistible) but would prevent the whole matter being thrown into the Security Council with resulting jeopardy to our position on atomic energy and on safeguards generally. Obviously any such new commission could not possibly report to the Security Council before the Atomic Energy Commission's crisis has come and gone (or at least been disposed of in some manner).

I have suggested to Mr. Ross that they might want to give consideration to the possibility of referring the subject of disarmament, with safeguards as first priority, to the Atomic Energy Commission itself. This might accomplish the objectives they are seeking in New York without the confusion likely to arise from having two commissions working in very closely related fields at the same time.

501.BB/11-2946

Senator Austin to the Secretary of State

SECRET

NEW YORK, November 29, 1946—12:40 a. m.

[Received 1:45 a. m.]

877. In informal talks with US and UK delegates Thursday, Fawzi (Egypt) tentatively agreed, without commitment on any side, on revision of his resolution ⁴⁷ along following lines:

⁴⁷ With respect to the earlier Egyptian proposal, see telegram 865, November 27, from New York (p. 1067) and footnote 38, p. 1068.

“The General Assembly considers that according to the letter and spirit of the Charter of the United Nations and to the principle of sovereign equality, no state member can station its armed forces on the territory of another member except under the terms of a treaty freely negotiated with the latter member or otherwise with that member’s free consent in accordance with the principles of the Charter.

The General Assembly recommends that, except as provided above, the states members having such armed forces stationed on the territory of other members withdraw them without delay.”

Shawcross informed member US Delegation that draft cleared with London.

AUSTIN

501.BB/11-3046

Senator Austin to the Acting Secretary of State

NEW YORK, November 30, 1946—12: 03 p. m.

[Received 12: 25 p. m.]

891. Mytel 886, November 29.⁴⁸ Full text Soviet proposal concerning general reduction of armaments (A/C.1/87) follows:

“1. With a view to strengthening peace and international security in conformity with the aims and principles of the United Nations, the GA recognizes the necessity of a general reduction of armaments.

2. The implementing of the decision concerning the reduction of armaments should include as primary object the prohibition to produce and use atomic energy for military purposes.

3. To ensure the adoption of measures for the reduction of armaments and prohibition of the use of atomic energy for military purposes, there shall be established within the framework of the SC, which has the primary responsibility for international peace and security, international control operating on the basis of a special provision which should provide for the establishment of special organs of inspection for which purpose there shall be formed:

(a) A commission for the control of the execution of the decision regarding the reduction of armaments;

(b) A commission for the control of the execution of the decision regarding the prohibition of the use of atomic energy for military purposes.

4. The GA deems it necessary that all states members of the United Nations Organization should submit information regarding armed forces and armaments in their own territory, this information to be

⁴⁸ Not printed.

submitted when the Security Council will consider the proposals for general reduction of armaments.

5. The GA recommends that the SC should ensure the effective implementing of the principles laid down in paragraphs 1, 2, 3 and 4 above.

6. The GA appeals to the governments of all the states to give to the SC all the assistance necessary to enable it to discharge its responsibilities arising out of this task, the achievement of which lies within the scope of its mission to establish an enduring peace and maintain international security. This task is also in the interest of the peoples who would be released from the heavy economic burden caused by the excessive expenditure on armaments which do not correspond to peaceful post-war conditions".

AUSTIN

501.BB/12-146 : Telegram

Senator Austin to the Acting Secretary of State

US URGENT

NEW YORK, December 1, 1946—6:30 p. m.

[Received 8:28 p. m.]

895. Following proposed resolution on disarmament received from Secretary and submitted to Committee I, November 30:⁴⁹

"1. With a view to strengthening international peace and security in conformity with the purposes and principles of the United Nations, the General Assembly recognizes the necessity of an early general regulation and reduction of armaments. Accordingly, the General Assembly recommends that the Security Council give prompt consideration to working out the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments pursuant to international treaties and agreements and to assure that such regulation and reduction will be generally observed by all participants and not unilaterally by only some of the participants.

"2. The General Assembly recognizes that essential to the general regulation and reduction of armaments is the early establishment of international control of atomic energy and other modern technological

⁴⁹ For the record of the 34th Meeting of the 1st Committee, December 2, during which Senator Connally formally introduced the United States proposal, see GA (1/2), *First Committee*, pp. 220-225. Following Senator Connally's statement, Vyshinsky requested time to study the proposal. At the same meeting, Parodi, the French representative, expressed the belief that no fundamental differences existed between the U.S. and Soviet positions on disarmament. The French Delegation subsequently submitted a proposal in the form of a revision of the Soviet draft; for text, see GA (1/2), *ibid.*, pp. 344-45.

discoveries to ensure their use only for peaceful purposes. Accordingly, in order to ensure that the general regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons the General Assembly recommends that the Security Council give first consideration to the report which the Atomic Energy Commission will make to the Security Council before December 31, 1946, and facilitate the progress of the work of that commission.

"3. The General Assembly further recognizes that essential to the general regulation and reduction of armaments is the provision of practical and effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions. Accordingly, the General Assembly recommends to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and other limitation or regulation of armaments.

"4. The General Assembly calls upon the governments of all states to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment of international peace and collective security, with the least diversion for armaments of the world's human and economic resources."

AUSTIN

Department of State Atomic Energy Files

Sir Hartley Shawcross of the United Kingdom Delegation to the General Assembly to Senator Connally of the United States Delegation

[NEW YORK,] 2 December, 1946.

The Political Committee is now faced with four separate proposals on disarmament. It seems to me most desirable that we should all try to evolve some concrete and constructive plan on which we can secure at least substantial agreement, and it may be useful, therefore, if I indicate in a little more detail than I was able to do in the Committee how we see the position.

It appears to us that any disarmament proposals ought to be based on the following four general principles:

(1) The atomic side of regulation and disarmament must continue to be handled by the Atomic Energy Commission. The Assembly must do nothing to interfere with or discourage their work.

(2) No partial system of disarmament must be agreed to in the sense that we must not get into a position where, for instance, the

manufacture of atomic bombs is prohibited, but the manufacture of other weapons of mass destruction, e.g., rockets, is not. If we agree to the abolition of the atom bomb before we get agreement on other weapons subsequent agreement as to these might be vetoed. Therefore, the Atomic Energy Commission should complete its present work and put forward a plan for control. When this has been generally accepted, its actual coming into force should be suspended until a similar plan (which would not present anything like the same difficulties) has been agreed for other weapons.

(3) Any system of disarmament must provide for an immediate and effective system of control and inspection. Disclosure of information about armaments must not precede agreement on the system of control and inspection.

(4) The operation of the control and inspection agency and the extension of its work to newly invented weapons must not be subject to the veto.

In the light of these principles, I am not altogether happy about your present draft resolution.⁵⁰ If it goes any further than the Assembly has already gone in these matters, it may be thought that it throws added emphasis both on priority of regulation for the atomic bomb, and on the position of the Security Council. Paragraph 2 appears to give precedence to the question of the prohibition of atomic weapons by requiring the Security Council to give first consideration to the report which will be made by the Atomic Energy Commission. Paragraph 3 recommends the Security Council to give prompt consideration to the working out of a control system in regard to atomic energy. Might this not possibly prejudice the proposal which may eventually come forward from the Atomic Energy Commission for the establishment of an Atomic Development Authority? It might be said hereafter that the Assembly had, in Paragraph 3, adopted the view that the control system in connection with atomic energy and other forms of armaments was to be established within the framework of the Security Council, which is, of course, what the Soviet propose.

On the other hand, I do not think there is anything in the Canadian and Australian proposals which involved any interference with the work of the Atomic Energy Commission. Paragraph 3 of the Canadian Resolution, on the contrary, urges that the Commission should proceed expeditiously with its task. Paragraph 5 recommends the establishment (under a treaty to be formulated by the Security Council in accordance with Article 26) of a permanent International Commission of Control, with power to make inspections, etc. This is not necessarily intended to take the place of the suggested Atomic Development Authority: indeed, that authority might itself be the proposed Commission. Alternatively, since the problems of atomic control may differ

⁵⁰ *Supra.*

from those concerning other weapons, it might be better to have two permanent International bodies, the one dealing with atomic matters, the second with other weapons of mass destruction. The vital thing, as I see it, is that these bodies should operate quite independently of the veto; should be able to establish whatever system of control and inspection which appeared appropriate from time to time, and should be able to bring newly invented mass destruction weapons under control without danger of a veto.

A further point in the Canadian plan is that the prohibition of atomic weapons is linked with that of other weapons of mass destruction.

It seems to me that it may be possible (and it is certainly desirable that we should attempt it) to find some solution which we can all support, and which includes the best points in the American, Canadian and Australian proposals. I particularly like the direction to the Security Council that they should draw up a draft convention in the light of the Atomic Energy Commission's eventual report, for this does require action.

The Soviet Resolution in its present form includes a provision for the disclosure of full information about all armaments "this information to be submitted when the Security Council will consider the proposals for general reduction of armaments." This means, of course, that the information is to be submitted before the Security Council has decided to do anything but talk. We shall feel it necessary to oppose the disclosure of information until a control organization has been established.

As you said you are going to discuss with your Delegation the way in which your proposals should be presented to the Committee, I felt it might be helpful if I explained our present attitude.

IO Files : US/A/C.1/86

*Memorandum of Conversation, by Mr. Charles W. Yost, Adviser,
United States Delegation to the United Nations General Assembly*

SECRET

[NEW YORK,] December 2, 1946.

In response to a question as to how he felt the Assembly session is going in general, Mr. Gromyko replied that it is too early to say. He declared that the most important subject before the General Assembly is the reduction of armaments and that it is not yet clear whether effective action will be taken on this matter. He said that this is a question which concerns primarily the United States and the Soviet Union and that the responsibility rests with these two countries to take effective steps. He said that he considered it most important that

these two countries attempt to harmonize their attitudes toward this question. I replied that I was certain that we would be very happy to hear any suggestions which the Soviet Delegation might have for harmonizing our policies on this matter. Mr. Gromyko replied that he too would be happy to hear any suggestions which the United States Delegation might have with this end in view. He emphasized that he did not believe there is any sharp difference between the United States and the Soviet position as now stated. He indicated that the Soviet Delegation is very carefully studying our proposal.

Mr. Gromyko inquired whether the United States saw any objection to tying in the machinery for the reduction and control of armaments closely with the Security Council. I replied that it would seem logical that any general plan for the reduction and control of armaments should be drawn up by the Security Council, the Military Staff Committee or some other body under the immediate control of the Council and that adoption of the final plan should be subject to the unanimity principle. I added, however, that we are concerned that whatever executive control or inspection body may be established by the plan shall be able to carry out inspections whenever and wherever it feels necessary without being subject to a veto of any kind. I pointed out that while we attach great importance to this matter, there is some question as to the extent to which it need be spelled out in the resolution to be adopted by the Assembly at this time.

501.BB/12-446

Senator Austin to the Secretary of State

SECRET

NEW YORK, December 4, 1946—12:36 a. m.

[Received 1:11 a. m.]

913. Reference my telegram 877, November 29 and phone conversations today with Dreier concerning Department's view that 1st paragraph of tentative Egyptian resolution on troops in foreign territories should if submitted be revised to read as follows:

"The General Assembly considers that, according to the letter and spirit of the Charter of the United Nations and to the principle of sovereign equality, no state member can station its armed forces on the territory of another member, except under the terms of a treaty or other agreement freely negotiated with the latter member, or with that member's free consent given in some other form in accordance with the principles of the Charter".

Sanhoury⁵¹ informed Villard⁵² today that instead of submitting resolution Egyptians will in connection with consideration of troops

⁵¹ Abdel Razak A. El-Sanhoury, Egyptian Representative to the General Assembly.

⁵² Henry S. Villard, Adviser, United States Delegation to the General Assembly.

census question or disarmament in plenary session make statement along lines of above draft. However, reference to "terms of a treaty or other agreement" would be omitted.

Sanhoury asked if United States would make supporting statement but indicated he would rather have United States not speak than to make statement mentioning treaties or agreements as in text.

Since we understand Department attaches importance to reference to terms of treaty or agreement in this general context we informed Egyptians that we would prefer not to speak on subject, since our statement would need to include reference to treaties and agreements. For Department's information additional consideration was that such statements if made might evoke series of supporting statements in plenary which Soviet group might exploit and use to push through resolution on subject.

Egyptians indicated that our silence would be satisfactory to them and that they will make unilateral statement.

United Kingdom delegation will, however, support Egyptian statement, making specific reference to treaty or agreement and are cabling London for clearance of text tonight.⁵³

Both Sanhoury and Fauzi [*Fawzi*] expressed their regret that their original proposal had led to complications and made clear that their decision to abandon the resolution resulted largely from a desire to avoid possible difficulties for United States in accepting the text of their proposed resolution.

AUSTIN

Department of State Atomic Energy Files

Memorandum by Mr. John M. Hancock to the United States Representative on the Atomic Energy Commission (Baruch)

[NEW YORK,] December 4, 1946.

I am seriously concerned about a letter from Sir Hartley Shawcross to Senator Connally under date of December 2. This letter contains his suggestion that we go ahead with the atomic energy problem, get it into treaty form, and then put it on ice until other weapons have been covered by a similar plan.

There would be an obvious advantage if this result could be attained, but I am convinced that his suggestion is not one which should be countenanced by our government. It would be an attempt to introduce a new element in the negotiations and it would go to our good faith [*sic*] in making our original proposals with reference to atomic energy. In fact, we did propose unilateral disarmament in the field

⁵³ The statements contemplated here were delivered by Egyptian and United Kingdom representatives at the 53rd Meeting of the General Assembly, December 10; for texts, see GA (I/2), *Plenary*, pp. 1077 and 1084.

of atomic energy, and we did it without implying any such thought as Sir Hartley Shawcross now advances. We were the only nation to have the bomb and we offered to give it up on conditions which were briefly stated in your June 14 speech as follows :

“When an adequate system for control of atomic energy, including the renunciation of the bomb as a weapon, has been agreed upon and put into effective operation and condign punishments set up for violations of the rules of control which are to be stigmatized as international crimes, we propose that—

- “1. Manufacture of atomic bombs shall stop ;
- “2. Existing bombs shall be disposed of pursuant to the terms of the treaty ; and
- “3. The Authority shall be in possession of full information as to the know-how for the production of atomic energy.”

The only out we would have would lie in the following words :

“But before a country is ready to relinquish any winning weapons it must have more than words to reassure it. It must have a guarantee of safety, not only against the offenders in the atomic area but against the illegal users of other weapons—bacteriological, biological, gas—perhaps—why not?—against war itself.”

I think this second paragraph as contained was intended to introduce the idea of the outlawry of war itself. I don't regard it as a withdrawal of the other specific provisions with regard to atomic bombs. Certainly there has never been any thought that we would not go through with the disarmament in the field of atomic energy unless we had a total disarmament. The reference to the “other weapons—bacteriological, biological, gas” seems to me to be used primarily as an introduction to the idea of abolishing war itself.

I believe that if an open attempt is made to put the atomic energy plan on ice awaiting general disarmament, we are going to be accused of bad faith. The whole basis of our approach has been that if we could get perhaps disarmament in the atomic field in which we alone have possession of the weapon, we might have a good atmosphere in which to go on toward the effective outlawing of other weapons.

While one might be inclined to sit on the side lines and take no position should the British press this plan of theirs, I don't see how we here can be in such a position. If the British, for their own reasons, prefer not to ratify the treaty, that's another matter.

I don't believe we should give any countenance to a joint move in this direction, and if the matter gets to public discussion I believe we are going to be forced to take a position in opposition. The danger lies in the possibility that the British will make this plan public without knowing of our position in advance.

If you agree with me, I think the matter should be discussed with Secretary Byrnes, Senator Austin, and possibly Senator Connally.

JOHN M. HANCOCK

501.BC Atomic/12-446

Memorandum by Mr. Henry G. Ingraham⁵⁴ to the Legal Adviser (Fahy)

CONFIDENTIAL

NEW YORK, December 4, 1946.

For your information, Messrs. Baruch and Hancock today had lunch with Gromyko and Alexandrov upon Gromyko's invitation. Mr. Baruch showed Gromyko a copy of the proposed findings and recommendations which Mr. Baruch is to present formally at tomorrow's meeting at 6:00 P.M. of the full Commission.⁵⁵ Gromyko read them and commented that the United States and the U.S.S.R. are now not far apart. He did not say how he would vote, and Mr. Baruch does not plan to propose and does not favor any vote tomorrow. But Gromyko's comment, combined with the affable atmosphere and Molotov's statement this morning with respect to the veto, appear to have made Mr. Baruch very optimistic. Mr. Hancock also seems optimistic, though more cautiously so. Both of them talked with Secretary Byrnes on the telephone following the luncheon.

Another new development, as you probably know, is that Shawcross made a statement in the Political Committee indicating that the control of atomic weapons should not precede, but should go into effect concurrently with, the control of other weapons (rockets, etc.) adapted to mass destruction.⁵⁶ He made this point to Mr. Baruch also. Mr. Baruch replied to the effect that he was interested but that a question of good faith was involved and that he (Mr. Baruch) was not in a position to decide the United States' stand on the point. Mr. Baruch has reported this conversation to Secretary Byrnes.

HENRY G. INGRAHAM

⁵⁴ Special Assistant to the Legal Adviser detailed to the United States Delegation to the Atomic Energy Commission.

⁵⁵ At the 6th Meeting of the Atomic Energy Commission, November 13, the first plenary session since July 18, the AEC had approved a motion by Mr. Baruch that the Commission submit a report to the Security Council by the end of the year. All members of the Commission voted in favor of the motion with the exceptions of the Soviet Union and Poland who abstained. The document under reference here was a resolution containing points to be included by the Commission in its report which Mr. Baruch presented at the 7th Meeting of the AEC, December 5. The resolution contained a summary of the United States proposal for the international control of atomic energy. The Commission adjourned to permit studying of the proposal without setting the date for its next meeting. The United States resolution is printed as AEC(I), Supplement 3, Annex 4.

⁵⁶ The statement under reference was delivered at the 38th Meeting of the First Committee of the General Assembly, December 4.

IO Files : US/A/C.1/90

*Memorandum of Conversation, by Mr. Robert McClintock, Adviser,
United States Delegation to the United Nations General Assembly*

SECRET

[NEW YORK,] December 4, 1946.

I had a long conversation on the evening of December 4 with the Turkish Ambassador, Mr. Baydur. The Ambassador is an expert on the Soviet Union, having served a total of nine years on two separate tours of duty as Turkish Ambassador in Moscow.

Commenting on Molotov's more conciliatory proposal on disarmament and control of armaments presented that morning to Committee 1,⁵⁷ the Ambassador said that he could not possibly conceive of the Russians admitting any effective system of inspection no matter what Molotov had said in this regard. He thought that it was utterly contrary to the Russian nature, to say nothing of the inclinations of the Soviet regime, to admit foreign or international observers to check on the Soviet military position.

At the same time Ambassador Baydur said that he thought the Government in the Kremlin was seriously concerned by the internal situation in the U.S.S.R. He thought that the varied reports of dissatisfaction throughout the Soviet Union over high prices and the scarcity of consumers' goods had undoubtedly a large basis of fact. He said in his opinion the Soviet people were utterly weary from the long strain that had been imposed upon them through successive five-year plans and the final crucial test of the war itself. Their primary desire as a people was peace and the Soviet Government, despite its bellicose statements, was now forced to recognize this desire.

The Ambassador said that the Soviet Government, following the termination of hostilities, had followed a policy of attempting to grab as much as possible in terms of power and territory, and that it had only been checked in this course by the final decision of the United States Government to stand firm against further encroachment. The firm American policy was now bearing fruit in this new conciliatory line now adopted by the Soviet Foreign Minister.

The Ambassador concluded by saying that the Russian high political command had learned a great deal from Hitler and would not repeat his mistake of pressing the rest of the world too far. He recalled in this connection the Fable of Aesop about the division of spoils between the lion, the fox, and the ass, the ass having been killed in the process. The Ambassador thought that the Russians would profit by the example of Hitler.

⁵⁷ Regarding the Soviet proposal under reference, see memorandum by the United States Naval Representative on the Military Staff Committee, December 5, and footnote 58, p. 1085.

Department of State Atomic Energy Files

*Memorandum by the United States Naval Representative on the
Military Staff Committee (Turner) to the Army and Air Force
Representatives*

RESTRICTED

[NEW YORK,] 5 December 1946.

USMS 388.3

Subject: Comment by U.S. Naval Representative on Soviet Amendments to U.S. Proposal concerning the General Registration and Reduction of Armaments, in General Assembly Committee I, 4 December 1946.⁵⁸

1. The United States proposal (A/C.1/90 of 30 November 1946) together with the Soviet amendments proposed on 4 December 1946 are quoted (deletions are dashed out, and additions underlined) :

1. With a view to strengthening international peace and security in conformity with the purposes and principles of the United Nations, the General Assembly recognizes the necessity of an early general regulation and reduction of armaments. Accordingly, the General Assembly recommends that the Security Council give prompt consideration to working out the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments pursuant to international treaties and agreements and to assure that such regulation and reduction will be generally observed by all participants and not unilaterally by only some of the participants. (Note: Molotov stated that paragraph 1 must be amended so that regulation of armaments would be by resolution of the Security Council.)

~~2. The General Assembly recognizes that essential to the general regulation and reduction of armaments is the early establishment of international control of atomic energy and other modern technological discoveries to ensure their use only for peaceful purposes. Accordingly, in order to ensure that the general regulation and reduction of armaments are directed towards the major weapons of~~

⁵⁸ Soviet Foreign Minister Molotov proposed the amendments printed here at the 38th Meeting of the First Committee, December 4. He stated that the Soviet Union was prepared to accept the United States proposal as a basis for discussion "in the interest of unanimity." Earlier in the meeting he had contended that while the Soviet Union insisted on preserving the principle of unanimity in Security Council decisions, the veto would have "no relevance to the work" of inspection and control instruments. The Committee agreed to establish Subcommittee 3, a twenty-member body, to consider the various disarmament proposals before the Committee. Subcommittee 3 first met on December 5. Subsequently, a drafting group consisting of representatives of Canada, Egypt, France, the Soviet Union, the United Kingdom, and the United States prepared a text which was adopted by the Subcommittee at its 6th Meeting, December 12. The report of the Subcommittee contains the text of the recommended resolution, the membership of the Subcommittee, its terms of reference, and a summary of its work; for text of the report, see GA (I/2), *First Committee*, pp. 346-48. Subcommittee 3 documentation exists on microfilm in the IO Files.

modern warfare and not merely towards the minor weapons the General Assembly recommends that the Security Council give first consideration to the report which the Atomic Energy Commission will make to the Security Council before 31 December 1946, and facilitate the progress of the work of that Commission.

2. As an essential step toward the urgent objective of eliminating from national armaments atomic weapons and all other major weapons adaptable to mass destruction, the General Assembly urges the expeditious fulfillment by the Atomic Energy Commission of its terms of reference as set forth in section 5 of the General Assembly resolution of Jan. 17, 1946. Accordingly, in order to insure that the general regulation and reduction of armaments are directed toward the major weapons of modern warfare and not merely toward the minor weapons, the General Assembly recommends that the Security Council expedite consideration of the report which the Atomic Energy Commission will make to the Security Council before 31 December 1946, and facilitate the progress of the work of that commission and also that the Security Council expedite consideration of a draft convention for the prohibition of atomic weapons.

3. The General Assembly further recognizes that essential to the general regulation and reduction of armaments is the provision of practical and effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions. Accordingly the General Assembly recommends to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and other limitation or regulation of armaments. To insure the adoption of measures for the reduction of armaments and prohibition of the use of atomic energy for military purposes there shall be established within the framework of the Security Council, who bear the main responsibility for international peace and security, international control operating on the basis of a special provision which should provide for the establishment of special organs of inspection for which purpose there shall be formed:

(A) A commission for the control of execution of the decision regarding the reduction of armaments.

(B) A commission for the control of the execution of the decision regarding the prohibition of the use of atomic energy for military purposes.

4. The General Assembly calls upon the governments of all states to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment of

international peace and collective security with the least diversion for armaments of the world's human and economic resources.

2. An analysis of the Soviet proposal indicates that, in the Soviet view, an international convention or treaty is required only for the prohibition of atomic weapons but that reduction of armaments must be handled by a resolution of the Security Council. This is shown by the following excerpt from the Soviet proposed paragraph 2:

“that the Security Council expedite consideration of a draft convention for the prohibition of atomic weapons.”

In Mr. Molotov's Statement, the Soviet views on agreements relative to the reduction of armaments are clearly expressed:

“If we take the view that the reduction of armaments is to be carried out by means of international agreements, this will give rise to a good many pretexts for all sorts of delays. For this reason, the Soviet Delegation is of the opinion that the decision on the reduction of armaments should be taken by means of a resolution of the Security Council. . . . The wording of the first paragraph (of the U.S. proposal) must be amended accordingly.”

3. The Soviet proposals reject the idea of an international treaty for setting up the rules for operation, control, and inspection by an Atomic Development Authority, and punishment of violators without veto in the Security Council, in favor of having the Security Council formulate the rules.

4. With respect to the possible veto in the A.D.A., Mr. Molotov stated:

“But when decisions regarding the composition of the control commissions are taken and the control commissions begin their task, they will, of course, work in accordance with those rules drawn up for them by the Security Council.”

It should be noted that Mr. Molotov has also made it clear that in the formulation of the rules by the Security Council, the veto right must be unimpaired.

It appears from the foregoing that such rules regarding operation, control, and inspection by the A.D.A. as are approved by the Security Council, with the unanimous agreement of the five permanent members, may not be disregarded by the A.D.A. However, it is also clear from Mr. Molotov's statement that these rules will cover only the day-to-day operations of the A.D.A. and will not give the Security Council the right to punish a violator of the atomic treaty except in the case of unanimity of the five major Powers. This right will remain in the Security Council, with no derogation of the veto. Hence, the Soviet position is directly contrary to the United States position that the veto cannot be used to protect a wrongdoer in the field of atomic

energy; and does not constitute any advance in this respect from the Atomic Energy Proposals made by the Soviet on June 19th.

5. The Soviet proposal reiterates their previous proposal for an A.D.A. with the same powers of "control" as given in paragraph (3) of the Soviet proposal of 19 June 1946 regarding the Atomic Energy Control Committee of the Security Council (AEC official records, No. 2, Second Meeting, 19 June 1946, p. 29). By omission, the current Soviet proposal rejects the power of the A.D.A. to recommend a draft convention as in paragraph (1) of their proposal of 19 June.

6. To summarize, the Soviet position with regard to Atomic Energy remains exactly the same as it was. The only part of their current proposals which may be considered an advance toward the United States position is a clear statement that there will be no right of veto in the A.D.A., but that the A.D.A. will function under rules prescribed by the Security Council; and their statement that the Soviet will accept some degree of control and inspection by an international authority.

R. K. TURNER

Department of State Atomic Energy Files

Memorandum by Mr. Franklin A. Lindsay to Mr. John M. Hancock of the United States Delegation to the Atomic Energy Commission

[NEW YORK,] December 6, 1946.

Subject: Recommendations for Modifications of Disarmament Resolution Now Being Considered in a Sub-Committee on [of] the General Assembly⁵⁹

1. Paragraph 1 has been tentatively agreed upon by all members of the Sub-Committee. It contains the following sentence: "The plan formulated by the Security Council shall be submitted to States Members of the United Nations for ratification in accordance with their constitutional processes." This statement should be expanded to include the states which are not members of the United Nations.

2. Paragraph 2 has not been finally accepted by the Sub-Committee. The U.K. has proposed an amendment to the following sentence: "The General Assembly recommends that the Security Council expedite consideration of the report which the Atomic Energy Commission will make to the Security Council before 31 December 1946," which eliminates the last part "before 31 December 1946."

In respect to the Soviet addition to the original American text,

⁵⁹ Regarding the subcommittee under reference, see footnote 58, p. 1085. For text of the resolution adopted by the General Assembly on December 14, see p. 1099.

which provides that the Security Council should expedite consideration of a draft convention also, it is recommended that if possible this Russian amendment not be accepted. If this is not tactically possible the statement should be amended as follows: "The General Assembly further recommends that in the light of such proposals which the Atomic Energy Commission may make within its terms of reference, the Security Council expedite consideration of a draft convention or conventions for the prohibition of atomic and other weapons of mass destruction and for the establishment of a system of international control and regulations."

3. The Russians have proposed that the United States' Paragraph 3 be amended to include their statement establishing the two control Commissions. It is strongly recommended that the General Assembly resolution contain no proposals for the establishment of any specific agencies of control. It is the function of the Atomic Energy Commission in accordance with its original terms of reference to make recommendations to the Security Council for the establishment of the proper Commission or Commissions for the execution of the system of control which the Atomic Energy Commission will devise.

Department of State Atomic Energy Files

Memorandum by the United States Representative on the Atomic Energy Commission (Baruch) to the Secretary of State

[NEW YORK,] December 8, 1946.

The Atomic Energy Commission has been given a definite task—in no mistakable language—by the Assembly, on the suggestion of the Foreign Secretaries and, originally, of the Chiefs of State.

The American representative on this Commission has made proposals aimed at carrying out the duties of the Commission, regarding atomic energy, which may well serve also to set a pattern for control of any other instrument of mass destruction, or indeed for all instruments of war.

In the United Nations General Assembly's Political and Security Committee, discussions are taking place concerning atomic energy. The Atomic Energy Commission is about to bring forward a report on its own work which, necessarily is related to practically all of the points now being discussed in the Political and Security Committee. The adoption, by the Political and Security Committee, of specific resolutions relating to atomic energy, other than one asking the Atomic Energy Commission to expedite its report, may prejudice or even render impossible an unbiased report by the Commission, since certain

of its members are bound to be affected by their superiors now functioning in the General Assembly.

No one knows exactly what some of the words in these proposed General Assembly resolutions mean. Why pass them? Why not wait until the Atomic Energy Commission has made its report. Passing oblique resolutions may result in confusion and delay.

These declarations of principle should be referred to the Atomic Commission, which is charged with responsibility for an authoritative plan to be placed before the Security Council, while the General Assembly has only the right of recommendations. The Atomic Energy Commission should not be impeded by new and limiting instructions.

The American delegates are hampered more than others. We have not even had the benefit of a full exchange of views between those who are dealing with disarmament and those charged with atomic matters. There should be a close and constant liaison between them.

As you may recall, I suggested at the time Stettinius was our representative, that he, Winant, and I ought to discuss the subject of our duties. This you did not believe wise at the time. In addition, I was instructed to keep out of disarmament discussions, even though it was apparent such discussions would be closely connected with atomic energy and other weapons of mass destruction. The President, you and Senator Connally were especially emphatic that I try to avoid the subject of disarmament in my atomic energy actions.

I have not seen anything, so far, on disarmament, other than pious resolutions. On the other hand, the Atomic Commission is in the midst of preparing a definitive formula of action. But the program is bound to be deteriorated by pressures from outside sources.

Therefore, I ask that instructions be issued to our representatives on the Political and Security Committee, that all matters relating to atomic energy be referred to the Commission organized to deal with the subject. Also, that it be pointed out that if atomic energy is successfully dealt with in the Commission—and I believe it may be—other categories of armaments can be similarly treated.

What I ask for is support in the effort the President and you requested me to direct, instead of permitting it to be submerged in a sea of words which, unless canalized, will result only in harm, through obscurity and delay.

Delay is dangerous. Action is essential. I know that course has your warm approval. The way to get action is to concentrate the efforts in the one place where final responsibility exists. It is to that end that I address this letter to you.

B. M. BARUCH

501.BC Armaments/12-1346

*Memorandum by the Joint Chiefs of Staff to the State-War-Navy
Coordinating Committee*⁶⁰

SECRET

WASHINGTON, December 9, 1946.

SWNCC 240/1

Subject: Military Guidance on the Regulation of Armaments.

In connection with the discussions now taking place in the General Assembly of the United Nations on disarmament and the regulation of armaments, the Joint Chiefs of Staff would suggest that, from the military point of view, the positions taken by the United States Representatives should be based on the following:

a. Proposals for disarmament or the regulation of armaments should not be agreed to unless they are applicable to and accepted by all member nations.

b. There must be effective safeguards by way of international inspection and other means to protect all nations against the hazards of violation and evasion. The implementation of these safeguards must not be subject to veto or obstruction.

c. All matters pertaining to international control of atomic energy, including inspection, should continue to be dealt with by the United Nations Atomic Energy Commission, which was established specifically for that purpose and in which the United States position has been adequately defined by Mr. Baruch.

d. Until final action has been taken on the United States proposals submitted to the United Nations Atomic Energy Commission, it is premature and futile to go beyond the discussion stages concerning other aspects of the problem of disarmament or the regulation of armaments.

e. No commitments concerning disarmament or regulation of armaments, other than those pertaining to atomic weapons referred to in subparagraphs c and d above, requiring action on the part of the

⁶⁰ This memorandum was prepared in response to a request by the Chief of Staff, U.S. Army, November 26, that the Joint Chiefs of Staff prepare as a matter of priority, guidance from the military point of view on reduction and regulation of armaments in the light of the discussion of this subject in the United Nations General Assembly. It was circulated in the State-War-Navy Coordinating Committee as SWNCC 240/1 on December 9 and transmitted to the United States Representatives on the Military Staff Committee on the same day. At the request of J. H. Hilldring, Chairman of SWNCC, the Department of State forwarded copies of this document to Secretary Byrnes and Senator Austin on December 13. (501.BC Armaments/12-1346; SWNCC Files; IO Files)

United States, should be made until a reappraisal can be made of the world situation existing upon :

- (a) Conclusion of the peace treaties and enforcement of those terms of the treaties having predominant military implications, and
- (b) Conclusion of agreements for providing contingents of armed forces to the Security Council pursuant to Article 43 of the Charter of the United Nations.

It is requested that this information be transmitted to the Secretary of State, the Secretary of War, and the Secretary of the Navy.

For the Joint Chiefs of Staff :

A. J. McFARLAND
Colonel, U.S. Army,
Secretary

501.BC Atomic/12-946

*The United States Representative on the Atomic Energy Commission
(Baruch) to the Secretary of State*

NEW YORK, December 9, 1946.

MY DEAR MR. SECRETARY : Supplementing my memorandum to you of December 8th, on the same general subject, I take the liberty of calling to your attention some disturbing elements in the present drafts of Paragraphs 1. and 2. of the "proposal concerning the general regulation and reduction of armaments", as passed by Subcommittee 3 of the first Committee of the United Nations General Assembly.

The Russians have contended, before the Atomic Energy Commission, that the first step in control of atomic energy should be "a convention", as they always call it, outlawing the production and use of atomic weapons and providing, within a short time after the convention has been executed, for the destruction of existing atomic weapons. They have contended that this should be the initial step and should be taken separate and apart from definite commitments in other respects. They also have urged the formation of two committees, one of which should occupy itself with scientific matters and the other with controls.

We have not opposed the inclusion of an international agreement along the lines of the proposed Russian "convention" in a treaty providing a full and effective system of control. We have, however, declined to accept any such convention, apart from safeguards in the way of an international authority, fortified with powers of control and inspection to supervise and enforce the system of control and the terms of the convention.

Paragraph I of the proposals referred to above recommends that "the Security Council give prompt consideration to formulating the practical measures, *according to their priority*, which are essential, etc."

The last clause of paragraph 2 reads as follows ". . . The General Assembly recommends that the Security Council . . . expedite consideration of a draft convention or conventions for the prohibition of atomic weapons, . . . and the creation of an international system of control and inspection." It will be noted that the last clause of paragraph 2. refers to two things :

(a) a convention or conventions for the prohibition of atomic bombs, and

(b) the creation of an international system of control and inspection.

Our fears in connection with this language, taken in connection with the instructions in paragraph 1. about priority, are that the Russians will continue to insist that the first priority belongs to a convention for prohibition of production and use of atomic bombs and their destruction promptly thereafter.

As you know, I am not authorized to concur in such a program, either by the President or by you, and you will, I am sure, agree with me that Congress would not in any event accept it. The language of the proposed resolutions, however, might give the Russians who, as you know, are very close readers and construers of language, a basis for insisting that the General Assembly had approved this order of procedure.

Paragraph 3. of the disarmament proposals of the Subcommittee of the first Committee in the General Assembly is now in draft. The Russian proposal there calls for two commissions under the Security Council, the function of one of which is to carry out the "decision on atomic energy".

I appreciate the difficulties involved in changing the present language in paragraph 2. If the pertinent part of this paragraph could be changed to read as follows :

"That the Security Council expedite consideration of an international system of control and inspection including a convention or conventions for the prohibition of atomic weapons, etc."

that would bring clarity. If this is not possible, it seems to me that the American representative should at every stage where this resolution is acted upon in the subcommittee, before the committee, and before the Assembly itself, emphasize the fact that in voting for the resolution, the United States construes its meaning, not as recommending a separate convention, but as calling for a system of international con-

trol, including safeguards by way of inspection and other measures of which system such a covenant would be an integral part.

I also feel that the final draft of paragraph 3., now under discussion, should eliminate all specific reference to the form of organization to be adopted for carrying out the control of atomic energy. Such measures should await receipt by the Security Council of the report of the Atomic Energy Commission which, I hope, will be completed and delivered to the Security Council very soon.

Sincerely yours,

BERNARD M. BARUCH

10 Files

Memorandum by the United States Representatives to the Military Staff Committee

RESTRICTED

NEW YORK, 9 December 1946.

USMS/50/28

UNITED KINGDOM'S PROPOSAL REGARDING USE OF UNITED NATIONS ARMED FORCES AGAINST PERMANENT MEMBERS OF THE SECURITY COUNCIL

1. The United Kingdom Representative on the Subcommittee on Basic Principles informally circulated to the U.S. Representatives a draft of their proposal on the subject of Strength under item 3 of the Program of Work.⁶¹ This proposal is as follows:

"Item 3: Strength.

Principle affecting the total strength of Armed Forces placed at the disposal of the Security Council.

(i) The United Nations Armed Force can only be employed with the unanimous support of the Five Permanent Members of the Security Council and will therefore only be used against any nation or combination of nations other than the Five Permanent Members.

(ii) The United Nations Armed Force must be of sufficient strength to command the respect of all nations and to meet any commitments likely to exist under paragraph 1 above, but not so large as to prejudice swift and effective action when called upon by the Security Council.

(iii) The United Nations Armed Forces shall be kept to the minimum strength consonant with the principles stated in paragraphs (i) and (ii) above."

2. The U.S. Representatives informed the United Kingdom Representative on the Subcommittee that the U.S. Delegation on the Military Staff Committee could not accept paragraph 1 of the United Kingdom proposal under any circumstances for the following reasons:

⁶¹ The program of work under reference is that adopted by the Subcommittee at its 9th Meeting, October 29, contained in the record of that meeting, MS/UNF/10, not printed.

(a) It added to the provisions of the Charter and, in a sense, was considered as an amendment to the Charter.

(b) It was believed an unwise policy to make such a statement in the Basic Principles because of the probable unfavorable repercussions among the smaller nations and the general public. (Vide "Veto" debate.)⁶²

(c) The statement that the United Nations Armed Forces could never be used against any of the five major powers was directly contrary to the United States Atomic Energy proposal for decision without veto on punishment of treaty violators, and was contrary to similar views made by both the United States and United Kingdom Delegations to the General Assembly on the subject of the Regulation and Reduction of Armaments.

3. The U.S. Representatives also informed the United Kingdom Representative on the Subcommittee that the use of the word "minimum" in paragraph 3 was not believed to be as good usage as the word "limited." The word "limited" had been included in the instructions to the U.S. Representatives from the Joint Chiefs of Staff, and is believed to leave a wider freedom for future decision.

4. The United Kingdom Representative subsequently submitted informally a new proposal on the subject of Strength, as follows:

"The strength of the United Nations Armed Force should be governed by the following principles:

(i) Enforcement action under Chapter 7 of the Charter requires unanimity on the part of the Five permanent members. The moral weight and potential power behind such a unanimous decision will therefore be very great, and will directly influence the size of the force required.

(ii) The United Nations Armed Force must be of sufficient strength to command the respect of all nations and to meet any probable commitments but not so large as to prejudice swift and effective action when called upon by the Security Council.

(iii) The United Nations Armed Force shall be limited initially to the strength consonant with the principles stated under paragraph (i) and (ii) above."

5. The U. S. Representatives informed the United Kingdom Representative that paragraph 1 of the new United Kingdom draft proposal was still unacceptable to the U.S. Representatives because it seemed unnecessary, and, to some extent, was objectionable for the same reasons previously stated.⁶³

6. Mr. Herschel Johnson has been informed of the position of the

⁶² For documentation on the veto question, see pp. 251 ff.

⁶³ The United Kingdom submitted a draft to the 15th Meeting of the Subcommittee, December 17, identical with that printed here except that paragraph 1 read as follows: "The moral weight and potential power behind any decision taken in accordance with Chapter VII of the Charter will be very great, and will directly influence the size of the force required." The Subcommittee continued to discuss the subject of strength at its three subsequent meetings in 1946, but failed to complete its consideration of the matter. (IO Files)

U.S. Representatives on the United Kingdom proposal and personally concurs.

Department of State Atomic Energy Files

*Memorandum by Mr. Joseph Chase*⁶⁴

CONFIDENTIAL

[NEW YORK,] December 9, 1946.

REMARKS ON VARIOUS PROPOSALS IN THE GENERAL ASSEMBLY ON
THE REGULATION AND REDUCTION OF ARMAMENTS WHICH TOUCH ON
THE WORK OF THE ATOMIC ENERGY COMMISSION

BRIEF:

Three main points are made in this memorandum. The first is that, upon close inspection and reading, it is impossible to state the extent, if any, of recent U.S.S.R. concessions on inspection, veto and controls. The second is that it is impossible to know what Mr. Molotov meant when talking about *conventions, international control and inspection, and irrelevance of the veto, until we get down to concrete cases and smoke him out. The third is that the position of various countries on the use of the veto in the application of sanctions may not be in conformity with the United States' plan for the control of atomic energy.

In his speech before Committee 1 of the General Assembly on December 4, 1946, Foreign Minister Molotov made a number of points whose meanings are either not yet clear or are not in conformity with the United States' plan for controlling atomic energy.

1. The first point concerns the creation of two control commissions; one, "for the control of the execution of decision regarding the reduction of armaments"; the second, "for the control of the execution of the decision regarding the prohibition of the use of atomic energy for military purposes". The Security Council will establish these commissions which would be international and would have at their disposal "means of inspection for verifying the situation in all countries".

It has not yet been made clear just what was meant by control, inspection and verification of the situation. The U.S.S.R. presses for passing these resolutions, leaving clarification to be worked out later. As a minimum it may mean a body with international representation which would audit the figures on troops and weapons supplied to it by national governments.

What form inspection is to take is not yet clear. In reality, no concession was made on this point by Mr. Molotov. He merely voiced acceptance of a principle that had previously been agreed to in the

⁶⁴ Staff member, United States Delegation to the Atomic Energy Commission.

*In Russian, a convention is synonymous with a treaty but usually means a multilateral treaty. [Footnote in the original.]

terms of reference of the Atomic Energy Commission, etc. In this connection, it will be recalled that Professor Alexandrov has refused to participate in the discussions of the last two informal meetings of Committee 2 because aerial photography and ground surveys were being discussed as a means of detecting clandestine atomic energy activities. Aerial photography was taboo because it was military reconnaissance, and both were "political" questions.

2. It is significant that the original proposal for a commission for the control of the execution of the decision regarding the prohibition of the use of atomic energy for military purposes did not mention the necessary parallel control of this energy for peaceful purposes. This separation may be corrected by paragraph 2 of the American plan for the regulation and reduction of armaments (accepted by the U.S.S.R.) which calls on the Atomic Energy Commission to expedite its report and on the Security Council to expedite its consideration of that report. The control commission may be the one recommended by the Atomic Energy Commission. There was a positive development in this connection when Mr. Molotov accepted an amendment on 6 December to ensure that atomic energy and other scientific discoveries and technological developments would be utilized for the benefit of mankind.

3. The original U.S.S.R. amendment also urged the original Gromyko convention and called on the Security Council to expedite consideration of a draft convention for the prohibition of atomic weapons. The meeting on 6 December added to this convention, or in separate conventions, the prohibition of other weapons for mass destruction and the creation of an international system of control and inspection. These conventions may be the treaty we are working for; but we must make sure that they will be based on the recommendations of the Atomic Energy Commission and therefore include the control of atomic energy for peaceful purposes. This point has not been clarified as yet.

4. The U.S.S.R. has continued to maintain that the veto will not operate in these commissions, which shall be established within the framework of the Security Council. The United States' proposals submitted to the Atomic Energy Commission on 5 December placed the agency within the *United Nations*. They have refused, to date, to include these statements in the terms of reference of these commissions as unnecessary. A careful reading of their proposals indicates that, at most, the U.S.S.R. will waive the veto right in the day-to-day operation of the control commissions. The Security Council will still "bear the main responsibility for international peace and security", and anything bearing on punishments and sanctions will still be subject to the veto. It will be recalled that after Molotov spoke on 4 December accepting Senator Connally's plan with Soviet amendments,

Wilgress,⁶⁵ Canada, agreed that the veto would not apply during the work of the control commissions, but that when it came to the application of sanctions arising out of inspection reports the use of the veto would be in "strict accord with the realities of the situation". He further added that since such application of sanctions would amount to a state of war, the veto was unimportant. Parodi had previously made a similar analysis, and the Australians have also expressed approval of this analysis. The United Kingdom has not been clear on this point either. China has indicated that it was willing to forego the veto on atomic energy matters, but it is not clear whether this includes the use of force in the application of sanctions. It is not known whether this is the official position of these countries or whether there is a lack of coordination between the political representatives and the atomic energy representatives of these countries. It may be advisable to get clarification on this point at the highest level.

5. There are some factors making for optimism in assessing the chances for agreement to the United States' plan for the control of atomic energy.

(a) Poor economic situation in the U.S.S.R. Reports indicate that the economic situation is not improving as anticipated in the Soviet Union. Stalin has indicated interest in a huge loan and Vyshinsky recalled at Madison Square Garden on 2 December⁶⁶ that Stalin had said *in 1927* that Communist Russia and the capitalist states could get along economically. The U.S.S.R. needs help in reconstruction and will compromise to the extent necessary.

(b) In the atomic energy field, there may be a shortage of raw materials and certainly of equipment and trained personnel. The diversion of these latter is all the more difficult because of the economic situation in the U.S.S.R. Compromises may be made by the U.S.S.R. to gain the benefits of atomic energy.

(c) The U.S.S.R. seems to have decided that the possibilities for gains by being "tough" have been exhausted and has adopted a more conciliatory attitude.

All the above, with the possible exception of (b) are temporary phenomena and it seems desirable to proceed as rapidly as possible toward our goal. It is particularly desirable to get clarification on what is meant by inspection, control, convention, veto power in the control commissions and also whether the United States' plan submitted via the Atomic Energy Commission to the Security Council will form the basis for the control commission mentioned by Mr. Molotov.

A further possibility, and one to be guarded against, may be the result of Soviet difficulty in making headway in developing atomic energy. They may agree to the initial stages for the sake of gaining information and then attempt to pull out of international agreements.

JOSEPH CHASE

⁶⁵ L. D. Wilgress, Alternate Canadian Representative to the General Assembly.

⁶⁶ Reference is to Vyshinsky's address before a rally sponsored by the National Council of Soviet-American Friendship.

501.BB/12-1346 : Telegram

Senator Austin to the Secretary of State

URGENT

NEW YORK, December 13, 1946—1 a. m.

[Received 1:21 a. m.]

962. Following is text of resolution approved by subcommittee of Committee I to replace resolution on reports on troops:⁶⁷

"The GA

Desirous of implementing, as soon as possible, the resolution of the . . . Dec 1946 on the principles governing the regulation and reduction of armaments,

Calls upon the SC to determine, as soon as possible, the information which the states members should be called upon to furnish, in order to give effect to this resolution."

AUSTIN

SPA Files

*United Nations General Assembly Resolution Adopted on
December 14, 1946*⁶⁸

A/267

PRINCIPLES GOVERNING THE GENERAL REGULATION AND REDUCTION OF
ARMAMENTS

1. In pursuance of Article 11 of the Charter and with a view to strengthening international peace and security in conformity with the Purpose and Principles of the United Nations,

⁶⁷The General Assembly had discussed the report of the First Committee on the question of the presence of United Nations forces in non-enemy territories at its 52nd Plenary Meeting, December 8, and at its 53rd and 54th Meetings, December 10. In regard to the report which contained the resolution originally adopted, see telegram 865, November 27, from New York, p. 1067.

At its 54th Meeting, the General Assembly referred the First Committee's report to Subcommittee 3 of the First Committee. The Subcommittee, unable to arrive at a text acceptable to both the Soviet Union and the United Kingdom, concluded that the resolution it had drafted on the regulation of armaments had dealt adequately with the question of United Nations troops on non-enemy territories and therefore recommended that the resolution providing for reporting on troops originally approved by the First Committee be replaced by the text contained in the present telegram. The Soviet representative opposed the decision. For the text of the report of Subcommittee 3 on troop information reporting, see GA (1/2), *First Committee*, p. 334. The First Committee adopted the substitute resolution at its 44th Meeting, December 13. For the report of the First Committee to the General Assembly, see GA (1/2), *Plenary*, pp. 1506-1507. The General Assembly approved the present text at its 63rd Plenary Meeting, December 14.

⁶⁸The First Committee unanimously adopted this text at its 44th Meeting, December 13, having made a few minor drafting changes in the text recommended by Subcommittee 3; with respect to the latter's work, see footnote 58, p. —. For the text of the report of the 1st Committee transmitting this text to the General Assembly, see GA (1/2), *Plenary*, pp. 1557-1559. The General Assembly discussed the resolution at its 62nd Meeting, December 13, and its 63rd Meeting, December 14. The consensus of the delegations was highly favorable to the resolution and optimistic as to its significance for the future of the regulation of armaments. Addressing the 63rd Meeting, Secretary Byrnes described the resolution as "a splendid contribution to the cause of peace". At the same meeting, the General Assembly approved the resolution by acclamation.

THE GENERAL ASSEMBLY,

RECOGNIZES the necessity of an early general regulation and reduction of armaments and armed forces.

2. Accordingly,

THE GENERAL ASSEMBLY,

RECOMMENDS that the Security Council give prompt consideration to formulating the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments and armed forces and to assure that such regulation and reduction of armaments and armed forces will be generally observed by all participants and not unilaterally by only some of the participants. The plans formulated by the Security Council shall be submitted by the Secretary General to the Members of the United Nations for consideration at a special session of the General Assembly. The treaties or conventions approved by the General Assembly shall be submitted to the signatory States for ratification in accordance with Article 26 of the Charter.

3. As an essential step towards the urgent objective of prohibiting and eliminating from national armaments atomic and all other major weapons adaptable now and in the future to mass destruction, and the early establishment of international control of atomic energy and other modern scientific discoveries and technical developments to ensure their use only for peaceful purposes,

THE GENERAL ASSEMBLY,

URGES the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in Section 5 of the General Assembly Resolution of 24 January 1946.

4. In order to ensure that the general prohibition, regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons,

THE GENERAL ASSEMBLY,

RECOMMENDS that the Security Council expedite consideration of the reports which the Atomic Energy Commission will make to the Security Council and that it facilitate the work of that Commission, and also that the Security Council expedite consideration of a draft convention or conventions for the creation of an international system of control and inspection, these conventions to include the prohibition of atomic and all other major weapons adaptable now and in the future to mass destruction and the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes.

5. THE GENERAL ASSEMBLY,

FURTHER RECOGNIZES that essential to the general regulation and reduction of armaments and armed forces is the provision of practical

and effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions.

Accordingly,

THE GENERAL ASSEMBLY,

RECOMMENDS to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and the general regulation and reduction of armaments.

6. To ensure the adoption of measures for the early general regulation and reduction of armaments and armed forces, for the prohibition of the use of atomic energy for military purposes and the elimination from national armaments of atomic and all other major weapons adaptable now or in the future to mass destruction, and for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes,

THERE SHALL BE ESTABLISHED,

within the framework of the Security Council, which bears the primary responsibility for the maintenance of international peace and security, an international system, as mentioned in paragraph 4, operating through special organs, which organs shall derive their powers and status from the convention or conventions under which they are established.

7. THE GENERAL ASSEMBLY,

regarding the problem of security as closely connected with that of disarmament,

RECOMMENDS the Security Council to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter;

IT RECOMMENDS the Members to undertake the progressive and balanced withdrawal, taking account of the needs of occupation, of their armed forces stationed in ex-enemy territories, and the withdrawal without delay of armed forces stationed in the territories of Members without their consent freely and publicly expressed in treaties or agreements consistent with the Charter and not contradicting international agreements;

IT FURTHER RECOMMENDS a corresponding reduction of national armed forces, and a general progressive and balanced reduction of national armed forces.

8. Nothing herein contained shall alter or limit the resolution of the General Assembly passed on 24 January 1946, creating the Atomic Energy Commission.

9. THE GENERAL ASSEMBLY,

CALLS upon all Members of the United Nations to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment and maintenance of international peace and collective security with the least diversion for armaments of the world's human economic resources.

Lot 54D394 ⁶⁹

Memorandum of Conversation, by G. Hayden Raynor of the United States Delegation to the United Nations General Assembly

SECRET

[NEW YORK,] December 14, 1946.

Participants: Mr. Paul Gore-Booth, of the United Kingdom Delegation
 Mr. Percy Wells, of the United Kingdom Delegation
 Mr. Hayden Raynor

During the course of the Secretary's speech this evening ⁷⁰ Mr. Gore-Booth expressed to me rather strong concern on the part of the United Kingdom Delegation over the fact that the United Kingdom Delegation had not been informed in advance of the substance of this speech. He was referring, of course, to the portions thereof in which we gave certain information with respect to our troops stationed in foreign territories. (In this connection it should be recalled that Mr. Bevin voted against switching the order of the agenda so that this question would be taken up tonight.) It seemed apparent from the way Mr. Gore-Booth spoke that the British were considerably nettled and felt that the disclosure by us of certain information with respect to troops abroad placed them in a difficult position. He did in the conversation indicate appreciation of the desirability, or almost necessity, of our taking this step but stressed that if they had had some advance information, although Mr. Bevin could not have included like information in his statement, he would have been able to prepare more comprehensive remarks than were possible on the spur of the moment.

Saturday, while talking generally to Mr. Percy Wells, I found occasion to ascertain discreetly from him as to whether Mr. Bevin had in fact been seriously discommoded the previous night. He disclaimed, I felt sincerely, that Mr. Bevin had been upset or resentful about the matter. From the manner in which he spoke, I believe that in the heat

⁶⁹ Certain files of the Office of European Affairs.

⁷⁰ The reference is to Mr. Byrnes' statement at the 62nd Meeting of the General Assembly, December 13, in which he described where and in what number United States troops were stationed in foreign territory; for the text of his address, see GA (1/2), *Plenary*, pp. 1289-1296.

of the moment Mr. Gore-Booth had perhaps over-stated to me the feeling of the British Delegation on this matter.

In this connection it should be recalled that on Saturday morning Mr. Gromyko expressed a willingness to accept the troop resolution as amended by the United States Delegation to include information on troops at home, but omitting the British provision on verification, and also omitting the Soviet amendment on the disclosure of information on armaments. I took occasion to point out to Mr. Gore-Booth that we could have accepted this offer made by Mr. Gromyko as it met all the points for which we had been fighting. I suggested to him that if we had had any desire to make it difficult for them which, I of course know he appreciated we did not, we could have accepted Mr. Gromyko's proposal rather than voting against it and voting in favor of the innocuous proposal on this matter presented by Committee 1.⁷¹ Mr. Gore-Booth appreciated this situation, and I feel certain that any possible lingering resentment or concern brought about the night before was dissipated as a result of this course of action by the United States Delegation.

Matthews Files

Memorandum by Mr. Charles E. Bohlen, Special Assistant to the Secretary of State, to the Director of the Office of European Affairs (Matthews)

SECRET

[WASHINGTON,] December 27, 1946.

I have read General Smith's letter giving an analysis of a memorandum of conversation between Mr. Lindsay and Mr. Sobolev in New York.⁷² While in New York I had seen the memorandum of conversation in question (a copy of which at my suggestion was sent to the Secretary and is in his files).

I am basically in entire agreement with the Embassy's analysis of the Soviet attitude. My only comment is that while it is certain that the Russians would try to exploit any international scheme for control to weaken the non-Soviet world without weakening the Soviet world, I feel it does not necessarily follow that we should permit them so to use any international authority. It seems to me that that is a question for proper and intelligent handling of the problem on our part. Indeed with proper implementation the international control of atomic energy might force the beginning of a change in the Soviet structure.

⁷¹ The reference is to the proceedings of the 63rd Meeting of the General Assembly, December 14.

⁷² For Ambassador Smith's letter, dated November 19, see p. 1016. For memorandum of conversation, dated October 21, see p. 955.

The Kremlin will obviously do everything in its power to prevent this, but the basic contradiction between a police state and an international authority does not automatically mean that the international authority would lose out. I gather that it was some such possibility that General Smith had in mind in the paragraph on page 3 that you marked which at first glance appears to be inconsistent with the considerations set forth earlier.

As to the paragraph on page 4 which you question, I think General Smith feels that we should proceed with the international control of atomic energy in cooperation with any nation that accepts it in good faith and not hold up international control because of the failure of the Soviets to join in such control. I am not entirely sure that I agree with that thesis since the net effect might be to water down our advantage as the possessors of the atomic bomb without any appreciable gain if the Soviets stay out. I am more inclined to the view that if a completely adequate arrangement cannot be made with the Soviet Union it would be better to drop any scheme for international control, which would only be partial if Russia were out, and leave our hands free to develop atomic energy on a national scale.⁷³

500.A/12-2846 : Telegram

*The Acting United States Representative at the United Nations
(Johnson) to the Secretary of State*

US URGENT

NEW YORK, December 28, 1946—3 : 30 p. m.

[Received 3 : 42 p. m.]

998. Following letter from Gromyko to SYG⁷⁴ regarding implementation of GA resolution on reduction of armaments, dated December 27, was received by the delegation at 3 p. m. December 28 over the UN news line with notation that it was for press release at 6 p. m. December 28 :

“I have the honour to request you to include in the agenda of the next meeting of the SC on 31 December an item on the consideration of the following proposal which I make on behalf of my government.

‘Considering that the general regulation and reduction of armaments and armed forces is the most important measure for the strengthening of international peace and security and that the implementation of the GA’s decision on this question is one of the most urgent and most important tasks facing the SC, the Council resolves :

⁷³ Mr. Acheson, to whom Mr. Matthews transmitted the file copy on February 1, 1947, made the following marginal notation beside the final sentence : “In cooperation with UK and Canada.”

⁷⁴ Secretary General of the United Nations (Trygve H. Lie).

1. To proceed with the working out of practical measures on the implementation of the GA's decision of 14 December 1946, on the general regulation and reduction of armaments and armed forces and on the establishment of international control assuring the reduction of armaments and armed forces.

2. To establish a commission of the representatives of countries members of the SC which has to be charged to prepare and submit to the SC within a period of from one to two months but not later than three months its proposals in accordance with paragraph 1 of this decision?

Please accept, Mr. Secretary-General, the assurance of my very high esteem to you."

JOHNSON

500.A/12-2846 : Telegram

The Secretary of State to the Acting United States Representative at the United Nations (Johnson)

CONFIDENTIAL

WASHINGTON, December 30, 1946—7 p. m.

U.S. URGENT

327. Urtel 998, Dec. 28. 1. You should at appropriate point during consideration of placing on agenda of Dec. 31 meeting Soviet proposal re armaments make statement along following lines:

a. US does not oppose placing this proposal on agenda.

b. This Govt feels, however, that the agenda item should preferably be, not consideration of Soviet proposal, but consideration of GA resolution of Dec. 14 on "principles governing the general regulation and reduction of armaments". This seems more desirable approach as it places discussion in proper perspective. In this connection other delegations will doubtless also have views as to best way in which SC should deal with its responsibilities under GA Resolution. It would be most in conformity with SC's responsibilities to consider all such proposals on equal basis rather than give priority to any one.

c. US also has proposal on this subject which it desires to have considered by SC, copies of which are being distributed for consideration of SC members.

d. However SC may resolve this procedural question which we do not wish to press, consideration of topic should be postponed until first meeting in 1947, and it should be clearly understood that our proposal and any other proposals relating to implementation of GA resolution which may be introduced will be considered concurrently and on equal basis with Soviet proposal. Postponement would have added advantage that SC would begin what will surely be very important and quite extended discussions of whole problem of regulation of armaments with membership which will be continuing consideration of problem in 1947.

2. Following is text of US draft resolution which should be distributed in accordance with paragraph 1 (c) above :

“The Security Council resolves that: (1) Pursuant to the General Assembly Resolution of December 14 concerning the ‘Principles governing the general regulation and reduction of armaments’, it gives first priority to the establishment of international control over atomic energy and, accordingly, it will consider and act upon the forthcoming report of the Atomic Energy Commission as soon as received; ⁷⁵ (2) It will thereafter consider what further practical measures it should take and in what order of priority for the implementation of the said General Assembly Resolution.”

3. It is not believed you will need to speak in support of US Resolution at meeting on Dec. 31. Further instructions with respect thereto will be communicated subsequently. In the meantime you will wish to bear in mind that my speech of Dec. 13 ⁷⁶ has already clearly established order of priorities which US believes should govern consideration of GA Resolution of Dec. 14. Moreover, with respect to Gromyko’s proposal, it is our view that no additional commission should be established in general field of arms regulation at present time.

4. Please communicate above to Baruch immediately.

BYRNES

500.A/12-3146 : Telegram

*The Acting United States Representative at the United Nations
(Johnson) to the Secretary of State*

SECRET URGENT NEW YORK, December 31, 1946—4:30 p. m.
[Received 4:52 p. m.]

1002. Paragraph 2 of Dept’s 327, December 30. In connection with the American proposal which delegation presented to the SC today,⁷⁷

⁷⁵ The Atomic Energy Commission had debated the subject of its report at its 8th Meeting, December 17, and 9th Meeting, December 20. At the latter session, it voted to establish a Working Committee (the Commission itself in executive session) to prepare the Commission’s report on the basis of the United States proposal on findings and recommendations (see footnote 55, p. 1083), the General Assembly Resolution on the Regulation of Armaments of December 14, and the report of AEC Committee 2 on safeguards and control, adopted by that Committee on December 18. The Soviet Union and Poland opposed this procedure. The Working Committee agreed at its 5th Meeting to submit a report to the AEC which presented all texts of disputed passages. At the 10th plenary meeting of the Commission, December 30, the majority position on the report of the Working Committee was accepted as the Commission’s report to the Security Council by a vote of ten members with the Soviet Union and Poland abstaining. The First Report of the Atomic Energy Commission to the Security Council, December 31, 1946, is printed as AEC (I), *Special Supplement*.

⁷⁶ The speech under reference was that delivered by Mr. Byrnes at the 62nd Meeting of the General Assembly.

⁷⁷ The reference is to the 88th Meeting of the Security Council.

British delegate Cadogan passed a note at the Council table to Herschel Johnson which expressed regret that the first paragraph of the American proposal called for consideration and action on the AEC report "as soon as received" (by SC).

The note stated :

"I rather regret the last phrase of your paragraph 1. I had hoped a pause might ensue before bringing the Atomic Commission report before the Council. We don't want to rush head-on into a veto, and are we clear enough yet as to the position that might be produced by an 'abstention'? I should have liked time for reflexion."

At the close of today's Council meeting, the delegation was informed by De Rose (France) and Hasluck (Australia)⁷⁸ that the Council should not consider the AEC report for 3 weeks in order to give the Russians an opportunity to reflect on the AEC subcommittee's vote yesterday, which found all members in favor of the report except Russia and Poland who abstained.⁷⁹ Both De Rose and Hasluck felt that it would be better tactically not to force consideration and quick action on the AEC report but instead to give an opportunity for the implications of the vote to have an effect in Moscow.

JOHNSON

500.A/1-447

*Memorandum by the Joint Chiefs of Staff to the President*⁸⁰

SECRET

WASHINGTON, 31 December 1946.

In accordance with your directive, the Joint Chiefs of Staff have examined a resolution on disarmament proposed by Senator Austin and forwarded to you by letter from the Secretary of State.⁸¹

The proposed resolution has been overtaken by events since on 30 November 1946 the United States submitted a materially different resolution on the subject and on 14 December 1946 the General Assembly, prior to adjournment of the 1946 session, formally approved a general resolution on disarmament. In view of the fact, however, that disarmament and the regulation of armaments seem now to be destined for further and more specific consideration in the Security Council of the United Nations, the Joint Chiefs of Staff are submitting their

⁷⁸ Paul Hasluck, Australian Representative on the Security Council; Acting Representative on the Atomic Energy Commission.

⁷⁹ The reference is to the 10th Plenary Meeting of the Atomic Energy Commission at which its report to the Security Council was adopted.

⁸⁰ This memorandum was forwarded by the President to the Secretary of State on January 4, 1947.

⁸¹ For the draft resolution under reference, see p. 1061.

views on the proposals contained in Senator Austin's resolution for consideration in connection with future developments in this field.

Except for certain broad statements made in the fourth and fifth paragraphs of the preamble on the subjects of aggressive warfare and United Nations security forces, respectively, comment on which is made below, the Joint Chiefs of Staff perceive no objection to the provisions of the proposed resolution from the strictly military point of view.

The Joint Chiefs of Staff do not regard, nor do they believe the world regards, the current military establishment of the United States as a menace either to world peace or to international security. They believe that armaments are a consequence and not a cause. The need for them, today as throughout history, arises from the existence of conflicting international aims and ideologies, and will pass only with the passing of such fundamental reasons for conflict between nations. Consequently the Joint Chiefs of Staff do not consider that commitments toward the regulation of armaments or disarmament should be made prior to or independently of the solution of other problems affecting world peace generally and, specifically, the security of the United States. They believe that United States armaments are a vital factor contributing to our own as well as to international peace and security and should not be considered independently of other problems affecting that security. Prior to the settlement of such problems the military requirements of the United States cannot be determined. Foremost among these problems, from the military point of view, are the establishment of a system of effective international control of atomic energy along the lines of that proposed by the United States in the United Nations Atomic Energy Commission; the conclusion of the peace treaties and enforcement of those terms therein having predominant military implications; and the conclusion of agreements for providing contingents of armed forces for the Security Council of the United Nations.

In connection with the inference in paragraph four of the preamble of the proposed resolution that a general reduction of armaments will remove the means of conducting aggressive warfare the Joint Chiefs of Staff would point out the position of the United States vis-a-vis the Soviet Union in this regard. The military strength of the United States rests in limited, but highly developed, ground, air and naval forces employing weapons and equipment of great technical complexity, whereas that of the Soviets rests principally on the large size of its ground armies which are not so dependent on technical armaments for possible aggressive operations, particularly on the Eurasian continent. Therefore, any attempt at disarmament or the regulation of armaments on the superficially attractive and seemingly logical basis

of eliminating or regulating "offensive" ("aggressive") weapons (atomic bombs, strategic aircraft and naval combat vessels) would only serve to limit our own ability to defend the United States or retaliate against aggression without being correspondingly effective in depriving the Soviets of their large ground armies which could, in the absence of effective opposition, be used offensively to overrun Europe and Asia if the Soviets chose to do so.

It would appear unnecessary and unwise for the United States to state, as indicated in the fifth paragraph of the preamble of the proposed resolution, that the "ultimate objective of disarmament should be the reduction of armaments to a level of . . . (United Nations security forces) . . . together with the forces necessary to maintain domestic order and tranquillity." Such a statement implies that the United Nations, under the present Charter, will possess the full capability of utilizing the forces called for by Article 43 of the Charter to maintain world peace and security. Such a statement is unrealistic since the veto provisions in the Security Council make it impossible for the security forces to be used against any one of the powers possessing the veto, or against a satellite or ally of one of those powers if the latter wished to prevent such action. Such a statement would be misleading to the American people and would encourage them to underestimate the military strength required to insure their own security.

The Joint Chiefs of Staff firmly believe that until the problems mentioned in the fourth paragraph of this memorandum are resolved it is premature to go beyond the discussion stage of disarmament and regulation of armaments. In this connection they would invite attention to their views on this general subject as transmitted to the State-War-Navy Coordinating Committee on 6 December 1946 for forwarding to the Secretaries of State, War and Navy as follows:

[Here follows text of SWNCC 240/1, printed on p. 1091.]

For the Joint Chiefs of Staff:

WILLIAM D. LEAHY

Fleet Admiral, U.S. Navy,

Chief of Staff to the

Commander in Chief of the Army and Navy

UNITED STATES NATIONAL SECURITY POLICY: THE EXTENSION OF MILITARY ASSISTANCE TO FOREIGN NATIONS; ESTIMATES OF THREATS TO THE NATIONAL SECURITY; COORDINATION OF POLITICAL AND MILITARY POLICY; UNITED STATES POLICY WITH RESPECT TO THE ACQUISITION OF MILITARY BASES AND AIR TRANSIT RIGHTS

Editorial Note

A substantial portion of the documentation printed in the *Foreign Relations* series for 1946 concerns subjects of relevance to the national security. Documentation in the present compilation is related to the formulation of high level, general policy. It is necessary to consider this material in connection with papers on specific issues and areas found elsewhere in the *Foreign Relations* volumes for 1946 for examination of policy implementation and for appreciation of the role of specific circumstances in the development of general policy. The compilations noted below are most directly related to the more general documentation printed here.

For documentation on United States policy at the United Nations with respect to the regulation of armaments and collective security, see pages 712 ff. Regarding foreign policy aspects of United States development of atomic energy, see pages 1197 ff. For documentation on the Soviet Union and national security, see volume VI, pages 673-817 *passim*. Regarding discussions relating to joint United States-Canadian defense measures, see volume V, pages 53 ff. To locate documentation on United States policy with respect to military assistance to individual nations or areas, see the indexes of volumes V, VII, VIII, IX, X, and XI.

For documentation on United States policy regarding questions relating to the establishment of an international trusteeship system under the United Nations Charter, including President Truman's declaration of November 6 proposing a strategic area trusteeship with the United States as administering authority for the Pacific islands under mandate to Japan, see pages 544 ff. To locate documentation on United States policy with respect to the acquisition of bases and military air transit rights in various areas of the world, see the indexes of volumes V, VII, VIII, and XI.

811.20/11-145

Memorandum by the Secretary of War (Patterson) to the Secretary of State

TOP SECRET

WASHINGTON, November 1, 1945.

Because of the interdependence of demobilization and U.S. foreign policy, it is believed the State Department will be interested in the War Department's over-all demobilization plans. At the same time the War Department would benefit by State Department guidance as to State Department objectives and policies which require implementation by the War Department.

Under present accelerated demobilization plans the Army may be reduced from its peak strength of over eight million men in August 1945 to approximately one point six million early in April 1946, instead of July as originally planned. Our forces in Europe will be reduced from their present strength of about one million six hundred thousand to less than four hundred thousand. Similarly, the one and one-half million men in the Pacific will be reduced to about four hundred thousand men, with approximately half of them in Japan and Korea.

To accomplish this drastic demobilization, a separation policy has been established which permits men with the longest service to be discharged first. While this is the most equitable plan as far as each individual is concerned, it greatly reduces the experience level throughout the Army and will require extensive reorganization and several months of training before any one of the three major components of the peacetime Army can be considered an effective fighting force. During this period our national commitments will continue without fully trained forces to implement them.

If present demobilization plans are permitted to continue unaltered, every man now overseas can be discharged prior to September 1946.

Since a time lag of four months must necessarily elapse between the adoption of any major change in personnel policy and its service-wide execution, decisions as to our occupational requirements after 1 March 1946 should be made immediately. The rate of repatriation can then be adjusted to provide at all times the necessary occupational troops. This, in turn, will in large measure determine the planning assumptions on which to base the over-all strength of the Army. Realistic assumptions to support the planned size of the Army—which must be defended before the Bureau of the Budget and the Congress—cannot be made without State Department guidance on occupational policy and occupational requirements.

While it is realized that the determination of ultimate objectives with regard to occupied countries is complicated by many unknown and constantly changing factors, the trend of current State Depart-

ment thought would be most helpful in permitting the War Department to make plans to meet these occupational requirements and to determine the interim and ultimate size of the Army. The attached appendix contains questions, answers to which would prove most valuable to the War Department.² To permit the expeditious completion of the necessary studies, it is suggested that partial answers be furnished when they become available. A complete reply by early November is necessary to permit the War Department to make the necessary arrangements to implement National policy after 1 March 1946.

In summary, the War Department is endeavoring to underwrite at minimum cost a National insurance policy. What is needed is the State Department's estimate of the nature and extent of the probable hazards against which the War Department should be prepared to provide this insurance.

ROBERT P. PATTERSON

SWNNC Files ³

Memorandum by the Joint Chiefs of Staff to the Secretary of State

TOP SECRET

[WASHINGTON,] 7 November 1945.

SWNCC 38/25

Over-all Examination of U.S. Requirements for Military Bases and Rights ⁴

² The questions which comprise the appendix are contained in the reply (November 29, 1945, p. 1128) by the Secretary of State to the present memorandum.

³ Lot 52M45, the files of the State-War-Navy Coordinating Committee located in the National Archives under the administration of the Department of State. The State-War-Navy Coordinating Committee was the principal inter-departmental organization concerned with the coordination of foreign and military policies in 1946. Documentation regarding the establishment of SWNCC is printed in *Foreign Relations, 1944*, vol. 1, pp. 1466-1470. In 1946, the Department of State was initially represented on the committee by James C. Dunn, Assistant Secretary for European, Far Eastern, Near Eastern, and African Affairs; representing Mr. Dunn in his absence was H. Freeman Matthews, the Director of the Office of European Affairs. After the creation of the office of Assistant Secretary for Occupied Areas in April, Assistant Secretary John H. Hilldring became State representative. The War Department was represented by Assistant Secretary of War Howard C. Petersen, the Navy Department by Under Secretary of the Navy John L. Sullivan.

SWNCC held its first meeting on December 19, 1944, and met twice more in that year, approving a substantive policy paper on December 29. In 1945, SWNCC held 31 meetings and initiated 241 policy paper series. In 1946, SWNCC met 20 times, continued or completed the series begun in 1945, and commenced work on 104 additional series. In 1946, SWNCC was vitally concerned with problems relating to the occupation of Germany and Japan, but dealt with policy

Footnote 3 continued on following page.

⁴ Circulated in the State-War-Navy Coordinating Committee as SWNCC 38/25, November 8, 1945.

The Joint Chiefs of Staff, in response to the suggestion of the Department of State in its letter to the Secretaries of War and the Navy dated 7 July 1945 (SWNCC 38/11—JCS 570/24),⁵ have completed an over-all examination of U.S. requirements for military bases and base rights outside the continental limits of the United States.

Appended hereto is a list of those bases and base sites for which diplomatic negotiations in the near future will be required in order to obtain the desired rights, together with appropriate information regarding each of the bases. This division of areas into essential and required is a general indication of the suggested priority for negotiations to obtain the indicated rights. It is appreciated that in practice the sequence of negotiations may be affected by other considerations. Failure to obtain a base listed in a higher category may require the reclassification of a base listed in a lower category.

In view of the political complications and difficulties involved in maintaining U.S. personnel and installations in foreign territory in peacetime and because of the elements of cost and manpower, it is believed that the State Department should give serious consideration to arrangements by which other nations undertake the load of maintaining required installations in certain areas in return for payment in one form or another by the United States.

In any instances where the State Department considers that installations should be maintained by other nations the matter should be referred to the Joint Chiefs of Staff for approval before final negotiations with respect thereto. The provisions of this paragraph will not apply to primary bases or primary base areas.

In connection with the appended list the following factors should be noted:

a. The Joint Chiefs of Staff consider that the comprehensive base system which will result from obtaining the desired rights is not only an inescapable requirement for United States security in the event of a failure of the United Nations Organization to preserve world peace, but that the provision of this system of bases will contribute materially

(Footnote 3 continued)

coordination on a broad variety of matters. SWNCC subcommittees with the regional purview and subcommittees created for the consideration of specific questions were active. In addition to its policy formulation role, SWNCC repeatedly served as the liaison unit through which the Department of State requested and received military estimates on matters related to foreign policy.

In *Foreign Relations* volumes for 1945 and 1946, SWNCC documentation is presented according to subject in bilateral and general compilations. For additional information on the establishment, organization, and functions of SWNCC, see "The State-War-Navy Coordinating Committee," by Harold W. Moseley, Colonel Charles W. McCarthy, and Commander Alvin F. Richardson in the Department of State *Bulletin*, November 11, 1945, p. 745, and "The State-War-Navy Committee," by Major General John H. Hilldring in *Logistics*, April, 1947, p. 7.

⁵ Not printed.

to the effectiveness of that organization in maintaining peace throughout the world. It is anticipated that in drafting the contemplated agreement for furnishing military facilities to the Security Council, these bases, along with existing and projected ones of all member nations, would be considered in determining the availability of bases for carrying out such enforcement measures as may be directed by the Security Council.

b. The Joint Chiefs of Staff consider that no action is required in the case of bases now under lease to the U.S. as a result of transfer of U.S. destroyers to the Government of the United Kingdom.⁶ In the case of bases projected for the Philippine Islands no immediate action is required because of current U.S.-Philippine agreements.⁷

c. [Here follow views on the Japanese Mandated Islands and Central Pacific Islands detached from Japan.]⁸

d. In order to operate the U.S. system of bases and to provide alternate routes for movement of U.S. aircraft, the United States should have rights for air transit and technical stop at certain non-United States air bases and air base sites. Locations at which such rights may be desired are not included in the enclosed list but will be submitted at a later date in respect to areas where negotiations with other countries will be required.

e. The Joint Chiefs of Staff assume that Joint rights to numerous airfields in South America will be obtained by negotiations in implementation of the Act of Chapultepec⁹ and the joint United States-Brazil Agreement.¹⁰

⁶ For texts of notes, the exchange of which in Washington on September 2, 1940, constituted the agreement under reference, see *Foreign Relations*, 1940, vol. III, pp. 73-75; for text of the implementing agreement signed on March 27, 1941, at London, see Department of State Executive Agreement Series No. 235, or 55 Stat. (pt. 2) 1560.

⁷ For the text of the Preliminary Statement of General Principles Pertaining to the United States Military and Naval Base System in the Philippines To Be Used as a Basis for Detailed Discussions and Staff Studies, signed in Washington by President Truman and President Osmena on May 14, 1945, see *Foreign Relations*, 1945, vol. VI, p. 1208.

⁸ For information on this subject, see editorial note, p. 550.

⁹ For text, see Pan American Union, *Final Act of the Inter-American Conference on Problems of War and Peace, Mexico City, Mexico, February-March, 1945* (Washington, 1945). See also Department of State, Publication 2497, Conference Series No. 85, *Report of the Delegation of the United States of America to the Inter-American Conference on War and Peace, Mexico City, Mexico, February 21-March 8, 1945* (Washington, 1946).

¹⁰ For text of the Military Aviation Agreement between the United States and Brazil signed at Rio de Janeiro on June 14, 1944, see *Foreign Relations*, 1944, vol. VII, pp. 560-565. For information on United States-Brazilian wartime cooperation, see Stetson Conn and Byron Fairchild, *The Framework of Hemispheric Defense*, in the official Army history *United States Army in World War II*, issued by the Office of the Chief of Military History, Department of the Army (Washington, 1960).

f. The Joint Chiefs of Staff assume that military base rights and air transit privileges required in Canada will be obtained in extension of present U.S.-Canadian agreements or through a satisfactory substitute therefor.¹¹

The enclosed list of base areas and of sites at which rights for air transit privileges are required is forwarded to the Secretary of State for his information and guidance and for such use as he may require in negotiations with countries concerned. The Joint Chiefs of Staff have, in the past, furnished the Department of State with specific military requirements for certain bases. Further details regarding specific bases and base sites and elaboration of the rights desired, including rights to install, maintain, operate and control aids to navigation, communications facilities and weather and warning stations, together with other pertinent information will be forthcoming.

In approving the above conclusions of the Joint Chiefs of Staff, the State-War-Navy Coordinating Committee agreed that the attached list is subject to revision by the addition of Formosa if a pending study by the Joint Chiefs of Staff concludes that it should be included in the list of required bases.

The State-War-Navy Coordinating Committee also noted that:

“On October 4, 1945, the Secretary of the Navy addressed a letter to the Secretary of State (SWNCC 38/20)¹² in which he listed locations in areas to which other powers claim sovereign or mandatory rights at which rights for naval bases and/or naval air bases are desired. The list contained in that letter is identical with the attached list except as follows:

(1) Rabaul and Formosa are included in the Secretary of the Navy's letter but not in the attached list. The Joint Chiefs of Staff are currently reconsidering inclusion of these two areas.

(2) Transit rights in the Marquesas (Nuka Hiva) and at Aitutaki were included in the Secretary of the Navy's letter but not in the at-

¹¹ For text of the Agreement Between the United States and Canada Relating to Flights of Military Aircraft, effected by exchange of notes signed at Ottawa, February 13, 1945, see Department of State Treaties and Other International Acts (TIAS) No. 2056, or 62 Stat. (pt. 3) 3943. For information on United States-Canadian wartime cooperation, see Stanley W. Dziuban, *Military Relations between the United States and Canada, 1939-1945*, in the *United States Army in World War II* series (Washington, 1959).

¹² Not printed.

tached list. Presumably these two locations will be included in a subsequent statement by the Joint Chiefs of Staff relative to rights of air transit and technical stop.

(3) In the Secretary of the Navy's letter the maximum rights desired at Manus and at Ascension were listed as "exclusive". In the attached list the maximum is listed as "joint". The latter should be considered as controlling.

(4) Certain bases listed by the Secretary of the Navy's letter are listed in the attached list only for air use. This is consistent since the only naval use at these locations is for naval air purposes."

Appendix

Base	Sovereignty	Rights		Use
		Max.	Min.	
1. Essential:				
Galapagos Is.	Ecuador	Exclusive*	Joint	Naval and Air
Manus	Aus. Man.	Joint †	Joint	Naval and Air
Iceland		Exclusive	Joint	Naval and Air
Panama Republic (airfields)		Exclusive	Joint	Air
Canton	U.S.-British	Exclusive	Exclusive	Naval and Air
Greenland	Denmark	Exclusive	Joint	Naval and Air
Azores Is.	Portugal	Joint	Participating ‡	Naval and Air
Cape Verde Is.	Portugal	Joint	Participating	Naval and Air
Ascension Is.	British	Joint	Joint	Air
2. Required: (If reasonably obtainable by negotiations, but not absolutely essential to the base system.)				
Tarawa	British	Joint	Joint	Naval and Air
Funafuti	Disputed U.S.-British	Exclusive	Joint	Naval and Air
Talara	Peru	Joint	Participating	Air
Canary Is.	Spain	Joint	Participating	Naval and Air
Morotai	Dutch	Joint	Participating	Air

*Exclusive: The long term right to use as a military base under the exclusive control of the United States. [Footnote in the original.]

†Joint: The long term right to use as a military base jointly with the government of original sovereignty. [Footnote in the original.]

‡Participating: The long term right to participate with other nations, on the most-favored-nation principle in the use of a military base. [Footnote in the original.]

<i>Base</i>	<i>Sovereignty</i>	<i>Rights</i>		<i>Use</i>
		<i>Max.</i>	<i>Min.</i>	
Biak	Dutch	Joint	Participating	Air
Guadalcanal-Tulagi	British	Joint	Participating	Naval and Air
Espiritu Santo	French-British	Joint	Participating	Naval and Air
Noumea	French	Joint	Participating	Naval and Air
Viti Levu	British	Joint	Participating	Naval and Air
Christmas	U.S.-British	Exclusive	Exclusive	Air
Bora Bora	French	Joint	Joint	Naval
Clipperton	French	Exclusive	Joint	Air
Edmonton-Whitehorse route to Alaska	Canada	Joint	Joint	Air
Fort Chimo-Frobisher Bay route to Greenland	Canada	Joint	Joint	Air
Goose Bay	Newfoundland	Joint	Participating	Air
Upolu	New Zealand	Joint	Participating	Air
Salinas	Ecuador	Joint	Participating	Air
Batista Field	Cuba	Joint	Participating	Air
St. Julian-Lafe	Cuba	Joint	Participating	Naval and Air
Curacao	Dutch	Joint	Participating	Air
Surinam	Dutch	Joint	Participating	Air
Casablanca-Port Lyautey		Joint	Participating	Naval and Air
Dakar	French	Joint	Participating	Naval and Air
Monrovia	Liberia	Joint	Participating	Naval and Air
Formosa ¹³	China	Exclusive	Joint	Naval aid Air

The above list is predicated on the following assumptions:

a. [Here follows comment on the Japanese Mandated Islands and Central Pacific Islands detached from Japan.]

b. Base rights in the Philippines will be as required by U.S.

c. Additional rights in Canada will result from agreements under the Joint Canadian-U.S. Basic Defense Plan.

d. Rights in Mexico, Central and South America will be obtained as required in implementation of the Act of Chapultepec.

¹³ Added by a corrigendum of November 9 (SWNCC Files).

Secretariat Files¹⁴

*Minutes of the 167th Meeting of the Secretary of State's Staff Committee, Department of State, Washington, November 13, 1945, 9:30 a. m.*¹⁵

TOP SECRET

Present:

The Secretary (presiding)
 The Under Secretary¹⁶
 The Counselor¹⁷
 Messrs. Clayton¹⁸
 Dunn¹⁹
 Hackworth²⁰
 McCormack²¹
 Pasvolsky²²
 Russell²³
 Hiss²⁴
 Gange²⁵
 Lewis²⁶
 Rothwell²⁷

Absent:

Messrs. Benton²⁸
 Braden²⁹

¹⁴ Lot 122, a consolidated lot file consisting of records of inactive or terminated committees of the Department of State or inter-departmental committees on which the Department of State was represented. This material was retired by the staff of the Executive Secretariat of the Department of State.

¹⁵ The Secretary's Staff Committee, organized in 1944 by Secretary of State Stettinius to formulate and coordinate Departmental policy, included the Under Secretary and the directors of the major areas of the Department. This body met thrice weekly from December 20, 1944, and continued to function on a regular basis after Byrnes succeeded Stettinius as Secretary of State in July, 1945. The Committee met 171 times in 1945 considering a wide range of subjects relating to the war, the liquidation of the war, and the establishment of the United Nations. The 30 meetings which were held in 1946 were devoted primarily to matters relating to the internal organization of the Department, Congressional relations, public information policy, and Latin America. The records of the Committee are located in the Secretariat Files.

¹⁶ Dean Acheson.

¹⁷ Benjamin V. Cohen.

¹⁸ William L. Clayton, Assistant Secretary of State for Economic Affairs.

¹⁹ James Clement Dunn, Assistant Secretary of State for European, Far Eastern, Near Eastern, and African Affairs.

²⁰ Green H. Hackworth, Legal Adviser.

²¹ Alfred McCormack, Special Assistant to the Secretary of State for Research and Intelligence.

²² Leo Pasvolsky, Special Assistant to the Secretary of State for International Organization and Security Affairs.

²³ Donald S. Russell, Assistant Secretary of State for Administration.

²⁴ Alger Hiss, Director of the Office of Special Political Affairs.

²⁵ John F. Gange of the Central Secretariat.

²⁶ James H. Lewis of the Central Secretariat.

²⁷ C. Easton Rothwell, Executive Secretary of the Central Secretariat.

²⁸ William Benton, Assistant Secretary of State for Public Affairs.

²⁹ Spruille Braden, Assistant Secretary of State for American Republic Affairs.

The Committee met at 9:30 a. m.

AGENDA ITEM

Action on Joint Chiefs of Staff Statement of United States Military Policy. (Document SC-169a; Agenda Item 1)³⁰

MR. PASVOLSKY requested MR. HISS to present document SC-169a, which included a statement of United States military policy prepared and approved by the Joint Chiefs of Staff,³¹ and recommendations regarding the action to be taken by the Department with respect to the statement.

MR. HISS said the Joint Chiefs of Staff statement had come to the Department through the State-War-Navy Coordinating Committee.³² It was submitted for the comments of the Department of State and eventually would be presented to the President for approval. MR. HISS said that the statement had been studied by the Counselor and by the directors of all of the geographic and economic offices of the Department, and on the basis of their comments the recommendations had been drafted.

MR. HISS said that the first recommendation was that the general observation should be made to the War and Navy Departments that because of the necessarily general terms of such a statement, its application will require careful consideration and close coordination between the State, War, and Navy Departments.

MR. HISS also pointed out that a general criticism of the statement as drafted was its emphasis on the possibility of a breakdown in friendly relations between the Great Powers and its failure to emphasize the necessity for insuring that the United States has adequate Allies.

MR. HISS then outlined the specific comments which it was proposed to transmit informally to the Secretaries of War and the Navy and to the State-War-Navy Coordinating Committee, as set forth in Annex II of the document. With reference to paragraph 2 of the Annex, he pointed out that the "four principal tasks" which President Truman,

³⁰ SC-169a is not printed; SC-169b, a revision thereof, November 16, is printed *infra*.

³¹ The Joint Chiefs of Staff approved this statement of military policy on September 19, 1945, and forwarded it to the Secretaries of War and Navy requesting that it be transmitted to the Secretary of State and the President. For text, see SWNCC 282, March 27, 1946, p. 1160.

³² The JCS statement of military policy was submitted to the State-War-Navy Coordinating Committee on September 26, 1945, by Assistant Secretary of War John J. McCloy. Subsequently, at the request of Assistant Secretary of War Howard C. Petersen, the statement was republished as SWNCC 282, March 27, 1946.

in his address at New York on October 27th,³³ had said determined the kind of armed might we propose to maintain, differed in order and emphasis from the determining policies listed in the Joint Chiefs of Staff statement. MR. HISS suggested that the statement might be revised to correspond with the President's definition.

Referring to paragraph 3 of the Annex, MR. HISS pointed out that the Joint Chiefs of Staff statement did not place sufficient emphasis on the task of enforcing the terms of peace upon Germany and Japan. In paragraph 4 the point was made that the responsibilities of the United States as a principal member of the United Nations should figure more prominently in any statement of United States military policy. It was also pointed out that the United Nations was built upon the power relations existing among the wartime Allies. If the balance of that relationship in military potential were to be impaired, the fabric of the United Nations would be weakened. Therefore, greater recognition should be given to our duties and responsibilities under the United Nations Charter as determinants of our military needs.

MR. HISS also referred to paragraph 6 and to his previous comment regarding the failure of the Joint Chiefs of Staff statement to emphasize the need for the support of our principal Allies in the event of future conflict. He also called attention to the several economic considerations mentioned in paragraph 7 which seemed to require further study.

MR. HISS informed the Committee that Mr. Benton had sent him a memorandum³⁴ endorsing the approach taken in Annex II but suggesting that certain further points should be considered for possible inclusion in the military policy statement, including mention of the atomic bomb, military and naval bases, and compulsory military training.

THE SECRETARY said that to refer the Joint Chiefs of Staff statement to the State-War-Navy Coordinating Committee seemed to be the best procedure. He asked who had prepared the paper for the Joint Chiefs of Staff. MR. PASVOLSKY said it had probably been prepared under the direction of Admiral Willson and Generals Fairchild and Embick,³⁵ and the general tenor of the paper seemed to reflect the views of General Embick. MR. PASVOLSKY said the critical question raised by the whole statement was whether we are to focus attention

³³ For text of President Truman's Navy Day address, October 27, 1945, see *Public Papers of the Presidents of the United States: Harry S. Truman*, 1945 (Washington, Government Printing Office, 1961), p. 431, or Department of State *Bulletin*, October 28, 1945, p. 653. For the "four principal tasks", see document SC-169b, *infra*.

³⁴ Not printed.

³⁵ Vice Adm. Russell Willson, Maj. Gen. Muir S. Fairchild, and Lt. Gen. Stanley D. Embick of the Joint Strategic Survey Committee of the Joint Chiefs of Staff.

on our independent military strength or on our new position in the world as a member of the United Nations Organization.

MR. CLAYTON, referring to paragraph 7 in Annex II, said he agreed that the economic aspects of the Joint Chiefs of Staff statement would require very careful consideration, particularly the one calling for "the maintenance of a large merchant marine, both active and reserve". He pointed out that before the war the United States merchant marine had amounted to about 10 million tons. The Joint Chiefs' recommendation might mean anything—perhaps 25 or 30 million tons. He said no one believed we could operate economically a merchant fleet of more than 12 or 15 million tons, and one of 25 or 30 million tons would have disastrous effects on the merchant marines of such countries as Great Britain and Norway, and would adversely affect our international trade position. He said the references to the maintenance of industries essential to the war effort and to the stockpiling of strategic material also required further careful study.

THE COUNSELOR agreed that the several points mentioned by Mr. Clayton required further study but he pointed out that even greater difficulty arose in connection with the question of how the general policies set forth in the document would be construed in practice. He said he would hesitate to say that such a statement should not be put down on paper at all but he thought there were as many disadvantages as there were advantages in so doing. If the statement is to be put down on paper, however, THE COUNSELOR said it was important that the statement should clearly recognize the importance of constant cooperation between the State, War, and Navy Departments, and that some provision should be made for requiring reconsideration and revision of the statement at least once a year. He referred to MR. BEN-
TON's suggestion regarding inclusion of a statement on the atomic bomb and said, for example, that while it might be inappropriate to include such a reference at the present time, it might be possible to do this in the next revision of the statement. THE COUNSELOR suggested that clarification of the statement regarding the merchant marine was particularly important since any Army or Navy officer who had seen the reference to this topic in the general statement would feel free to make public statements in the same vein. THE SECRETARY agreed with THE COUNSELOR that the statement as drafted was practically a mandate to go ahead with a shipping program such as that advocated by Admiral Land.³⁶

(The Secretary and Mr. Clayton left the meeting at this point.)

MR. HACKWORTH asked what use would be made of the paper after

³⁶ Vice Adm. Emory S. Land, U.S. Navy (retired), Chairman of the Maritime Commission.

its approval and especially whether it would be made public. MR. HISS said that he understood that there was no intention of making it public but he pointed out that it must always be remembered that it might be considered desirable at some future time to publish the statement. THE COUNSELOR said that even if it should not be made public, other nations would doubtless learn of it and he thought that even friendly nations might misunderstand some of its features as it was now drafted.

MR. McCORMACK said he thought the analysis in the document was rather poor and needed to be strengthened. MR. PASVOLSKY said that one point in Annex II which should be improved was the reference to the regulation of armaments. He pointed out that we had built the United Nations Organization on the principle that the regulation of armaments could be deferred for future consideration. However, he felt that the atomic bomb had brought the question to the fore and that it required greater emphasis. He suggested that a special paragraph be included in Annex II on this point.

THE COUNSELOR suggested that in requesting the sub-committee of the State-War-Navy Coordinating Committee to revise the paper, it should be made clear that such revision should not be limited to the suggestions submitted by the Department (as outlined in Annex II) but that the whole statement should be carefully considered and revised in the light of staff study.

There was also a discussion of procedure in the State-War-Navy Coordinating Committee in this connection. MR. HISS informed the Committee that the Joint Chiefs of Staff statement had come to Mr. Matthews, as the acting representative of the Department on SWNCC, and that SWNCC had held up action on the matter until the Department's comments could be obtained. MR. PASVOLSKY pointed out that the Joint Chiefs of Staff were not represented on SWNCC and asked whether the time had not come to provide for their regular representation. MR. DUNN said the Secretaries of War and Navy would not agree to this since they wished to keep political decisions in their own Departments and had set up SWNCC for the purpose of excluding the Joint Chiefs of Staff from actual formulation of such decisions. He said the Joint Chiefs of Staff were, of course, consulted by the Secretaries of War and Navy before political decisions were made.

THE COMMITTEE agreed that Annex II should be revised in the light of the discussion at the meeting. It was also suggested that members of the Committee should inform MR. HISS of any further suggestions they might wish to make regarding the statement. THE COMMITTEE further agreed that the document, as revised, should be submitted for

approval at the next meeting of the Committee, prior to its presentation to the Secretaries of the War and the Navy and then to SWNCC. [Here follows discussion of other subjects.]

Secretariat Files

*Memorandum Prepared for the Secretary's Staff Committee*³⁷

TOP SECRET
SC-169b

[WASHINGTON,] November 16, 1945.

ACTION ON JOINT CHIEFS OF STAFF STATEMENT OF UNITED STATES
MILITARY POLICY

THE PROBLEM

The Secretary has received through the State-War-Navy Coordinating Committee a statement of United States military policy prepared and approved by the Joint Chiefs of Staff (Annex I).³⁸ It is necessary to decide what action the Department shall take with respect to this statement.

RECOMMENDATIONS

1. It is recommended that the Department comment on the statement by observing generally that in the carrying out of the policy as finally adopted it will be essential, because of the necessarily general terms of such a statement, that there be close coordination between the State, War, and Navy Departments;
2. That the Department's more specific comments be along the lines of Annex II;
3. That these comments be transmitted informally to the Secretaries of War and the Navy; and
4. That the Department propose that the statement with the comments be referred to SWNCC for revision by a special subcommittee to be set up for this purpose.

BACKGROUND

1. . . . "United States Military Policy", (Annex I) is a statement prepared by the Joint Chiefs of Staff and approved by them. It has been forwarded to the Secretaries of War and Navy with the request

³⁷ Prepared in light of discussion at the 167th Meeting of the Secretary's Staff Committee, November 13; the relevant portion of the minutes of that meeting is printed *supra*.

³⁸ For text, see SWNCC 282, March 27, 1946, p. 1160.

that they approve it and transmit it to the Secretary of State and to the President for the latter's approval "as a present expression of United States military policy".

2. The Joint Chiefs of Staff paper, which is in summary form, is divided into two sections of unequal length. The first and longer part (pp. 1 to 5 of Annex I) is entitled "Basis for the Formulation of a Military Policy", and the second (pp. 5 to 7) is called "Statement of United States Military Policy".

DISCUSSION

The Joint Chiefs of Staff paper requires the most careful scrutiny by the Department, in respect both to its general content and tone and to much of the detail. It is necessarily couched in general terms, as must be the case with a policy statement intended to guide the Executive branch of this Government in the future. However, precisely because the terms are so general it is of fundamental importance that they be clearly and accurately phrased. This is particularly true of the broad generalizations contained in the first section of the statement. They will be given concrete content only as they are carried out under specific conditions and in specific cases. For these reasons the application of military policy finally adopted is of equal if not greater importance than the formulation of the policy itself. The Department should, therefore, not only contribute to the formulation of the policy but should participate continuously with the War and Navy Departments in the carrying out of significant aspects of it.

Throughout the paper, but most specifically in paragraph (4) of the first section, there is an emphasis upon the possibility of a breakdown in friendly relations between the great powers and upon "potential enemy powers". In stressing these points the paper slights the necessity for insuring the United States adequate allies as well as the possible effect of U.S. military policy on our friendly relations with other countries. It also ignores the need for making clear that our military policy must conform with our obligations under the Charter of the United Nations to employ force only under conditions there stipulated.

Both in the first section and in the second, "Statement of United States Military Policy", certain general military policies and supporting policies are proposed which should be carefully analyzed in the light of their probable effect upon our relations with other countries.

In Annex II attached, there are set forth certain comments with respect to the Joint Chiefs of Staff paper. These comments are not meant to be exhaustive but should be regarded as illustrative and as intended to demonstrate the relationship of this statement to foreign

policy and to the Department's responsibility, and, consequently, to show the need for participation by the Department in the revision of this paper before it is finally approved.

Annex II

COMMENTS OF DEPARTMENT OF STATE ON "UNITED STATES MILITARY POLICY" . . .

1. The Department of State recognizes its interest and concern in the Joint Chiefs of Staff statement on "United States Military Policy". Therein it is stated (paragraph 1) that "the basic purpose for maintaining United States armed forces is to provide for our security . . .". As the principal concern of statecraft is to obtain the maximum degree of security, it follows that the Department should scrutinize closely any formulation of military policy.

2. It is the view of the Department of State that the maximum degree of security can be obtained only if our foreign policy and our military policy are mutually helpful. Our foreign policy should not hamper our military policy. Neither should our military policy handicap the carrying out of our foreign policy. In fact, the demands placed upon our armed forces are based upon our foreign policy, as stated by President Truman in his address at New York on October 27, 1945.³⁹ This relationship was stated in terms of the "four principal tasks" which, the President said, determined the kind of armed might we propose to maintain :

"First, our Army, Navy and Air Force, in collaboration with our Allies, must enforce the terms of peace imposed upon our defeated enemies.

"Second, we must fulfill the military obligations which we are undertaking as a member of the United Nations Organization—to support a lasting peace, by force, if necessary.

"Third, we must cooperate with other American nations to preserve the territorial integrity and the political independence of the nations of the Western Hemisphere.

"Fourth, in this troubled and uncertain world, our military forces must be adequate to discharge the fundamental mission laid upon them by the Constitution of the United States—to 'provide for the common defense' of the United States.

"These four military tasks are directed not toward war—not toward conquest—but toward peace.

"We seek to use our military strength solely to preserve the peace of the world. For we now know that that is the only sure way to make our own freedom secure.

"That is the basis of the foreign policy of the people of the United States."

³⁹ Department of State *Bulletin*, October 28, 1945, pp. 653-656.

3. In the Joint Chiefs of Staff statement the place assigned the task of enforcing the terms of peace upon Germany and Japan seems to the Department of State to be less prominent than it should be. Hostilities with Germany came to an end a bare six months ago. Operations against Japan ceased less than three months ago. In neither case has the formal end of hostilities been proclaimed. Nor have treaties of peace been formulated, fixing among other things the period within which military forces of this country and of others of the United Nations will occupy German and Japanese territory. In the Joint Chiefs of Staff statement the significance of joint occupation and of joint enforcement of peace terms as parts of the job of securing the victory achieved through joint efforts has been largely overlooked. Politically, no aspect of our foreign policy carries greater potentialities for our future security than those relations with our allies involved in the enforcement of surrender and peace terms. It seems to the Department of State that a correspondingly important place should be given to this task in a statement of military policy.

4. Moreover, the responsibilities of the United States as a principal member of the United Nations should figure more prominently in making the estimate of our future military requirements. The political leadership we took in this venture was made possible primarily because of the military strength we mobilized during the war. It will continue in proportion to the relative military strength we maintain in the future. The United Nations is built upon the power relations existing among the United States, Great Britain, Russia, China, France, and the other members of the war-time coalition. Its future will depend upon power relations which will exist hereafter among the principal members. If the balance of this relationship in military potential were to be impaired or upset, the fabric of the United Nations would be weakened or at least would require reexamination. We do not wish this balance to be upset. Therefore, we should retain our military power in greater strength than that which would be needed merely to fulfill our strictly military obligations under the Charter. The question is: how much greater? This estimate can be made only on the basis of developing political factors. As our relations with other countries are conditioned by our duties and responsibilities under the United Nations Charter, greater recognition should be given these factors as determinants of our military needs.

5. It is believed that the analysis of our military needs postulated on a breakdown in peaceful relations among Britain, Russia and the United States receives undue emphasis (paragraphs 4, 5, and 6). It is given more space than that based on the continuance of peaceful relations. This disproportion should be corrected. In this connection

the last of the major national policies said by the Joint Chiefs of Staff to determine our military needs is overemphasized. This statement of policy is: "maintenance of the United States in the best possible relative position with respect to potential enemy powers, ready when necessary to take military action abroad to maintain the security and integrity of the United States" (paragraph 2*g*).

6. The hypothesis that our security may require extensive military operations overseas needs close examination for its possible effect on the relations with our principal allies in the recent war. This hypothesis runs through the entire statement (paragraphs 2*g*, 8*b*, 9, 13*a*). The need for examination is emphasized by the further hypothesis that such operations would be preventive in purpose (paragraphs 8*b* and *c*, 9). Despite our strength, our chances of survival in a future conflict would be increased were we to be assured of the help of allies. This political need must be a constant pre-occupation of our foreign policy. If a given hypothesis, such as the two just referred to, might handicap the Department of State in its conduct of foreign policy, a re-examination of this hypothesis should be made.

7. The Department of State believes that certain of the subsidiary policies listed in paragraph 13 of the Joint Chiefs of Staff statement also stand in need of examination before becoming part of our stated military policy. The examination should be undertaken from the point of view of our relations with other countries and particularly with our principal allies. As a matter of national policy "the maintenance of a large merchant marine, both active and reserve" (paragraph 13*i* (2)) might in time weaken the economic strength (hence the military potential) of certain of our potential future allies, and thus might defeat its purpose of contributing to our national security. The "maintenance of industries essential to the war effort" (paragraph 13*i* (5)) needs examination on economic as well as foreign policy grounds. The "stockpiling of critical strategic materials" (paragraph 13*i* (6)) likewise should be scrutinized from both economic and foreign policy angles. It is also questionable whether our policy should be to support the "development" of the armed forces of the other American republics, as stated in paragraph 13*k*.

8. In addition to studying most carefully the foreign policy implications of the statement as it stands, the addition of certain new items seems to the Department of State to merit consideration. Respect for the territorial integrity and political independence of certain states, China, for example, might be considered for inclusion as a national policy determining our military needs (paragraph 2) since we are bound by treaty to accord this respect. Moreover, the United States as a member of the United Nations has agreed to refrain from the

threat or use of force against the territorial integrity or political independence of any state (Article 2, 4). Consideration should be given to adding this principle as a national policy determining our military needs. Multilateral regulation of armaments in accordance with the Charter of the United Nations is also proposed as a policy determining our military needs which might be added to those already listed in the statement. Finally, consideration might well be given to including, as an additional policy determining our military needs, the political policy of maintaining friendly relations with other countries so as to prevent the actual outbreak of hostilities, or, in the event of such hostilities, to give us the maximum number of allies.

811.20/11-145

The Secretary of State to the Secretary of War (Patterson)

TOP SECRET

WASHINGTON, November 29, 1945.

MY DEAR MR. SECRETARY: Careful consideration has been given to your memorandum of November 1, 1945 and to the three questions set forth in the enclosure to your memorandum.

I am enclosing a memorandum which has been prepared in the Department of State, setting forth answers to the questions propounded in your memorandum.

Twice in your lifetime and mine, the United States has, while engaged in a World War, demonstrated that our country can build up and effectively utilize military strength at a prodigious rate, perhaps faster than any other country has ever done in history. We seem to be in a fair way of demonstrating a second time that our country can demobilize and tear down its military strength more rapidly than any other country in the world.

I am deeply concerned at the rate at which we are losing our military strength. It is not so much that I am unduly pessimistic about the international situation with its admitted uncertainties. It is rather that I know that this is a time when our country should be united and strong in order that it may make its influence for good, for peace, and for justice effectively felt in the councils of the world and on the peace settlements.

As the President said in his address on October 27 (after listing the "four principal tasks" which determine the kind of armed might we propose to maintain) :

"These four military tasks are directed not toward war—not toward conquest—but toward peace.

"We seek to use our military strength solely to preserve the peace

of the world. For we now know that that is the only sane [*sure*] way to make our own freedom secure.

"That is the basis of the foreign policy of the people of the United States."

I am sure that you will understand that it is not possible to answer some of the questions which you put to me as definitely as both of us would desire. I shall, of course, be glad to work in the closest possible cooperation with you and with the Secretary of the Navy in jointly endeavoring to meet the problems which face us in the field of foreign affairs and defense.

Sincerely yours,

JAMES F. BYRNES

[Enclosure]

ANSWERS TO QUESTIONS CONTAINED IN THE MEMORANDUM DATED NOVEMBER 1, 1945 FROM THE SECRETARY OF WAR TO THE SECRETARY OF STATE

Question:

1. Is it your estimate that as of 1 July 1946, 1 Jan 1947, and 1 July 1947, the situation will require occupation forces in the countries listed below? If you so estimate, what will the functions of these forces be in each listed country?

Answer:

a. Europe:

(1) *Germany:*⁴⁰ It is anticipated that occupation forces will be required in Germany on July 1, 1946, January 1, 1947 and July 1, 1947. The precise functions of these forces in Germany on the indicated dates are difficult to determine at this time. If by these dates considerable progress has been made in the Control Council on the reestablishment of German agencies, the possible transition from military government to a general supervisory civilian control, it is conceivable that a police type force of occupation would be sufficient. It is understood that the War Department is already developing plans for this type of occupation force.

If this system can be developed, the functions of the occupation forces would presumably be limited to the maintenance of order and the many functions of military government now in effect could be transferred to German agencies and to Allied civilian control. This transition in the occupational system of Germany will, however, require negotiations with the other powers represented on the Control Council in Berlin

⁴⁰ For documentation on United States policy with respect to the occupation of Germany, see vol. v, pp. 481 ff.

and will no doubt require a modification of the present agreement on control machinery for Germany. The Department of State cannot predict with any certainty at this time when or exactly how this transfer of functions may be effected.

(2) *Austria*:⁴¹ The Department of State expects to initiate discussions shortly with the War Department for the purpose of presenting proposals in the Allied Council at Vienna for a reduction of Allied occupation forces in Austria.

We shall require military advice as to how this proposal can most effectively be presented. The Department of State would like to obtain agreement in the Allied Council in the near future for a reduction of occupation forces in Austria. It would certainly be desirable to have the occupation forces in Austria transposed into a police type by July 1, 1946 and, if possible, withdrawn entirely by January 1, 1947. The qualified recognition which has now been extended to the Renner Government in Austria is the first step in this direction.

(3) *Czechoslovakia*:⁴² The American Government and the Russian Government have now agreed that American and Soviet forces should be withdrawn from Czechoslovakia by December 1, 1945.

(4) *Italy and Venezia Giulia*:⁴³ The Italian campaign was initiated and carried through as an Allied campaign. Allied Military Government was set up in the liberated territory as a joint organization, and both British and American forces have been used for the maintenance of order. There would appear to be at least a moral obligation on our part to maintain American forces for AMG as long as required.

The establishment of Allied Military Government in Venezia Giulia, as a disputed area, and the continuation of AMG in that area, and perhaps in Bolzano as well, until the final peace settlement, was approved by the President on September 19, 1944. This approval was confirmed to the Secretary of War by the Acting Secretary in a letter dated April 26, 1945, in which it was also stated that participation of American forces in these areas was a "sine qua non" in British agreement to the establishment and maintenance of AMG.

On April 28, 1945, the Combined Chiefs of Staff recommended that the forces necessary in Venezia Giulia be provided jointly by the US and UK, and directive in this sense was despatched to SACMED on April 30, 1945.⁴⁴

⁴¹ For documentation on United States policy with respect to the occupation of Austria, see vol. v, pp. 283 ff.

⁴² For documentation on United States interest in the reestablishment of democratic government in Czechoslovakia, see *Foreign Relations, 1945*, vol. iv, pp. 420 ff.

⁴³ For documentation on United States policy with respect to Italy and Venezia Giulia, see *ibid.*, pp. 1103 ff., and *ibid.*, 1946, vol. vi, pp. 824 ff. *passim*.

⁴⁴ For a description of the directive, see telegram 323 to Caserta, *ibid.*, 1945, vol. iv, pp. 1120-1121.

*b. Far East: Japan*⁴⁵

(1) Occupational forces will be needed on a fairly wide scale on July 1, 1946. By January 1, 1947, if progress continues at the same rate as at present toward achievement of the objectives of the occupation, it should be possible for the occupation forces to be concentrated in a few important strategic places and their numbers perhaps reduced in comparison with the forces maintained on July 1, 1946. Occupation forces will continue to be required on July 1, 1947. If the same tendency as mentioned above continues in Japan, it may be that a further reduction by July 1, 1947 will be possible. Perhaps by that time a minimum number of mobile occupational units will be needed to assure the continued control over Japan, but that, of course, depends upon developments.

The functions of the occupation forces, after the complete disarmament and demobilization of the Japanese forces is completed, will be to assure that Allied policies, as implemented by the directives of the Supreme Commander, are carried out. These forces will act primarily as enforcement agencies and may also be required to carry out the inspection of Japanese industry to prevent the growth of Japan's war-making power.

*Far East: Korea*⁴⁶

(2) It is hoped that by July 1, 1946 an international trusteeship will be in operation in Korea. If so, only those armed forces requested by the High Commissioner for Korea (provided for in the trusteeship draft) and approved by the proposed Executive Council for Korea for the maintenance of internal law and order will remain in Korea. The same answer applies to occupation forces as of January 1 and July 1, 1947. Since it is hoped that native police and a native constabulary will, to an increasing degree, assume responsibility for the maintenance of law and order in Korea, it should not be necessary for the High Commissioner to request that large numbers of troops be made available to assist him.

Question:

2. *a.* Forces presently planned to be available in Europe on and after 1 January 1946 will be capable of policing Germany and enforcing surrender terms. These forces will not be capable of making a show of force to implement political policies should a firm stand against a militant power prove desirable. Are these military capabilities in consonance with foreign policy of our government?

⁴⁵ For documentation on United States policy with respect to the occupation and control of Japan, see *Foreign Relations*, 1945, vol. VI, pp. 710 ff. and 1946, vol. VIII, pp. 85 ff.

⁴⁶ For documentation on general political policies of the United States toward Korea, see vol. VIII, pp. 1018 ff.

Answer:

a. It is undeniable that the presence of large numbers of United States forces in Europe gives tangible evidence of the interest of our Government in European affairs and lends authority and support to the position taken by our Government on political questions. This is true even though no conscious effort is made, or should be made, to create "a show of force". It seems unlikely that the size of the occupation force in Europe by next July (probably under 200,000) will be large enough to be impressive in providing support for our political policies. The situation would not be greatly improved if the size of the force were double that figure next July. The important thing is that our Country must have sufficient military strength at home and abroad to give evidence of a determination to back up the policies of our Government anywhere that may be necessary. Our influence and prestige throughout the world are to a large extent dependent on this. Our military potential, demonstrated in 1917-1918, was not enough to keep us out of World War II.

Question:

b. (1) *What is the maximum proportionate military participation which the U.S. will allow our Allies in the occupation of Japan?* The composition of Allied occupational forces depends upon the answer to this question.

b. (2) In connection with granting our Allies certain rights in Japan, what, if any corollary involvement in *continental* affairs in the Far East do we foresee and accept? ⁴⁷ From a military point of view, this determines what military steps must be designed against unacceptable aggression in the Orient. For instance, it would be most valuable to have a clear cut statement of *minimum interests from which the U.S. will not retreat in the event of a clash of interests in the Far East*, particularly concerning *Manchuria, Inner Mongolia, North China and Korea.*

Answer:

b. (1) In a memorandum from the JCS to the SWNCC of October 24 it is stated:

"General MacArthur considers, and the Joint Chiefs of Staff concur, that if the United States is to maintain the controlling voice in the occupation of Japan, U.S. participation in the occupation forces must be at least equal to that of all other nations combined."

The Department feels that it is essential for the United States to maintain the controlling voice in the occupation of Japan. The proportionate United States military participation in the occupation nec-

⁴⁷ For documentation on United States policy with respect to China, see volumes ix and x.

essary to maintain this position is considered to be primarily a military question. Therefore, in accordance with General MacArthur's view, the Department feels that the maximum proportionate military participation which the United States should allow our Allies in the occupation of Japan is not more than fifty per cent.

b. (2) In the absence of any indication as to the character of "certain rights" which we might grant to our Allies in Japan, it is difficult to answer this question. If the reference is to stationing of military contingents by our Allies in Japan, we do not understand how such stationing of contingents would give rise to any corollary involvement by the United States in continental affairs in the Far East. As to your request for a statement of minimum interests from which the United States will not retreat in the event of a clash of interests in the Far East, the Department does not believe it possible to give any such statement which would be sufficiently reliable or certain as to furnish the basis on which the War Department might determine in advance the military steps to be taken against possible aggression in the Far East. It is believed that the problem posed by your question in regard to this Department's contribution of political guidance to the Armed Forces can best be met by consistent and close cooperation between the Departments concerned.

Question:

3. Are there any U.S. requirements *other than military* which will necessitate continuation of the operation of ATC facilities by the War Department in occupied areas or on foreign routes? If so, what are these requirements in detail, including length of time and specified operation to be continued?

Answer:

3. We do not know of any U.S. requirements other than military which will necessitate continuation of the operation of ATC facilities in occupied areas or on foreign routes. It seems likely that military requirements will for some time necessitate operations by the ATC to Berlin and certain other places in Europe. Since our only means of communication with Berlin is over ATC service it is our hope that it will be continued until regularly scheduled commercial services are instituted. The same situation applies at various other places in Europe and in the Far East. In these circumstances it is hoped that the War Department will confer with the Department of State informally in advance before reaching a decision to terminate important ATC services to Europe and the Far East.

Answers regarding Japan, Korea and Far Eastern matters based on memoranda prepared by FE.⁴⁸

⁴⁸ Office of Far Eastern Affairs.

Policy Planning Staff Files ⁴⁹

Memorandum Prepared in the Department of State ⁵⁰

[Extracts]

SECRET

[WASHINGTON,] December 1, 1945.

FOREIGN POLICY OF THE UNITED STATES

FUNDAMENTALS

President Truman has set forth the following "fundamentals" of our foreign policy:

1. We seek no territorial expansion or selfish advantage. We have no plans for aggression against any other state, large or small. We have no objective which need clash with the peaceful aims of any other nation.

2. We believe in the eventual return of sovereign rights and self-government to all peoples who have been deprived of them by force.

3. We shall approve no territorial changes in any friendly part of the world unless they accord with the freely expressed wishes of the people concerned.

4. We believe that all peoples who are prepared for self-government should be permitted to choose their own form of government by their own freely expressed choice, without interference from any foreign source. That is true in Europe, in Asia, in Africa, as well as in the Western Hemisphere.

5. By the combined and cooperative action of our war allies, we shall help the defeated enemy states establish peaceful democratic governments of their own free choice. And we shall try to attain a world in which Nazism, Fascism, and military aggression cannot exist.

6. We shall refuse to recognize any government imposed upon any nation by the force of any foreign power. In some cases it may be impossible to prevent forceful imposition of such a government. But the United States will not recognize any such government.

7. We believe that all nations should have the freedom of the seas and equal rights to the navigation of boundary rivers and waterways and of rivers and waterways which pass through more than one country.

⁴⁹ Lot 64D563, files of the Policy Planning Staff, Department of State, 1947-1953. The source text is filed in this lot although the Policy Planning Staff did not come into existence until May 7, 1947.

⁵⁰ This document consists of two sections. The first, pp. 1-25, treated general aspects of United States policy, and was considered as a possible public statement. The second part, pp. 26-106, dealt with policy with respect to specific areas of the world. It was never intended for public use, but was entirely for working purposes. The document was transmitted to the State-War-Navy Coordinating Committee for the information and comment of the War and Navy Departments on December 17, 1945.

8. We believe that all states which are accepted in the society of nations should have access on equal terms to the trade and the raw materials of the world.

9. We believe that the sovereign states of the Western Hemisphere, without interference from outside the Western Hemisphere, must work together as good neighbors in the solution of their common problems.

10. We believe that full economic collaboration between all nations, great and small, is essential to the improvement of living conditions all over the world, and to the establishment of freedom from fear and freedom from want.

11. We shall continue to strive to promote freedom of expression and freedom of religion throughout the peace-loving areas of the world.

12. We are convinced that the preservation of peace between nations requires a United Nations Organization composed of all the peace-loving nations of the world who are willing jointly to use force if necessary to insure peace.⁵¹

Secretary Byrnes has stated in recent addresses :

Today there can be no doubt that the peoples of this war-ravaged earth want to live in a free and peaceful world. But the supreme task of statesmanship the world over is to help them to understand that they can have peace and freedom only if they tolerate and respect the rights of others to opinions, feelings and ways of life which they do not and cannot share.

It is not enough to banish atomic or bacteriological warfare. We must banish war. To that great goal of humanity we must ever rededicate our hearts and strength.

To help us move toward that goal we must guard not only against military threats to world security but economic threats to world well-being. Political peace and economic warfare cannot long exist together. If we are going to have peace in this world, we must learn to live together and work together. We must be able to do business together.

Today the world must make its choice. There must be one world for all of us or there will be no world for any of us.

OBJECTIVES

Our foreign and domestic policies are directed to the same end : the maintenance of peace and security and the advancement of the welfare of the people. The principal objectives of our foreign policy are :

1. To promote our national interests energetically but with full

⁵¹ Quoted from the President's Navy Day address, October 27, 1945; for full text, see *Public Papers of the Presidents of the United States: Harry S. Truman, 1945* (Washington, Government Printing Office, 1961), p. 431, or Department of State *Bulletin*, October 28, 1945, p. 653.

realization that the welfare of our people is inescapably linked with the welfare of all peoples.

2. To maintain the unity of purpose and action of the major United Nations and of all the United Nations to the end that the association which successfully prosecuted the war will build and maintain—by force if necessary—an organized peace.

3. To contribute to the effectiveness of the United Nations Organization by meeting our full responsibilities and by providing leadership in the Organization.

4. To prevent the misuse of atomic energy and to direct it into channels of service to mankind.

5. To prevent Germany and Japan from again acquiring the power to wage war.

6. To encourage, as conducive to international order and peace, the establishment of democratic governments.

7. To encourage conditions of life within nations, and relations among nations, favorable to the development by men and women everywhere of free and democratic institutions, in accordance with their own customs and desires.

8. To promote a greater expansion of our foreign trade and of productiveness and trade throughout the world, and thus contribute to the maintenance of full and productive employment and rising standards of living in the United States and in all countries.

9. To promote a spirit of good neighborliness and fair dealing in international relations and to encourage other nations to do likewise.

The policies and programs which this Government is following in our foreign relations in attempting to attain these objectives are summarized below.

.

Union of Soviet Socialist Republics. Our policy toward the Soviet Union should be to continue our efforts to convince the Soviet authorities that it is to our mutual advantage to collaborate in all decisions in the international relations field. In order to attain this end, we should not hesitate to make clear to the Soviet authorities and, if necessary, to the American public that we cannot continue collaboration with the Soviet Union if it insists on making unilateral decisions and taking unilateral action in its dealings with other nations of the world. In pursuing the policy of collaboration, however, we should always be prepared to stand firm against Soviet demands when acceptance of these demands would mean that we would have to compromise any of our fundamental principles. The most effective way of following this policy is for us to use our full influence in backing the United Nations Organization in order to strengthen it and make it in fact an effective

organization for the maintenance of peace. We should not hesitate to resist to the full any effort to weaken the organization and should be prepared to go along with all other nations who wish to make it an effective organization.

While considerable progress has been made in reaching a satisfactory relationship with the Soviet Union, it is just the beginning and there are still a number of very fundamental unsolved questions, many of which have been brought about by the unilateral action taken by the Soviet authorities. Some of these are :

1. The fact that totalitarian political regimes have been established under direct Soviet control in certain countries of Southeastern and Central Europe. We should continue to maintain that events in these countries are the responsibility of the three nations signatory to the Yalta Declaration on Liberated Europe. The fact that we have been unable to bring the Soviet Government to live up to the principles of this Declaration does not mean we should cease our efforts directed toward its implementation. We should, under all circumstances, avoid any action which would appear to accept any "democratic" incipient totalitarian regimes in these countries without on the other hand making it clear that we renounce any responsibility for these areas because of the unacceptable character of the political regimes which are in the process of being established. While we should not withdraw formal diplomatic recognition from regimes, such as Yugoslavia, which have not permitted the holding of democratic elections, we should make it clear that the maintenance of diplomatic relations with such regimes does not imply in any way our approval of the policies of such regimes, their methods of assuming control, or their failure to implement the guarantees of personal freedoms. We should refrain from according diplomatic recognition to the governments of Rumania and Bulgaria as now constituted but, on the other hand, should accord recognition to countries, such as we have done in the case of Hungary, where free elections have been held.

2. The establishment of almost complete Soviet economic control over the countries of Eastern and Central Europe through war booty and reparation deliveries, by bilateral barter trade agreements, and in certain cases by "agreements for economic collaboration", all of which in effect mean an economic blackout in these areas for all other nations. In conformity with our announced policies of favoring access to all raw materials by all nations and of equal economic opportunity in all areas, we should use our full influence to break down the firm hold which the Soviet Government is endeavoring to fasten on Eastern and Central Europe. We should be prepared to grant credits on an approved transaction basis to those countries in Eastern and South-

eastern Europe in which sincere efforts are being made to establish representative democratic regimes. In granting such credits, however, we should be sure that the credits are not used as an indirect method for the payment of reparations to the Soviet Union. In connection with the economic developments in Eastern Europe, we should insist upon protecting all legitimate American interests and property in that area and demand compensation for the value of the American interests involved in the event that property owned directly or indirectly by United States nationals cannot be retained.

We should not accord credits to the Soviet Union until we have received concrete and tangible assurances and supporting evidence that its economic policies are in general accord with our announced international economic policies. In order to protect the basic interests of the United States we should not accord global credits but should grant credits only on an approved transaction basis, thus permitting a review of the situation each time an application is made for an advance for a specific purpose. Because of the comparatively limited facilities the Soviet Government has for obtaining foreign exchange, the total amount of credit granted should be limited to a sum for which there are reasonable assurances that repayment can be made in the normal processes of international trade.

3. The Soviet policy of endeavoring to prevent full news reports from being sent to the outside world from areas under Soviet domination makes it difficult for the American public to evaluate developments in these areas. Now that we have obtained permission for American correspondents to enter these areas, we should continue our efforts to see that they are permitted freely to send factual reports on developments.

4. The indications of the adoption of a policy by the Soviet Government in the Far East of giving indirect support to communist elements in that area. While we have primary responsibility for the control of Japan and therefore the establishment of normal conditions in the Far East, we should nevertheless, as far as circumstances permit, make a full effort to consult with the Soviet Government in all matters affecting this area. As is the case in Europe, we should use our full influence, however, to assure that democratic regimes are established in the area, rather than Soviet-sponsored totalitarian governments.

In our policy in dealing with countries under Soviet domination we should, when possible, work out a concrete program, both political and economic, designed to support all the democratic elements in these countries but should not take any action which would strengthen the totalitarian left. On the other hand, since in general the non-communist left appears to have the broadest basis of popular support in this area,

we should be prepared to assist these groups whenever possible. Present indications point to the possibility that the Soviet Government may realize that its efforts completely to control the areas under Soviet domination are not meeting with success and are in fact proving to be a liability. This development appears to be taking place because of the growing resistance to Soviet methods and the disrupting influence which contact with these countries is having on Soviet occupation troops. Since the Soviet Union itself has many internal problems to solve in the next few years, it is possible that because of the difficulties encountered in Eastern and Central Europe and because it needs to exert its maximum efforts internally, the Soviet Government may decide to abandon its policy of full control in these areas. We should adapt our policy to encourage them in this direction without loss of face, if circumstances permit.

In the conduct of our relations with the Soviet Government we must always bear in mind that because of the differences between the economic and political systems of our two countries, the conduct of our relations requires more patience and diligence than with other countries. We should be prepared to overlook minor grievances, explain carefully and in detail our reasons for all of our actions or requests, and if it is deemed advisable to take a firm position regarding the Soviet Union, we should always be as careful as possible to assure that our facts are correct. The adoption of a firm and friendly attitude in our dealings with the Soviet Government when our interests are involved will put our relations on a much more satisfactory basis than yielding in the hope of securing greater consideration in the future, or the adoption of half-way measures, or failure to make our position clear in each case. On the other hand, in order to minimize Soviet suspicions of our motives we should avoid even the appearance of taking unilateral action ourselves.

SWNCC Files

*Memorandum by the Joint Chiefs of Staff to the State-War-Navy
Coordinating Committee*

SECRET
SM-4827

WASHINGTON, 25 January 1946.

Subject: Foreign Policy of the United States

The Joint Chiefs of Staff have considered the first twenty-five pages of a document entitled "Foreign Policy of the United States" which was forwarded to them by the State-War-Navy Coordinating Committee for comment. The Joint Chiefs of Staff perceive no military objec-

tions to public issuance of the proposed statement provided additional paragraphs from the speech of the President quoted in the document are included, in order to inform both other nations and our own people that the United States proposes to maintain military forces to support its foreign policy.

To this effect, the Joint Chiefs of Staff recommend that additions and amendments be appropriately introduced in the first twenty-five pages of the document by direct quotation from, or paraphrase of, those passages from the President's speech of October 27 reproduced below:

"The foreign policy of the United States is based firmly on fundamental principles of righteousness and justice. In carrying out those principles we shall firmly adhere to what we believe to be right; and we shall not give our approval to any compromise with evil."⁵²

"We have assured the world time and again—and I repeat it now—that we do not seek for ourselves one inch of territory in any place in the world. Outside of the right to establish necessary bases for our own protection, we look for nothing which belongs to any other power.

"We do need . . . armed might, however, and for four principal tasks:

"First, our Army, Navy and Air Force, in collaboration with our Allies, must enforce the terms of peace imposed upon our defeated enemies.

"Second, we must fulfill the military obligations which we are undertaking as a member of the United Nations Organization—to support a lasting peace, by force if necessary.

"Third, we must cooperate with other American nations to preserve the territorial integrity and the political independence of the nations of the Western Hemisphere.

"Fourth, in this troubled and uncertain world, our military forces must be adequate to discharge the fundamental mission laid upon them by the Constitution of the United States—to 'provide for the common defense' of the United States.

"These four military tasks are directed not toward war—not toward conquest—but toward peace.

"We seek to use our military strength solely to preserve the peace of the world. For we now know that that is the only sure way to make our own freedom secure.

"That is the basis of the foreign policy of the people of the United States."

For the Joint Chiefs of Staff:
A. J. McFARLAND
Brigadier General, U.S.A.,
Secretary

⁵² The following omissions indicated in the original.

Secretariat Files

Summary of Action of the 184th Meeting of the Secretary of State's Staff Committee, Department of State, Washington, February 5, 1946, 9:35 a. m.

SECRET

SC/R-184

Present:

The Secretary (presiding)

The Under Secretary

Messrs. Benton

Braden

Clayton

McCormack

Russell

Henderson ⁵³Matthews ⁵⁴ } (for Mr. Dunn)Vincent ⁵⁵ }Culbertson ⁵⁶ (WE)Jamison ⁵⁷

Lewis

Absent:

The Counselor

Messrs. Hackworth

Pavolsky

Policy of the Department Regarding Disposal to Foreign Governments of Military-Type Surplus Equipment ⁵⁸

The Under Secretary requested the Committee's agreement to the following policy regarding disposal to foreign governments of military-type surplus equipment:

That no disposals of military-type surplus equipment should be made to arm other nations, except for (a) the transfer *en bloc* of military equipment left in England; (b) the program for equipping the French Army to a reasonable extent; (c) completion of the program for China begun during the war; (d) equipping Philippine forces and (e) fulfilling commitments made in the interim program for the other American republics.⁵⁹

⁵³ Loy W. Henderson, Director of the Office of Near Eastern and African Affairs.

⁵⁴ H. Freeman Matthews, Director of the Office of European Affairs.

⁵⁵ John Carter Vincent, Director of the Office of Far Eastern Affairs.

⁵⁶ Paul T. Culbertson, Chief of the Division of Western European Affairs.

⁵⁷ Edward A. Jamison, Chief of the Policy Analysis and Reference Section of the Central Secretariat.

⁵⁸ For documentation on United States policy with respect to the liquidation of Lend-Lease and the provision of military supplies to individual nations or to nations in particular areas of the world, see the appropriate bilateral and regional compilations elsewhere in the *Foreign Relations* series.

⁵⁹ At its 187th Meeting, February 21, the Committee:

"AGREED that the statement of policy regarding disposal to foreign governments of military-type surplus equipment, approved by the Committee on February 5, 1946 (SC/R-184), should be amended by adding the following additional exception to the general policy that no disposals should be made to arm other nations: '(f) transfers to Canada when consistent with the program for joint defense.'"

AGREED that an effort should be made to have all identifying U.S. markings removed (so far as possible) from equipment transferred to other governments.

APPROVED the policy as outlined by the Under Secretary.

[Here follows discussion of another matter.]

SWNCC Files

*Memorandum by the Joint Chiefs of Staff to the State-War-Navy
Coordinating Committee*⁶¹

TOP SECRET

[WASHINGTON,] February 11, 1946.

SWNCC 38/30

Subject: Over-all Examination of Requirements for Transit Air Bases
and Air Base Rights in Foreign Countries.

The Joint Chiefs of Staff request that the Secretary of State be informed as follows:

“In furtherance to the memorandum of 8 November 1945 from the State-War-Navy Coordinating Committee (SWNCC 38/25), the Joint Chiefs of Staff have reviewed the requirements for military rights of air transit and technical stop at locations other than those enumerated . . . and have determined that such rights should be obtained at the locations listed in Appendix ‘A’.

“Requirements for air transit rights in Canada have not been included, since the Joint Chiefs of Staff assume that such rights, among others, will be obtained in extension of present United States-Canadian agreements, or under satisfactory substitutes therefor, and have initiated action leading to a determination of such requirements by the Permanent Joint Board on Defense, Canada-United States.

“With the exception of air transit rights in Mexico and Central America necessary to provide air access to the Panama Canal, requirements for air transit rights in Latin America have been excluded also, as the Joint Chiefs of Staff assume that such rights will be obtained in implementation of the treaty expected to be concluded as a result of the declarations in the Act of Chapultepec. The Joint Chiefs of Staff have under study the determination of the military views on this matter.

“The airfields listed in Appendix ‘A’ are those which it is expected will be operated by commercial or foreign military interests. In the event that during negotiations it appears that any airfield specifically listed by name is to become non-operational and that some other air-

⁶¹ Approved by the State-War-Navy Coordinating Committee by informal action on February 14.

field in the vicinity is to be operated by commercial and/or foreign military agencies, it is requested that negotiations for that specific airfield be suspended and the Joint Chiefs of Staff be so advised in order that United States military requirements in the area may be further examined.

“Military air transit rights for the United States along the North Africa-India route, as indicated on the maps in Appendix ‘B’,⁶² are considered highly desirable because of strategic considerations. The Joint Chiefs of Staff recognize that in the deliberations of the Security Council of the United Nations it is possible that the United States, along with other powers, may obtain all the air transit rights along this route which may be necessary; on the other hand, it may develop that the arrangements agreed to by the United Nations will not satisfy United States requirements. The Joint Chiefs of Staff therefore consider that so long as the strategic importance to the United States of air transit rights along this route is fully appreciated, the procedure and timing of negotiations to secure these rights whether multilaterally through the United Nations Organization or bilaterally with each nation concerned, is a matter for determination by the Department of State.

“Rights of air transit and technical stop, as used herein, are defined in Appendix ‘C’.

For the Joint Chiefs of Staff:
A. J. McFARLAND
Brigadier General, U.S.A.
Secretary

⁶² Facing p. 1144.

APPENDIX "A"

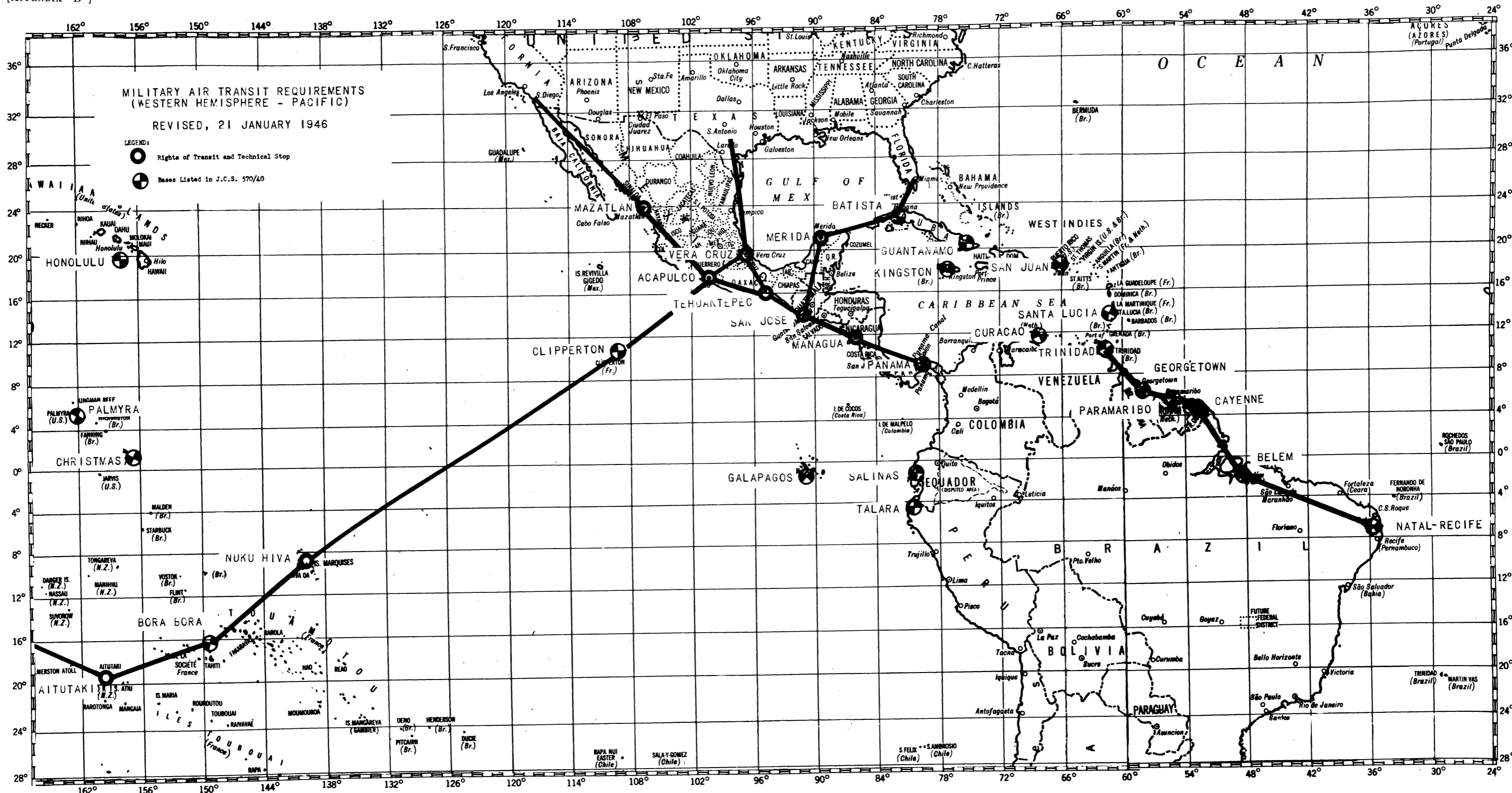
Annex "A" to Appendix "A"

LOCATIONS AT WHICH MILITARY AIR TRANSIT RIGHTS ARE DESIRED

<i>Location</i>	<i>Sovereignty</i>	<i>U.S. Expenditures</i>	<i>British Expenditures (Reciprocal Aid)</i>	<i>Remarks</i>
Algiers, Algeria (Maison Blanche Airport)	France	\$1, 576, 367	\$16, 894	{The French Government is of the opinion that present rights, effected by local agreement for the prosecution of the war, have expired. Additional expenditures not listed are: French—\$3,564,515 and British—\$4,333,084.
Tripoli, Libya (Wheelus Field)	Italy	8, 187, 236	None	{Present agreement implies rights to continue for duration of the war.
Cairo, Egypt (Payne Field)	United Kingdom	3, 181, 523	109, 292	{Present agreement states that all operational use will have to come up for review on cessation of hostilities.
Dhahran, Saudi Arabia (Dhahran Airport)	Saudi Arabia	4,000,000 (Est.)	None	{Present agreement provides for U.S. use for a period not exceeding three years following cessation of hostilities.
Karachi, India (Karachi Airport)	United Kingdom	None	4, 046, 679	{So far as is known, all rights of use and occupation of airfields in India by the United States are limited to the duration of the war, with U.S. requirements being met wherever possible by the Government of India on the basis of reverse lend-lease.
Agra, India (Agra Airport)	United Kingdom	442, 800	3, 180, 840	
Kharagpur, India (Dudhkundi Airport)	United Kingdom	1, 055, 974	2, 494, 964	{No existing formal agreement.
Rangoon, Burma (Mingaladon Airport)	United Kingdom	None	None	
Bangkok, Thailand (Don Muang Airdrome)	Thailand	None	None	{No existing formal agreement.
Saigon, French Indo-China (Tan Son Nhut Airport)	France	None	None	{No existing formal agreement.
Vera Cruz, Mexico (Las Bajadas Airport) (Vera Cruz Harbor)*	Mexico	1, 989, 720(A.D.P.)**		{In general military air transit rights in Mexico expire whenever either government decides no further threat exists to security of either country.
Tehuantepec, Mexico (Tehuantepec Airport)	Mexico	3, 440, 729(A.D.P.)**		{The U.S. exercises no current base or air transit rights.
Merida, Mexico (Merida Airport)	Mexico	3, 136, 452(A.D.P.)**		
Acapulco, Mexico (Acapulco Harbor)*	Mexico	None		{The U.S. exercises no current base or air transit rights.
Mazatlan, Mexico (Mazatlan Harbor)*	Mexico	None		
Managua, Nicaragua (Las Mercedes Airport)	Nicaragua	1, 094, 784(A.D.P.)**		{Present agreement expires not later than six months after the peace treaty is signed.
San Jose, Guatemala (San Jose Airport)	Guatemala	985, 766(A.D.P.)**		{Present agreement expires with the signing of the peace treaty.
Cayenne, French Guiana (Rochambeau Field)	France	3, 245, 371		{Present agreement provides for U.S. use to continue for one year after cessation of hostilities.
Nuku Hiva Island (Comptroller and Anaho Bays)* (In Marquesas Group)	France	None		{The U.S. exercises no current base or air transit rights.
Aitutaki Island (Tauta Seaplane Base)* (In Cook Islands)	New Zealand	50, 000		{Present agreement gives the United States military air transit privileges for the duration of the war.

*Landing and anchorage for seaplanes.

**Airport Development Program.



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APPENDIX "C"

RIGHTS OF MILITARY AIR TRANSIT AND TECHNICAL STOP

1. The right of military air transit and technical stop is the long-term right to operate military aircraft into, over and away from a designated territory, and to land at one or more specific airfields or seaplane landing areas therein to refuel, effect repairs, or avoid unfavorable weather conditions, without restriction except as mutually agreed between the United States and the nation exercising sovereignty, mandate or trusteeship.

2. In the exercise of the above right, the United States to have the following attendant rights:

a. To install, maintain, and operate such aids to navigation, communications, and weather reporting facilities as may be required, subject to mutual agreement.

b. To operate seaplane tenders, as required in the exercise of the rights accorded, in territorial waters in the vicinity of specified seaplane landing areas, such operations to include use of anchorage facilities in those waters by such vessels, without restriction except as mutually agreed.

c. To import, station, store in, or remove from a designated airfield the minimum personnel, supplies, and matériel necessary for transit operations, free of customs, duties, taxes, and imposts of any kind.

d. Exemption of United States official personnel, aircraft, supplies and equipment in transit, from customs, duties, taxes, imposts, and inspections other than those required for quarantine or similar purposes.

e. To contract with persons, companies, or government agencies for services and supplies locally required.

SWNCC Files

Report by the Subcommittee on Rearmament to the State-War-Navy Coordinating Committee

TOP SECRET

[WASHINGTON,] March 21, 1946.

SWNCC 202/2

POLICY CONCERNING PROVISION OF UNITED STATES GOVERNMENT MILITARY SUPPLIES FOR POST-WAR ARMED FORCES OF FOREIGN NATIONS ⁶³

PROBLEM

1. To study and advise the State-War-Navy Coordinating Committee with respect to the extent to which the United States will support

⁶³ The present paper had its origins in a request by the Joint Chiefs of Staff, approved by the State-War-Navy Coordinating Committee as SWNCC 202/D on

Footnote continued on following page.

foreign countries with United States military supplies for their post-war armed forces; to determine whether certain lend-lease items still in existence should be withdrawn from particular foreign nations as a matter of United States or international security is a corollary in the implementation of the primary problem.

NOTE: For the purpose of this paper the term "United States military supplies" is understood to mean naval vessels, arms, ammunition and implements of war obtainable through United States surplus channels or obtainable through the recapture of lend-lease articles in the hands of foreign military authorities.

DISCUSSION

2. See Appendix.

GENERAL CONCLUSIONS

3. As a general guide, the State, War and Navy Departments agree that it is consistent with United States policy to support forces of foreign countries with United States military supplies to the extent stated in the "Specific Conclusions" of this paper subject to the "General Conclusions". These conclusions should not exclude consideration of requests for minor quantities of United States military supplies, which requests should be considered on their individual merits.

4. Any support with United States military supplies should be implemented, so far as is possible within the framework of existing legislation, appropriations, etc., except enabling legislation will be necessary to avoid the mandatory recapture of certain vessels and craft. It is possible, however, in so far as surplus property located within the United States or its territories may be needed to implement such programs, that an amendment to the Surplus Property Act may be needed. The general policy guidance set forth in paragraph 3 should be considered when requests are made for new legislation or appropriations, etc.

5. The United States has the right to require the return or recapture of lend-lease military supplies. An examination of our relations with all countries indicates that it is not desirable at this time to exercise generally this right of return or recapture of such items. It is recognized, however, that the right of return or recapture may necessarily be exercised in cases where the War or Navy Department deems

October 3, 1945, that the Subcommittee on Rearmament prepare a report on policy with respect to lend-lease and the support of foreign countries by the provision of military supplies. The initial Subcommittee report was circulated as SWNCC 202/1, January 24, 1946, "Policy Concerning Settlement of Lend-Lease Obligations." That document was similar in form and content to the present paper. At its 35th Meeting, February 7, the Committee considered SWNCC 202/1, agreeing upon amendments which were incorporated into SWNCC 202/2. After undergoing certain minor additional revision, SWNCC 202/2 was approved by the Committee on March 21 in the form in which it appears here. (SWNCC Files)

such action essential to meet its requirements. Any assertion by the War or Navy Department of the right of return or recapture should, however, be made only after consultation with the State Department in order that foreign policy factors may be considered.

6. In order to safeguard the future interests of the United States in the use of such items, the United States should obtain from those foreign governments which are permitted to retain lend-lease military equipment, an agreement providing that such Government will return lend-lease items on demand of the United States; and an agreement that such items will not be transferred to third governments for military use or to any party for civilian use by sale or otherwise, without the consent of the United States unless previously agreed, and then only upon such terms and conditions as the United States may impose; provided that the rights of recapture and restrictions as to use or disposition of military items of lend-lease origin may be waived only in case specific agreements to that effect are concluded within the United States Government. It is not intended that the retention of the rights of recapture expressed in this paragraph should apply in the case of lend-lease items paid for in full or in accordance with the terms of specific treaties or agreements.

8. [*sic*] It is neither desirable nor essential to set aside a reserve, or to disrupt existing disposal procedures, of equipment presently available to the United States, for the purpose of meeting equipment requirements that may result from these General and Specific Conclusions.⁶⁴

SPECIFIC CONCLUSIONS

NOTE: The State Department wishes to invite attention that the following observations were obviously based upon foreign policy considerations at the time this paper was written, and that accordingly changes in policy are likely in the future which would affect these conclusions. In this connection it is recognized that the policy of the United States pursuant to its responsibilities in the United Nations for the regulation of armaments is now being formulated. To the extent that the specific conclusions which follow may be found not to be in harmony with such policy, modification of these conclusions may be required. It is understood by the War and Navy Departments that the State Department will initiate action to revise these specific conclusions whenever changes in foreign policy so dictate. It is assumed that the State Department will be consulted at the time any new policy or major

⁶⁴ In memorandum SWN-3830, February 4, the Department of State approved SWNCC 202/1 subject to the addition of this paragraph and of the words "In this connection . . . may be required" in the Specific Conclusions immediately below. Neither item had appeared in any form in SWNCC 202/1. (SWNCC Files)

program is proposed with respect to the furnishing of military supplies to a foreign country.

The following specific conclusions are intended to set the permissive limits within which implementation would be consistent with present national policy.

Latin America

9. It is consistent with United States policy to support with U.S. military supplies the armed forces of the other American Republics to the extent necessary to effect collaboration for the defense of the Hemisphere.

Far East

China

10. It is consistent with United States policy to support with U.S. military supplies, in reasonable amounts, the armed forces of China to the extent required to accomplish the establishment of a military organization capable of discharging Chinese national and international responsibilities for the maintenance of peace and order.

Philippines

11. It is consistent with United States policy to support the armed forces of the Philippines with U.S. military supplies to the extent required to permit them to provide for the security of the Philippines and for the mutual protection of the Islands and the United States.

Siam

12. It is consistent with United States policy to consider requests for strengthening the armed forces of Siam by the United States on their individual merits.

Korea

13. It is consistent with United States policy to provide a Korean National Civil Police Force with equipment adequate for the internal police requirements of that country as outlined in SWNCC 232/1.⁶⁵

Europe

The United Kingdom and the British Commonwealth

14. It is consistent with United States policy to positively support and aid the United Kingdom and British Commonwealth with United States military supplies in maintaining strong post-war armed forces.

⁶⁵ SWNCC 232/1, Police Force and National Defense Forces for Korea, was approved by the State-War-Navy Coordinating Committee on December 29, 1945. For the directive on this subject from the Joint Chiefs of Staff to General MacArthur, Commanding General, United States Army Forces in the Pacific, see telegram Warx 92187 to Tokyo, January 9, 1946, in *Foreign Relations, 1945*, vol. VI, p. 1156.

France

15. It is consistent with United States policy to support with United States military supplies the armed forces of France, but pending further clarification of the situation in Indo-China provision of U.S. military supplies should be suspended in cases which appear to relate directly to that area.

Portugal

16. It is not considered consistent with United States policy to support with United States military supplies the armed forces of Portugal, except to the extent that they may be used to aid negotiations for permanent base rights.

Italy

17. United States policy favors the establishment within treaty limits of a military force sufficiently strong to maintain internal order in Italy, and sufficiently strong for defense of her borders against local violations and any support to Italy should be in accord therewith.

Belgium, Denmark, Norway and Sweden

18. At this time the United States does not anticipate the rearming with United States military supplies of the armed forces of Belgium, Denmark, Norway and Sweden. It is consistent with United States policy, however, to give favorable consideration to specific requests by these countries for a limited number of aircraft. It is also consistent with United States policy to give favorable consideration to Danish requests for naval equipment for use in Greenland.

Netherlands

19. The State Department is of the opinion that requests for strengthening Netherlands armed forces by the United States should be considered on their individual merits, but that pending further clarification of the situation in the Netherlands East Indies, provision of U.S. military supplies should be suspended in cases which appear to relate directly to that area.

U.S.S.R.

20. The Soviet Government is in a position to meet its own military needs. Requests for strengthening the armed forces of the U.S.S.R. should be considered on their individual merits.

Other Countries of Europe

21. It is not considered consistent with United States policy to support with United States military supplies the armed forces of Poland,

Rumania, Bulgaria, Yugoslavia, Austria, Hungary, Albania, Spain, Finland, Switzerland, and, of course, Germany. At this time the support of the armed forces of Czechoslovakia with United States supplies is not contemplated.

Near and Middle East

22. In accordance with the United States' firm political policy of aiding the countries of the Near and Middle East to maintain their independence and develop sufficient strength to preserve law and order within their boundaries, it is consistent with United States policy to make available additional military supplies, in reasonable quantities, to those countries.

RECOMMENDATIONS

23. It is recommended that the State-War-Navy Coordinating Committee approve the above Conclusions and transmit this paper to the State, War and Navy Departments and the Joint Chiefs of Staff for their guidance.

Appendix

DISCUSSION

1. In order fully to meet the requirements of the study under reference, an approach to the problem has been made by the Subcommittee from the standpoint of determining:

a. The extent to which the United States, in accordance with our foreign policy, will support in the foreseeable future foreign countries with military supplies for their post-war armed forces, and

b. Whether, in accordance with United States or international strategic security, lend-lease military equipment still in existence should be withdrawn from particular foreign nations.

2. In reaching its conclusions and recommendations the State-War-Navy Coordinating Subcommittee on Rearmament is of the opinion that so far as it is possible no new legislation is desirable for the implementation of any of the conclusions reached in this paper. It is possible, however, in so far as surplus property located within the United States or its territories may be needed to implement such programs, that an amendment to the Surplus Property Act may be needed. Also, it is believed necessary that enabling legislation must be enacted to clarify the matter of the disposition of craft now subject to mandatory recapture under Public Law No. 1, 78th Congress (H.R. 1446), and to provide for future transactions in which naval vessels and craft are involved.

3. The State-War-Navy Coordinating Subcommittee on Rearmament is in accord with the conclusions . . . that "the State Department will recognize and make appropriate use of the bargaining power of foreign lend-lease obligations to the United States".

4. In order to make sure that lend-lease equipment is not used in the future for purposes against the interests of the United States and to make sure that in case of future need the United States will be in a position to call for the return of this material, it would seem most desirable that before various governments are permitted to retain this equipment indefinitely they should be obliged to agree to return it upon demand.

5. The conclusion that foreign governments must agree not to transfer (by sale or otherwise) to third countries without our consent lend-lease military equipment or supplies is based generally on two considerations:

a. A factor in not recapturing this equipment from a certain country is that we want to see it in the hands of that country for security reasons, and this might or might not be the case with respect to the country of proposed retransfer, and we would want the opportunity to consider that question from the security angle case by case as they arise.

b. From the political angle, we would want the opportunity to consider whether the United States rather than the other country should get the credit for the transfer.

c. In the cases of sales, we would want the opportunity to consider whether the sale should be made for our account with proceeds payable to us.

6. It is the feeling of members of the State-War-Navy Coordinating Subcommittee on Rearmament that a more appropriate title to this paper would be "Policy Concerning Provision of United States Government Military Supplies for Post-War Armed Forces of Foreign Nations".⁶⁶ As explained in paragraph 1 above, this paper deals with the larger problem of United States foreign policy toward the support of post-war armed forces of foreign countries, as well as with the immediate problem of the recapture of lend-lease military equipment. Moreover, the scope of this paper goes beyond countries which have been furnished lend-lease equipment. Furthermore, the initial request by the Joint Chiefs of Staff to the State-War-Navy Coordinating Committee was for guidance for the War and Navy Departments "with respect to the extent to which the United States will support foreign countries with military supplies for their post-war armed forces".

⁶⁶ Documents SWNCC 202/D and SWNCC 202/1 are titled "Policy Concerning Settlement of Lend-Lease Obligations" (SWNCC Files).

7. While it is unquestionably the function of the War and Navy Departments in the first instance to determine those lend-lease items which should be recaptured to meet their respective military requirements, the final determination in respect to recaptured items should of necessity give full consideration to this Government's basic policies toward the post-war strength and position of any given country from which lend-lease material might be recaptured. For example, in the cases of France and Great Britain consideration should be given to the fact that it is our policy and it is in our national interest to have those countries politically, economically and militarily strong. While there would be no conflict with that policy on the recapture of items surplus to the needs of those countries, recapture of war materials which would materially weaken their military positions might well run counter to our basic interest. Accordingly, any request for the return of lend-lease items should only be made after full consideration has been given whether the recapture might involve the weakening of the military organization of a friendly country.

Latin America

8. The general problem of providing military aid to Latin America is discussed in SWNCC 4/10⁶⁷ and in other papers (ref. SWNCC 246 and SWN-3658) now before SWNCC.^{67a} The objective embodied in these papers, and set forth in paragraph 8 of the Specific Conclusions is the development of such relations with the armed forces of other American republics as will contribute the maximum to hemisphere security in the light of both military and political considerations.

Far East

China

9. There is an urgent need for reorganizing and modernizing China's armed forces in order that they may be forged into an instrument capable of discharging China's national and international responsibilities for the maintenance of peace and order. To meet this need, the President has laid down as a principle of American policy toward China that "As China moves toward peace and unity . . . the United States would be prepared to assist the National Government (of China) in every reasonable way to . . . establish a military organization capable of discharging China's national and international responsibilities for the maintenance of peace and order." In keeping with the President's policy as enunciated above, the United States should be prepared to support with United States military supplies

⁶⁷ For text, see *Foreign Relations*, 1945, vol. ix, p. 251.

^{67a} Neither printed.

the armed forces in China to the extent needed to accomplish the establishment of a modern and effective military organization.

Philippines

10. The Tydings-McDuffie Act of March 24, 1934 authorized the retention of military installations in the Philippines after they become a free and independent state on July 4, 1946. In a Joint Resolution of Congress (Public Law 380, 78th Congress) approved June 29, 1944, this policy was reaffirmed and the President of the United States was authorized to acquire and retain bases and necessary appurtenances thereto in the Philippines, and all rights incident thereto, in addition to those provided by the Act of March 24, 1934, "for the mutual protection of the Philippine Islands and the United States". It can, therefore, be said that there is an obligation to aid the armed forces of the Philippines by making available to them United States military supplies not only for their own security but also for the security of the United States. In addition, it is essential that measures be taken to insure peace and order in the Philippines following the granting of complete independence on July 4, 1946.

Siam

11. The Department of State believes that favorable consideration should be given to requests by the Government of Siam for U.S. military supplies. However, in view of the international political implications of any such transaction, it is believed that such requests should be considered on their individual merits.

Korea

12. In approving SWNCC 232/1, it was considered inadvisable to authorize anything beyond the arming of Korean military police until such time as U.S. and Soviet occupying forces had been withdrawn or a responsible Korean government created which could support a military organization.

Europe

France

13. In late August 1944, the British Embassy approached the State Department, and the British Chiefs of Staff approached the Combined Chiefs of Staff, with reference to the adequate equipment of the forces of the Western European Allies, to enable them to maintain security in their own countries and to take part in occupying Germany. The question was asked whether the United States Government would be willing to reequip a French Army for such purposes from American sources during the next few years, having in mind that present French

land forces are provided with American munitions and material. British Chiefs of Staff suggested a continuance of British supply to Norway, Denmark, the Netherlands and Belgium.

The United States Chiefs of Staff, through Admiral Leahy, stated to the Department of State that there was no objection on military grounds to the Division of responsibility proposed but that no commitments should be made that will be rigidly exclusive for the future.

Acceptance of the British proposal was recommended to President Roosevelt, who gave his approval. In the memorandum approved by President Roosevelt it was stated "Our present policy toward France is based on the belief that it is in the best interests of the United States that France resume her traditional position as a principal power capable of playing a part in the occupation of Germany and in maintaining peace in Europe. The recruiting and equipping of French military forces would be a natural corollary of this policy, and politically such a move could be portrayed as a further evidence of American friendship for France and a proof of our desire to see her as a strong nation. The furnishing of arms by the United States to France may provide this Government with a lever to exercise a certain measure of influence on French policy for a number of years. However, it must be borne in mind that France will make every effort to obtain arms from any source." This continues to be State Department policy.

In March 1945, President Roosevelt approved a program of additional military equipment for the French military force. This program involved the equipment of eight additional French divisions. This program was only partially completed by V-E Day.

Due to the unsettled conditions at present prevailing in Indo-China, the Department of State finds itself in a somewhat difficult position. As indicated above, it believes that as a general principle, the United States should support the armed forces of France with military supplies. On the other hand, it does not at this juncture desire to strengthen the hand of the French Government in its current attempt to restore by force the pre-war position of France in Indo-China.

It is obvious that any material delivered to the French Government could easily find its way to Indo-China for purposes to which this Government is currently opposed. It goes without saying that once combat material is delivered to the French it will be extremely difficult to determine the ultimate use to which it is put.

Whereas the position taken in this juncture by the Department of State may not result in its desiderata being obtained in all respects, it is felt that the application of paragraph 12 ^{67b} of this paper can best serve the current interests of the United States.

^{67b} The reference is to paragraph 15 under "Specific Conclusions" herein, p. 1147.

Italy

14. Approval has been given (SWNCC 188 Series) to the sale to the Italian Government of approximately 150 P-38 aircraft now on loan to that government, and (SWNCC 170 Series) to the sale to Italy of military material furnished Italian troops. United States policy favors the establishment within the limits of treaty arrangements of an Italian military force sufficiently strong to maintain internal order and also strong enough for defense against outside encroachment.

Portugal

15. JCS document 1289/2,⁶⁸ November 12, 1945, sets forth the desires of the Joint Chiefs of Staff with respect to post-war military rights in the Azores Islands. Negotiations for those rights have not yet been undertaken.

In view of the fact that the Department of State will shortly undertake negotiations with the Portuguese Government looking to securing for the United States permanent base rights in the Azores, it would be most useful if the American negotiators were in position to indicate to the Portuguese authorities that the supplies envisaged in the staff talks and possibly additional supplies might be made available to Portugal at preferably an extremely favorable price. Portuguese agreement to base rights might be the more readily obtained. It seems logical also that if this base is to be a joint Portuguese-American undertaking the Portuguese should have modernized equipment preferably United States standard equipment.

United Kingdom and British Commonwealth

16. It is recognized that it is in the interest of the United States that the United Kingdom and the British Commonwealth have forces sufficiently strong to discharge their defense responsibilities. A strengthening of the armed forces of Canada, Australia and New Zealand is favored.

In any program of recapture of lend-lease equipment from the United Kingdom and the British Commonwealth, consideration should be given to the basic United States policy with respect to these countries and caution should be exerted in filing requests for recapture lest an actual weakening of the armed strength of those countries might result.

Netherlands

17. At the present time the Department of State finds itself in a somewhat difficult position due to the uncertainty of developments in

⁶⁸ Not printed.

the Netherlands East Indies. On the one hand it is agreeable to furnishing the Netherlands Government with United States military supplies intended for the defense of the metropolitan area, while on the other it does not, at this juncture, desire to assist that Government in an attempt to restore by force its pre-war position in the Netherlands East Indies. It is obvious that the Dutch might ship war material secured on the basis of use in the metropolitan area, to the Netherlands East Indies, for purposes to which this Government is currently opposed, and it is equally obvious that once combat material is delivered to the Dutch it would be extremely difficult to trace such material further.

Whereas the position taken at this juncture by the Department of State may not result in its desiderata being obtained in all respects, it is felt that the phrase "individual merits", plus the caveat on the Netherlands East Indies contained in paragraph 16^{68a} of this paper, can best serve the current interests of the United States until the situation in the Indies is further clarified.

Belgium, Denmark, Norway and Sweden

18. Although United States policy favors a strong Belgium, Denmark, Norway and Sweden, it is expected that these countries will receive outside support of military supplies from the United Kingdom. However, any requests from Denmark for naval equipment for use in Greenland should be favorably considered particularly as it would aid our negotiations for rights in that area.

Individual requests for commercial and trainer-type aircraft in limited quantities are to be expected from these countries and should be favored. Some requests for commercial-type aircraft have been received.

Other Countries of Europe

19. State Department policy with respect to the support of these countries with United States supplies is set forth in paragraph 20[21] of the Specific Conclusions.

Near and Middle East

20. The State Department advises as follows with respect to United States foreign policy regarding nations of the Near and Middle East:

In general, the United States had adopted the firm policy of aiding the countries of the Near and Middle East to maintain their independence and to develop sufficient strength to keep a reasonable degree of law and order within their boundaries. None of the governments of the area are believed to possess excessive armaments, and few of them have sufficient strength at present to police its territory adequately.

^{68a} The reference is to paragraph 19 under "Specific Conclusions" herein, p. 1149.

By and large, therefore, we favor the according of additional military supplies, in reasonable quantities, to those countries of the area which may be able to purchase them.

As regards recapture, relatively little in the nature of military supplies has been furnished these countries under lend-lease with the exception of Turkey. Even in the case of Turkey, the supplies furnished were far less than those promised to Turkey by Prime Minister Churchill, with President Roosevelt's concurrence. A few LST boats were furnished to Greece, and small amounts of military supplies may have been retransferred to Iran and Egypt by Great Britain. We are not aware of any instance in this area where an effort to recapture military supplies would be advisable, although the United States military authorities may find an instance here and there in which some country may have an excessive supply of some particular item of United States military lend-lease origin.

Afghanistan

21. United States foreign policy favors a government in Afghanistan which is capable of controlling the tribes and maintaining internal security. The country already possesses a moderate amount of military equipment but will need new supplies and replacements. We should examine sympathetically any Afghan requests to purchase such supplies from the United States in moderate amounts, for internal security purposes and to enable Afghanistan to defend its frontiers against marauders.

A complicating factor in the case of Afghanistan is British desire to have no such equipment transferred to Afghanistan without British approval, since the security of Northwest India is closely tied to that of Afghanistan. American representatives in London in 1944 concurred in the view that no arms should be sold by the United States to Afghanistan without prior consultation with the British. While this was an informal arrangement, without suggestion as to the duration and applied primarily to the existing war situation, the Department of State will undoubtedly feel it desirable to discuss with the British authorities any Afghan requests to purchase arms. Other military supplies such as uniforms, communications, supplies, et cetera, might be sold without prior consultation, although prior notification would be a proper courtesy. Decision regarding consultation in the latter type of case can be made in each case as it arises. The Afghan Government has indicated a desire to acquire certain surplus United States military supplies in India but no formal request has yet been received. If such a request were received, we should view it sympathetically.

Egypt

22. A treaty between Great Britain and Egypt gives Great Britain preferential treatment in the training of its Army by British military

instructors and in furnishing military supplies which are to conform, as far as possible, to British specifications. As long as the foregoing treaty provisions are in effect, Egypt is understood not to be in a position to obtain military equipment without British concurrence. We should consider favorably any reasonable Egyptian requests which have British approval.

Ethiopia

23. In accordance with our policy of affording all appropriate assistance to the Ethiopian Government to enable it to maintain the independence of the country and in fulfillment of our assurances of aid in Ethiopia's rehabilitation, it is recommended that the United States provide such military supplies as competent American and Ethiopian military authorities may deem necessary to ensure domestic tranquillity. From the international aspect, it is difficult to envisage a future armed threat to Ethiopian independence from any of her present neighbors, but border incidents may continue to occur as a result of the Government's present inability to maintain complete order throughout the 350,000 square miles of its domain. The furnishing of additional military supplies should assist the Government to augment its police and military forces and to increase its ability to deal with unstable border elements.

The Ethiopian Government has recently furnished the State Department a long list of supplies which it desires to obtain, including various items of military equipment. It is not yet certain, however, how the Ethiopians intend to handle this request formally. When this request is received in proper fashion the State Department considers that the request should be viewed sympathetically.

Greece

24. It is desirable to cooperate with the British to enable Greece to maintain security, especially along North and Northwestern frontier. The amount of arms necessary for this purpose will depend on the extent of armament in neighboring countries, a subject on which the Big Three are in disagreement. In principle, United States foreign policy favors the further strengthening of Greek forces.

Iran

25. United States foreign policy toward Iran envisages a strong national entity capable of maintaining internal security. To attain this objective, we would look with favor on the furnishing of arms and equipment to the Iranian Army, police and gendarmerie. We have, in fact, been furnishing such equipment during the war under cash reimbursable lend-lease, through requisitions filed by the heads of the two American Military Missions to Iran. It is recommended

that we continue to furnish any military supplies to Iran, against payment, which may be recommended by our military missions there.

Iraq

26. As long as the present Anglo-Iraqi treaty of alliance remains in effect, Iraq is presumably precluded from obtaining any military supplies except with the concurrence of Great Britain. In any event, it would seem advisable for us to cooperate closely with Great Britain in any program for supplying arms to Iraq.

Liberia

27. Liberia occupies a special position in our foreign relations. We have been looked to as "next friend" ever since Liberia was founded by American philanthropic institutions. Our policy has been to support internal order and to give economic and political assistance when required. We should support Liberia with military supplies for its small post-war armed forces, should requests for such supplies be considered necessary by American representatives in Liberia. The United States, during the course of the present war, undertook the defense of Liberia for the duration, and in that connection provided arms and training for the Liberian Frontier Force.

Saudi Arabia

28. The United States has every interest in assisting the Government of Saudi Arabia in maintaining peace and order in the country, where an American company has an oil concession of great potential importance to American strategic as well as commercial and political interests. Furthermore, some 1200 American citizens are residing in the country without protection from possible tribal disturbances and the most feasible means of protection is to strengthen the Government with adequate military supplies.

It should be added that this Government has indicated willingness to continue to assist Saudi Arabia in the development of a modern post-war Army, both ground and air force, through military missions and other means. From October 1944 to July 1946 a small United States Military Mission consisting of 12 officers and men was stationed in Saudi Arabia to train the Saudis in the use and care of military lend-lease items being shipped to that country. In response to a request from King Ibn Saud a new military mission to Saudi Arabia was organized in March 1945, but during subsequent negotiations the King expressed fears that further military assistance would be misinterpreted and opposed by his tribal chieftains, by his external enemies and by the British. For the time being at least, the King has declined such military assistance. On the other hand, he has let it be known that his decision is not final. It is quite possible, therefore, that the

King may yet request military assistance in some form, and this Government would then be under commitment to render such assistance.

Syria and Lebanon

29. Syria and Lebanon, especially the former, are in urgent need of military supplies if they are to be enabled to maintain internal security. It is recommended that we furnish such supplies as requested to the greatest extent feasible. These two countries are just now emerging into independent status and are endeavoring to establish rudimentary armed forces sufficient to enable them to maintain order. We have recognized their independence and assured them of our willingness to assist them in their efforts to create firm governments.

Turkey

30. We should continue, in general, to sell the Turks such reasonable amounts of arms and equipment as they may wish to buy. We must guard against a charge of actively and aggressively arming Turkey against the U.S.S.R., but there seems no likelihood of Turkey's developing aggressive tendencies and any arms they obtained would be for defensive purposes.

SWNCC Files

*Memorandum Prepared by the Joint Chiefs of Staff*⁶⁹

TOP SECRET

[WASHINGTON,] March 27, 1946.

SWNCC 282

BASIS FOR THE FORMULATION OF A U.S. MILITARY POLICY

1. The basic purpose for maintaining United States armed forces is to provide for our security and to uphold and advance our national

⁶⁹ This document was approved by the Joint Chiefs of Staff on September 19, 1945, and forwarded to the Secretaries of War and Navy for transmission to the Secretary of State and the President. The Assistant Secretary of War submitted it to the State-War-Navy Coordinating Committee on September 26, 1945. It was examined at the 167th Meeting of the Secretary's Staff Committee on November 13, 1945; for the minutes of that meeting, see p. 1118. SC-169b, an evaluation of the present document prepared in the Department of State, is printed on p. 1123. At the request of the War Department, the JCS statement of policy was republished as SWNCC 282 on March 27, 1946, and referred to an *ad hoc* committee for study and revision in accord with comments by the State, War, and Navy Departments. The *ad hoc* committee did not meet in 1946. On December 13, 1946, the Department of State recommended that action with respect to the paper be cancelled. However, in view of the desire of the War Department that further action be taken, the *ad hoc* committee prepared and circulated a revised draft of the present paper on February 6, 1947. This draft failed to receive full approval of all members of the *ad hoc* committee itself. No other draft was prepared subsequently. Events having overtaken it and a project of the newly-formed National Security Council having dealt with its subject, SWNCC 282 was removed from the agenda of the State-War-Navy-Air Force Coordinating Committee in 1948. (SWNCC Files)

policies, foreign and domestic. The essentials of our military policy are determined by our national policies.

2. The major national policies which determine our military policy are:

a. Maintenance of the territorial integrity and security of the United States, its territories, possessions, leased areas and trust territories.

b. Advancing the political, economic and social well-being of the United States.

c. Maintenance of the territorial integrity and the sovereignty or political independence of other American states, and regional collaboration with them in the maintenance of international peace and security in the Western Hemisphere.

d. Maintenance of the territorial integrity, security and, when it becomes effective, the political independence of the Philippine Islands.

e. Participation in and full support of the United Nations Organization.

f. Enforcement, in collaboration with our Allies, of terms imposed upon the defeated enemy states.

g. Maintenance of the United States in the best possible relative position with respect to potential enemy powers, ready when necessary to take military action abroad to maintain the security and integrity of the United States.

3. These policies in the aggregate are directed toward the maintenance of world peace, under conditions which insure the security, well-being and advancement of our country.

4. In the last analysis the maintenance of such a world peace will depend upon mutual cooperation among Britain, Russia and the United States. The possibility of a breakdown in the relation between these major powers and the resulting necessity to exercise individual or collective self-defense requires, for our own preservation, that we be so prepared that if necessary we can maintain our security without immediate or substantial assistance from other nations. Such an eventuality presents the maximum problem from the military point of view. A military policy that will maintain the security of the United States, standing alone, would meet all other military requirements. Any future conflict between major foreign powers will almost certainly precipitate a third world war, in which we could not hope to escape being involved. Any nation, which in the future may attempt to dominate the world, may be expected to make her major effort against the United States and before we can mobilize our forces and productive capacity. The power, range and prospective development of modern weapons are such as to favor such an attack. As a result, there will be a marked reduction in the degree of invulnerability to ready attack that has been provided in the past by our geographical position.

5. It is to be borne in mind, however, that, in correspondingly equal degree, we will possess the means for retaliatory or punitive attack against other powers who may threaten the United States or the international peace structure in general. The means for preserving peace under the United Nations are both tacit and explicit. They are primarily tacit with regard to the major powers in that, whereas the existence of effective military power must be real, its implementation or assertion must be avoided, if possible. If the stability of the international structure is to be maintained, unbalanced power factors or stresses must be guarded against. From the point of view of the United States, this means that our country, if she is to play her proper part toward the maintenance of international peace, must have sufficient military power to make it unwise for any major aggressor nation to initiate a major war against the opposition of the United States. The relative military power required for fulfilling the potential role of this international sanction should not exceed that required for national security purposes, as set forth in the preceding paragraph. It would not be maintained for, nor used in any way as, an international threat, nor for purposes of asserting world domination.

6. More explicit is the maintenance of an international security force. The United Nations Charter provides for the use, if required, of certain armed forces made available to the Security Council, by previous agreement, to maintain international peace and security. Under its terms concerted military action by the United Nations can be taken only when all five of the permanent members of the Security Council, plus two non-permanent members, agree that other means are inadequate to maintain or restore international peace and security. It may therefore be assumed that the total requirement of the Security Council for armed forces will be small, and consequently, that the United States commitment will be only a small part of the military forces which will be required in any event for national security against the in no way remote possibility of a breakdown in the relation of major powers.

7. The other definite military commitment, and the one that is most immediate, is to provide the necessary forces for the occupation and demilitarization of Germany and Japan, and the prevention of their resurgence as aggressor nations.

8. It is recognized that the maintenance of overwhelmingly strong forces in time of peace is politically and economically unacceptable to the people of the United States. However, they should accept as requirements essential to their security :

a. The maintenance of sufficient active forces to afford assurance of the security of the United States, its territories and possessions

during the initial period of mobilization of national means—manpower, resources and industry.

b. Readiness and determination to take prompt and effective military action abroad to anticipate and prevent attack.

c. An intelligence system which would assure this government information concerning military, political, economic and technological developments abroad and hence provide the necessary forewarning of hostile intent and capability.

d. A national organization which will promote and coordinate civilian and military activities in technical research and development.

e. Maintenance of an adequate system of overseas bases.

9. It may be assumed that the United States, relative to other great powers, will maintain in peace time as armed forces only a minimum percentage of its war time potential. It is imperative therefore that these forces be the best trained in the world, and equipped with superior matériel and so disposed strategically that they can be brought to bear at the source of enemy military power, or in other critical areas in time to thwart attack by a potential aggressor. These forces must be supported by an adequate system of bases and machinery for the rapid mobilization of our national resources. Plans and preparations must be kept abreast of developments of new weapons and counter-measures against them and provide for exploitation of our superior mechanical and industrial capabilities. When it becomes evident that forces of aggression are being arrayed against us by a potential enemy, we cannot afford, through any misguided and perilous idea of avoiding an aggressive attitude to permit the first blow to be struck against us. Our government, under such conditions, should press the issue to a prompt political decision, while making all preparations to strike the first blow if necessary.

10. In view of the above, the United States military policy may be stated as follows:

STATEMENT OF UNITED STATES MILITARY POLICY

11. *Basic Military Policy.* To insure the security of the United States and to uphold and advance its national interests by military readiness to support its national policies and international commitments.

12. *General Military Policy.* To be prepared to take prompt and effective military action wherever necessary with the armed forces of the United States:

a. To maintain the security of the United States, its territories, possessions, leased areas, trust territories and the Philippine Islands.

b. To secure and to maintain international peace within the West-

ern Hemisphere, acting collectively with other American states, but if necessary acting alone.

c. To fulfill our military commitments in the maintenance of international peace and security as a member of the United Nations.

d. To fulfill our military commitments in the enforcement, in cooperation with our Allies, of the terms imposed upon defeated enemy states.

e. To maintain the United States in the best possible relative position with respect to potential enemy powers.

13. *Principal Supporting Military Policies:*

a. To maintain mobile striking forces in strength, composition and state of readiness for prompt and adequate action and to provide necessary fixed and mobile logistic support for such forces.

b. To maintain adequate forces required by our commitments for the enforcement of terms imposed on defeated enemy states.

c. To provide security for vital areas in the United States, its territories, possessions, leased areas and trust territories against possible enemy attacks, including attacks with newly developed weapons.

d. To maintain an adequate reserve of appropriate composition, both as to personnel and matériel, which is capable of rapid mobilization.

e. To develop and maintain an adequate system of supporting establishments within the continental United States for our operating forces, capable of rapid expansion.

f. To develop and maintain a system of outlying bases, adequately equipped and defended, for the support of our mobile forces, and capable of rapid expansion.

g. To develop and maintain an intelligence system which would assure adequate information concerning military, political, economic and technological developments abroad and provide the necessary warning of hostile intent and capability.

h. To promote research, development and provision of new weapons, processes, matériel and countermeasures, and in so far as possible and desirable to deny such knowledge and capacity to possible enemy states.

i. To provide for the rapid mobilization in an emergency, of national means—manpower, resources and industry—by supporting:

(1) Universal military training.

(2) Maintenance of a large United States Merchant Marine, both active and reserve.

(3) Development and maintenance of United States domestic and international commercial air transport systems.

(4) Plans and preparations for the mobilization of manpower, resources and industry.

(5) Maintenance of industries essential to the national war effort so designed and located as to give maximum insurance against destruction by enemy attack.

(6) Stockpiling of critical strategic materials.

j. To develop and maintain close coordination and mutual understanding between the State, War and Navy Departments, and those other agencies of government and industry which contribute to the national war effort.

k. To maintain liaison with and to support the development and training of the armed forces of the American republics, the Dominion of Canada, the Philippine Islands, and other nations which contribute to the security of the United States, its territories, possessions, leased areas, trust territories, and the Western Hemisphere.

l. In concert with political and economic measures taken by the other departments of the government, to maintain the United States in the best possible military position with respect to potential enemy powers.

711.00/3-2946

*The Joint Chiefs of Staff to the Secretary of State*⁷⁰

SECRET

WASHINGTON, March 29, 1946.

SWN-4096

FOREIGN POLICY OF THE UNITED STATES

[Extracts]

Union of Soviet Socialist Republics. From a military point of view, the consolidation and development of the power of Russia is the greatest threat to the United States in the foreseeable future. While clashes of vital interest are unlikely to occur immediately, the expansion of Russia in the Far East may ultimately bring about serious conflict with United States policies directly, and its expansion to the west and south may involve clashes with Great Britain into which we might well be drawn. The "adoption of a firm and friendly attitude in our dealings with the Soviet Government" is strongly indorsed with, however, the emphasis upon "firmness". Collaboration with the Soviet Union should stop short not only of compromise of principle but also of expansion of Russian influence in Europe and in the Far East. Support of nations threatened by such expansion should be extended, not only through the United Nations but through direct economic means if necessary. (Military support at present would be difficult if not impracticable.) In considering such support, however, the realities of

⁷⁰ This document was transmitted by the Joint Chiefs of Staff to the State-War Navy Coordinating Committee as SM-5062 dated February 21. It was forwarded by SWNCC to the Secretary of State under the cover of SWN-4096, March 29. It consists of the comments of the JCS on pp. 26-106 of Department of State paper "Foreign Policy of the United States," extracts from which are printed on pp. 1134-1139.

nations already definitely penetrated by Soviet influence should be recognized in order that a position of antagonism may not be unfruitfully assumed.

In conclusion the Joint Chiefs of Staff offer the following observations on U.S. foreign policy in general:

Reliance can not be placed upon the efficacy of the United Nations Organization to prevent all war. Many incipient disputes can no doubt be quenched, but power is lacking for, and procedure precludes, the arbitrary settlement of a major conflict of policy among major nations. In such case war may follow. So long as the United Nations Organization functions under its present charter, the security of the United States will by necessity require safeguards beyond those of that Organization.

Appreciating this fact, one of the fundamentals of national power and prestige must be borne in mind, namely the ability to back with force the policies and commitments undertaken by our government. Two world wars in which we have fought have brought about our participation in the conflict at a time when we were militarily incapable for many months thereafter of keeping pace with our political action, though a fortunate geographical position and the fact of our allies holding the enemy at bay have given us the time in which to gather our strength for the offensive.

In the future neither geography nor allies will render a nation immune from sudden and paralyzing attack should an aggressor arise to plague the peace of the world. Because of this, determination of United States foreign policy should continually give consideration to our immediate capabilities for supporting our policy by arms if the occasion should demand, rather than to our long term potential, which, owing to the length of time required for mobilization of the nation's resources, might not be sufficient to avert disaster in another war.

In the final analysis the greatest single military factor in the security of the world is the absolute military security of the United States.

For the Joint Chiefs of Staff:

A. J. MCFARLAND

Brigadier General, U.S.A.,

Secretary

SWNCC Files

*Memorandum by the Acting Department of State Member (Matthews)
to the State-War-Navy Coordinating Committee*

TOP SECRET

WASHINGTON, April 1, 1946.

Subject: Political Estimate of Soviet Policy for Use in Connection
with Military Studies ⁷¹

For the purpose of this paper there is no value in attempting any exhaustive interpretation or analysis of the possible motives or reasons which underlie present Soviet policy. Recent despatches from the Embassy at Moscow (especially nos. 511 of February 22 and 878 of March 20)⁷² have set forth in full the most probable explanation of present Soviet policies and attitudes. The U.S. Government must take cognizance of actual Soviet policies and actions in the international field at the present time. As long as present Soviet policies and attitude in regard to other countries continue unchanged, the U.S. must accept the fact that it is confronted with the threat of an expanding totalitarian state which continues to believe and act on the belief that the world is divided into two irreconcilably hostile camps, i.e., Soviet and non-Soviet. As long as Soviet actions continue to support this thesis, the U.S. must accept that this policy of expansion by direct and indirect means will be continuous and unlimited.

The only interpretations of present Soviet policy which would be of value to consider in this paper are those concerning which there is current misapprehension in the U.S. The first of these is the belief that present Soviet actions and policies are motivated primarily by a legitimate desire to obtain security for the Soviet Union against the threat of hostile action on the part of "capitalist encirclement." The very use of the words "capitalist encirclement" as a justification of present Soviet action prompts the logical conclusion that Soviet expansionist aims are unlimited and not confined to areas of immediate concern to the Soviet Union.

⁷¹ This memorandum was prepared in response to a request submitted by the Joint Chiefs of Staff to the State-War-Navy Coordinating Committee on March 13. In that request, SM-5244, the JCS had stated that they were conducting studies regarding military support for governmental policies. In connection with these studies, the JCS asked the Department of State to "provide them with a political estimate of Russia and, so far as possible, an outline of future United States policy with reference to Russia, and any requirement for its implementation on the part of the armed forces." (SWNCC Files)

⁷² Vol. VI, pp. 696 and 721, respectively.

Another misconception frequently held is that Soviet policies and actions can be explained on the basis of Soviet "suspicions" of the motives of other countries. Without going fully into this aspect of Soviet psychology it can be stated on the basis of experience that Soviet suspicion of the motives of other countries is a deliberately artificial thesis spread by the Soviet Government primarily for internal reasons, but for consumption both at home and abroad, and not a conclusion reached by an objective and honest evaluation of the actions of other countries. Soviet "suspicion" of foreign governments is thus not susceptible of removal by the actions of foreign governments since its source lies within the border of the Soviet Union. Ill-considered and unintelligent actions or statements by foreign governments or individuals, however, serve to assist the Soviet Government in developing or supporting this suspicion to its internal and external advantage. Moreover we must be prepared to face the fact that any actions or statements evidencing interest in various areas (bases, for instance) do form a basis which permits the Soviet authorities to use such actions and statements, internally and externally to place in as favorable light as possible unilateral moves they are making, or to interpret them as confirmation of their suspicions. They are already using the presence of American troops in China, Cuba, and Iceland, etc. in this manner, thus making it more difficult for us effectively to oppose Soviet unilateral action in other areas.

At the present time the Soviet offensive against the non-Soviet world may be divided into the following two categories:

1. The extension of Soviet power and territorial control by the use or threat of armed force. This aspect of Soviet policy is confined to the areas which the Soviet military power, composed principally of ground armies, can actually dominate, i.e., Finland, Scandinavia, Eastern, Central and South Eastern Europe, Iran, Iraq, Turkey, Afghanistan, Sinkiang and Manchuria.

2. Concurrently with 1, Soviet political and psychological attack in areas in which the threat of armed force is either non-existent or as yet not fully effective. This attack, carried on through the medium of Communist parties and affiliated organizations, is psychological warfare designed to exploit every weakness in the non-Soviet world in order to render it incapable of resisting, on an international scale, the expansionist policy of the Soviet Union.

For the purpose of this paper considerations need be given only to aspect no. 1 since it is only in this field that the question of the eventual use of military forces of the United States would arise. The problem presented by aspect no. 2 must be met by means other than of military force.

U.S. Policy in Regard to the Soviet Union

The fundamental principles of U.S. foreign policy find their expression in many international agreements and statements and in particular in the Charter of the United Nations. In this sense the U.S. has basically no especial policy in regard to the Soviet Union. Such problems, difficulties, and in the last analysis, dangers as are present in Soviet-American relations arise from past and present actions and policies of the Soviet Government. Due to these policies and actions on the part of the Soviet Government, the U.S. is forced to regard its relations with the Soviet Union in a special category.

Whereas as outlined above the Soviet Government from all evidence is acting on the belief that irreconcilable hostility exists between the Soviet and the non-Soviet world, the U.S. together with other countries of the non-Soviet world believes that there is no objective reason why the so-called capitalist system and Communist system cannot peacefully exist provided neither attempts to extend the area of its system by aggressive and ultimately forcible means at the expense of the other. However, in order to provide any basis for such peaceful coexistence of the two systems, the U.S. at the present time must demonstrate to the Soviet Government in the first instance by diplomatic means and in the last analysis by military force if necessary that the present course of its foreign policy can only lead to disaster for the Soviet Union.

With respect to the extension of Soviet territorial control the U.S. should use the best methods at its disposal to check the actual physical extension of Soviet power beyond its present limits. Diplomatic and other non-military action represent the only means at the disposal of the U.S. to check this extension of Soviet power until such extension involves the seizure of regions in which the power of the Soviet armies can be countered defensively by the Naval, amphibious and air power of the U.S. and its potential allies. The Charter of the United Nations affords the best and most unassailable means through which the U.S. can implement its opposition to Soviet physical expansion. It not only offers the basis upon which the greatest degrees of popular support can be obtained in the U.S. but it also will insure the support and even assistance of other members of the United Nations. If, as may occur, the United Nations breaks down under the test of opposition to Soviet aggression it will have served the purpose of clarifying the issues before American and world public opinion and thus make easier whatever future steps may be required by the U.S. and other like minded nations in the face of a new threat of world aggression. We must be

sure, however, to conduct our diplomatic opposition realistically and with full realization of:

- (a) Our military ineffectiveness within the land masses of Eurasia.
- (b) The state of public opinion regarding the use of force or for full out use of our economic resources in support of foreign policy.

If, despite diplomatic action, Soviet territorial expansion should reach areas wherein our naval, amphibious and air power is potentially capable of interposing effectively, it will still be desirable to use such power through the medium of the United Nations Organization if that Organization has survived its use in the previous phase and continues to be an effective organization of the non-Soviet world.

The problem of opposing Soviet expansion first by diplomatic means and eventually if these prove ineffective by military force is not a problem of the U.S. alone. Thus, the question of U.S. relations with Great Britain and other non-Soviet countries assumes special importance and should be viewed in the light of this problem. If Soviet Russia is to be denied the hegemony of Europe, the United Kingdom must continue in existence as the principal power in Western Europe economically and militarily. The U.S. should, therefore, explore its relationship with Great Britain and give all feasible political, economic, and if necessary military support within the framework of the United Nations, to the United Kingdom and the communications of the British Commonwealth. This does not imply a blank check of American support throughout the world for every interest of the British Empire, but only in respect of areas and interests which are in the opinion of the U.S. vital to the maintenance of the United Kingdom and the British Commonwealth of nations as a great power.

U.S. Armed Force as Required for the Implementation of U.S. Policy

In the diplomatic phase involving UNO the success of U.S. diplomatic opposition to present Soviet expansion will depend in large measure upon the Soviet estimate of U.S. military capabilities and the determination of the American Government and people to employ armed force in opposition to Soviet expansion. There is no evidence that the Soviet Union desires a major war at this time. On the contrary, there are many indications that it needs and wishes a period of reconstruction and development. The great danger therefore is that the Soviet leaders may extend their expansionist policies to a point beyond that which Great Britain or the United States in their own vital security interest, could tolerate. It is wise to emphasize therefore the importance of being so prepared militarily and of showing such firmness and resolution that the Soviet Union will not, through miscalculation of American intentions and potentialities, push to the

point that results in war. In support of the American foreign policy it is essential that:

(1) Steps be taken in the immediate future to reconstitute our military establishment so that it can resist Soviet expansion by force of arms in areas of our own choosing should such action prove necessary and to protect, during the period of diplomatic action, areas which would be strategically essential in any armed conflict with the Soviet Union; and

(2) To create as soon as possible an informed public opinion concerning the issues involved.

Should the foreign policy of the U.S. be successful in checking physical Soviet expansion and in bringing about a reorientation of Soviet political thinking involving the acceptance of the thesis that the two systems can peacefully coexist, the U.S. could then put into effect the positive and constructive program of relations with the Soviet Union designed to produce maximum cooperation and harmony in international relations.

H. FREEMAN MATTHEWS

SWNCC Files

*Memorandum by the Joint Chiefs of Staff to the State-War-Navy
Coordinating Committee*

TOP SECRET
SWNCC 285

[WASHINGTON,] April 11, 1946.

WITHDRAWAL OF U.S. FORCES FROM BASES ON THE TERRITORY OF
FOREIGN NATION ⁷³

THE PROBLEM

1. To determine the action that is required by the Joint Chiefs of Staff at this time on the question of withdrawal of U.S. troops from overseas bases on the territory of foreign nations.

FACTS BEARING ON THE PROBLEM

2. See Appendix "B",⁷⁴ page 8.

CONCLUSIONS

3. There are military considerations which make inadvisable the withdrawal of U.S. forces from overseas bases on the territory of

⁷³ This document, a report prepared on March 24 by the Joint Staff Planners of the Joint Chiefs of Staff on their own initiative, was approved by the Joint Chiefs of Staff on April 9.

⁷⁴ Not printed.

foreign nations in every instance in strict accordance with the "time limitation" provisions of the existing agreement with the foreign government concerned.

4. Since the State Department is the agency of the U.S. Government responsible for negotiations with foreign governments and, correspondingly, for U.S. policies in respect to these governments, the policy to be followed in the withdrawal of U.S. forces from the territory of foreign nations must be decided on a governmental level after due consideration of all aspects, including the military.

5. Accordingly, the Joint Chiefs of Staff should inform the Secretaries of State, War and the Navy of the military considerations concerning this matter, emphasizing the effects on the future security of the United States, and should request advice as to the governmental policy to be followed in the withdrawal of U.S. forces from overseas bases on the territory of foreign nations.

RECOMMENDATION

6. That the Joint Chiefs of Staff forward this study to the State-War-Navy Coordinating Committee, recommending that the memorandum in Appendix "A", page 3, be forwarded to the Secretary of State.

Appendix "A"

Draft

MEMORANDUM TO BE FORWARDED BY THE STATE-WAR-NAVY COORDINATING COMMITTEE TO THE SECRETARY OF STATE

United States military forces are presently stationed on the territory of foreign nations (other than continental Europe, Korea, China, Japan and the Japanese Mandated Islands) pursuant to agreements made during the war. In most cases, these agreements include provisions for withdrawal of U.S. forces ranging from "immediately on conclusion of hostilities" as for Surinam, Aruba and Curacao (Netherlands) to "one year after date of peace treaty" as for Panama.

While the United States Government has not established or recognized, either domestically or internationally, the date for the "cessation of hostilities", "the end of the war", "the conclusion of the peace", or any of the other terms used in the wartime agreements mentioned above, it has become evident that many of the foreign nations upon whose soil U.S. troops are stationed consider the date of the end of the war to be 2 September 1945. For example, in the case of the Azores, which is an "Essential" base area and is required to support occupation forces, it is understood that the Portuguese Government considers 2 September 1945 as the end of hostilities with Japan and expects the United States to withdraw forces from, and turn over facilities in,

the Azores to the Portuguese within nine months, or by 2 June 1946.

The Joint Chiefs of Staff recognize the moral obligations of the United States to abide by these agreements. Action has been, and is being, taken by both the Army and the Navy to withdraw from a large number of bases on foreign soil where there is no further military necessity for the maintenance of U.S. forces. The Joint Chiefs of Staff point out the military aspects of the retention of U.S. forces at various locations on the territory of foreign nations as follows:

a. The United States is obligated to enforce the surrenders of Germany and Japan. Hence, the United States must continue to maintain occupational forces in Germany and Japan for a presently unpredictable period of time. The retention by the United States of certain intermediate air bases and ports, with their supporting and ancillary facilities on the lines of communication to Germany and Japan, is essential to the administration, supply, and support of U.S. occupational forces. The Joint Chiefs of Staff therefore consider that the maintenance of U.S. forces at these intermediary points (as listed in the Annex hereto) is a military necessity until the strength and disposition of occupational forces are such as to permit adjustments.

b. At certain of the locations indicated in the Annex, there is a requirement for long-term U.S. base rights. The Joint Chiefs of Staff refer to their view, expressed in . . . (SWNCC 38/25),⁷⁵ that the comprehensive base system which will result from obtaining the desired rights is an essential requirement for United States security in the event of a failure of the United Nations to preserve world peace; furthermore, the provision of this system of bases will enable the United States to contribute more effectively to that organization in maintaining peace throughout the world. A total withdrawal of U.S. forces from bases now occupied and listed as "Essential" and from certain of those listed as "Required" would tend to weaken the security of the United States. In addition to the security aspects mentioned above, not only would it be difficult to withdraw forces from these "Essential" and "Required" bases and later replace them pursuant to a new agreement, but also such a procedure would be unnecessarily costly.

c. The Joint Chiefs of Staff have recommended to the State Department that negotiations be conducted for long-term U.S. military rights of air transit and technical stop for military aircraft at places set forth in . . . (SWNCC 38/30).⁷⁶ The Joint Chiefs of Staff consider that, from a military standpoint, U.S. personnel should be maintained at these places, including those responsible for weather reporting, aids to navigation, and communication facilities necessary for the operation of these air routes, until such time as the local governments or commercial interests are prepared to assume maintenance and operation of the essential airport and air route facilities.

It is to the advantage of the War and Navy Departments to close out as expeditiously as possible those bases and facilities for which no peacetime garrison is presently planned, or which are not necessary in connection with occupational responsibilities.

⁷⁵ *Ante*, p. 1112.

⁷⁶ *Ante*, p. 1142.

The Annex ⁷⁷ hereto contains a list of locations (other than occupational areas and China) at which U.S. troops are currently stationed, and at which there is a requirement either for long-term U.S. base or transit rights, or for purposes incident to occupation. Also indicated thereon are the reasons for continuing to maintain U.S. troops at these bases.

The Joint Chiefs of Staff recommend:

a. That prior to the date for withdrawal mentioned in the present agreements, the Secretary of State complete, where practicable, negotiations for long-term rights at those locations listed in the Annex where there is a requirement for such rights.

b. That where long-term rights cannot be negotiated prior to the expiration of present agreements, the Secretary of State conclude interim arrangements for U.S. forces to remain at those locations which are required to support occupational forces, or where the continued presence of U.S. troops is necessary to further negotiations for long-term military rights.

c. That, where no long-term rights are indicated, but where there is a need to support occupational forces, the Secretary of State conclude short-term arrangements for the maintenance of U.S. troops at these locations.

d. That the Secretary of State furnish to the Secretaries of War and the Navy a list of those locations at which there is a requirement indicated in columns 4 and 5 of the Annex where U.S. forces may be withdrawn at any time without adversely affecting the negotiations for long-term rights.

SWNCC Files

Memorandum by the Joint Chiefs of Staff to the State-War-Navy Coordinating Committee ⁷⁸

TOP SECRET

[WASHINGTON,] June 5, 1946.

SWNCC 38/35

Subject: Over-All Examination of U.S. Requirements For Military Rights.

The Joint Chiefs of Staff request that the Secretary of State be informed as follows:

"In view of the course of events during the past six months, the Joint Chiefs of Staff desire to supplement the matter contained in their memorandum of 23 October 1945 (SWNCC 38/22) ⁷⁹ relative to the military rights desired on the territory of foreign nations.

"The utilization of the word 'base' in that memorandum, in connection with the areas in which military rights are desired, was not

⁷⁷ Not printed.

⁷⁸ Approved by the State-War-Navy Coordinating Committee by informal action on June 14.

⁷⁹ SWNCC 38/22 is not printed; SWNCC 38/25, a revision thereof, is printed on p. 1112.

intended to imply necessarily the permanent garrisoning of troops or stationing of aircraft or naval vessels in foreign territory during peacetime or even during wartime. There is a distinction between 'rights' desired which can be exercised when necessary, and the actual establishment, garrisoning, or maintenance of bases. Whether or not the United States intends to take advantage of rights at any particular site will depend on a number of factors, such as current strategic concept, the international situation, new weapons of war, and the material and manpower resources available to the armed forces of the United States.

"A reconsideration of the situation in the South Pacific leads the Joint Chiefs of Staff to recommend a reduction in the category of certain bases, particularly those located below the equator. There are also certain modifications in requirements which can be made in the Caribbean and in Africa. These have been summarized in the Appendix which the Joint Chiefs of Staff recommend be substituted for the Appendix to SWNCC 38/25.

"Of the 30 locations listed, only six are listed as essential. Of these six, Iceland, Greenland, and the Azores are of outstanding importance. The other three are Casablanca-Port Lyautey (or Canary Islands, if rights at Casablanca-Port Lyautey are unobtainable), the Galapagos, and the Panama airfields.

"The other 24 locations are classified as required if reasonably obtainable, but not absolutely essential to the base system. Three of these (Canton, Christmas, and Funafuti) are in disputed sovereignty between the United States and the British. The remaining 21 are grouped below in order of importance:

"1st Group

Admiralty Islands (Manus)	Dakar (or Cape Verde Islands, if rights at Dakar are unobtainable)
Ascension Island	Goose Bay

"2d Group

Monrovia	Batista Field
Surinam	St. Julian—La Fe
Curacao-Aruba	Talara
	Salinas

"3d Group

Viti Levu	Espiritu Santo
Guadalcanal—Tulagi	Biak—Woendi
Tarawa	Morotai
Upolu	New Caledonia

"It is desired to emphasize that failure to obtain the minimum requirements outlined above for any particular area will necessitate a re-evaluation of the importance of adjacent areas. For example:

"a. If joint or participating rights at Casablanca-Port Lyautey are obtained, there would be no need for any rights in the Canary Islands.

"b. If joint or transit rights at Dakar are obtained, there will be no need for rights at the Cape Verde Islands.

"c. If joint or participating rights in the Galapagos Islands are obtained, transit rights at Talara and Salinas would suffice. However, if the Galapagos are not available for U.S. use, joint rights at Talara are required.

"The Joint Chiefs of Staff request, therefore, that they be kept advised of the progress of negotiations for all bases in order that they may promptly revise the rights desired at alternate sites should the need arise.

"Revision of the various detailed statements of rights in the subject areas, which have previously been furnished the Secretary of State, by countries, is now in process and will be forwarded promptly upon completion."

For the Joint Chiefs of Staff:

C. J. MOORE
Captain, U.S. Navy,
Deputy Secretary

Appendix

Base	Sovereignty	Rights Desired		Use
		Max.	Min.	
1. <i>Essential</i> Iceland		Joint*	Joint	Naval & Air
Azores	Portugal	Joint	Participating† (With British Commonwealth only)	Naval & Air
Greenland	Denmark	Joint	Joint	Naval & Air
Galapagos	Ecuador	Joint	Participating (Other American nations only)	Naval & Air
Panama Republic (Airfields)		Joint	Participating (Other American nations only)	Air
Casablanca-Port Lyautey	French	Joint	Participating	Naval & Air
(or Canary Islands if Casablanca-Port Lyautey are unobtainable)	Spanish	(Joint)	(Participating)	(Naval & Air)

*Joint right is the right to use for military purposes, in common with the nation exercising sovereignty, mandate or trusteeship, an area, installation or facility; and to debar any other nation from such use unless it is mutually agreed between the United States and the nation exercising sovereignty, mandate or trusteeship, that another nation or nations may share such use. [Footnote in the original.]

†Participating right is the right to share, on the most-favored-nation principle, with the nation exercising sovereignty, mandate or trusteeship, and with any other nation which that nation may accord the right to participate, in the use for military purposes of an area, installation or facility. [Footnote in the original.]

2. Required (If reasonably obtainable by negotiations, but not absolutely essential to the base system).

Base	Sovereignty	Max.	Min.	Use
Admiralty Islands (Manus)	Australian Mandate	Joint	Joint	Naval & Air
Ascension Is. Canton	British U.S.-	Joint	Joint	Air Naval & Air
Christmas	British U.S.-	Sovereignty	Joint	Air
Funafuti	British U.S.-	Sovereignty	Transit†	Naval & Air
Guadalcanal-Tulagi	British	Joint	Transit	Naval & Air
Espiritu Santo	British-French	Joint	Transit	Naval & Air
Viti Levu	British	Joint	Transit	Naval & Air
Tarawa	British	Joint	Transit	Naval & Air
Upolu	New Zealand	Joint	Transit	Air
New Caledonia	French	Joint	Transit	Naval & Air
Dakar (or Cape Verde Islands, if Dakar is unobtainable)	French (Portuguese)	Joint (Joint)	Transit (Transit)	Naval & Air (Naval & Air)
Biak-Woendi	Dutch	Joint	Transit	Naval & Air
Morotai	Dutch	Joint	Transit	Air
Surinam	Dutch	Joint	Transit	Air
Curacao-Aruba	Dutch	Joint	Transit	Naval & Air
Salinas	Ecuador	Joint	Transit	Air
Talara	Peru	Joint	Transit	Air
Batista Field	Cuba	Joint	Transit	Air
St. Julian-La Fe	Cuba	Joint	Transit	Naval & Air
Monrovia	Liberia	Joint	Transit	Naval & Air
Goose Bay	Newfoundland	Joint	Joint	Air

The above list is predicated on the following assumptions:

- a. [Here follows comment on the Japanese Mandated Islands and Central Pacific Islands detached from Japan.]
- b. Base rights in the Philippines will be as required by U.S.
- c. Rights in Canada will result from agreements under the Joint Canadian-U.S. Basic Defense Plan.
- d. Rights in Mexico, Central and South America will be obtained as required in implementation of the Act of Chapultepec.

†Transit: Long term rights of military air transit and technical stop as defined in SWNCC 38/30. [Footnote in the original. SWNCC 38/30 is printed on p. 1142.]

SWNCC Files

The Secretary of War (Patterson) and the Secretary of Navy (Forrestal) to the Chairman of the State-War-Navy Coordinating Committee (Hilldring)

CONFIDENTIAL
SWNCC 314

[WASHINGTON,] July 1, 1946.

FORMULATION OF NATIONAL POLICY WITH RESPECT TO FOREIGN TRADE
IN RELATION TO NATIONAL SECURITY

1. On 28 November 1945, the Joint Chiefs of Staff made recommendations to the War and Navy Departments that the subject of the export of critical matériel be studied with a view towards the establishment of a system of control that would prevent the diminishing of our own war potential or the increase of the war potential of possible enemies.

2. A thorough study of the subject reveals the necessity for the formulation of a national policy that: will insure that critical matériel is conserved for our own use; prevent possible enemies from augmenting their war potential by virtue of our exports; and prevent the exportation of technological information and inventions to possible enemies.

3. In order to implement such a program it is requested that the State-War-Navy Coordinating Committee initiate early action to: (1) formulate and recommend to us means and methods of insuring proper consideration of military (national security) interest in the formulation of national policy with respect to foreign trade; (2) recommend means and methods of implementation of the national policy, including need for legislation; (3) recommend representation with the appropriate civilian agencies by the Army and Navy Munitions Board, which is being charged with the duty of presenting the military interest.

4. It is also requested that your committee study the question of the export control of technological information and invention insofar as military interests require that such information or inventions not fall into the hands of possible enemies.

5. Upon the completion of the studies detailed above, please prepare for our signatures a joint letter to the Secretary of State requesting his cooperative action in securing appropriate legislation covering the legal handling of the entire question of export control

of matériel, technological information and inventions insofar as the national security interests are concerned.

6. Please forward your report to us via the Army and Navy Munitions Board, furnishing both the War and Navy Departments with advance copies thereof.

JAMES FORRESTAL
The Secretary of the Navy

ROBERT P. PATTERSON
The Secretary of War

SWNCC Files

*Memorandum by the Acting State Member, State-War-Navy
Coordinating Committee (Hickerson).*

TOP SECRET
SWNCC 285/1

[WASHINGTON,] July 24, 1946.

Reference is made to SWNCC 285, Appendix "A", Paragraph D of Page 7,⁸⁴ wherein the Secretary of State is requested by the Joint Chiefs of Staff to furnish to the Secretaries of War and Navy a list of those locations at which there is a requirement indicated in the Annex where U.S. forces may be withdrawn without adversely affecting the negotiations for long-term rights.

In accordance with this request, there is set forth in the enclosure (Appendix)⁸⁵ a report indicating the views of the Department of State with respect to the effect upon future negotiations of the withdrawal of U.S. forces from bases where we have long-term requirements.

The following phrases are used to indicate the recommended line of action:

"Proviso" meaning at time withdrawal is effected an agreement should be made that such action is without prejudice to possible future negotiations.

"None" meaning withdrawal will have no effect on possible future negotiations.

"Stay"

"Stay for time-being" meaning existent situation is not sufficiently clear to enable us to pass on the SWNCC request and thus troops should remain until the picture becomes clearer.

"Covered by post-war agreement" meaning our line of action has already been determined.

⁸⁴ *Ante*, p. 1171.

⁸⁵ The Appendix printed here is as slightly revised, July 31.

Appendix			
<i>Country and Location</i>	<i>Facility</i>	<i>Requirement</i>	<i>Recommended Action</i>
BRITISH COMMONWEALTH			
<i>Ascension Island</i>	Airfield	Essential	Proviso
<i>Australian Mandate</i>			
Admiralty Islands	Airfield	Essential	Proviso
	Naval Base		
<i>Bahamas</i>			
Oakes Field, Nassau	Airfield, AACS	Required	Proviso
South Caicos	Weather, AACS	None	None
<i>Burma</i>			
Mingaladan Airport, Rangoon	Airfield	Transit & Tech. Stop	None
<i>Canada</i>			
Whitehorse—Fort Nelson—Edmonton Route (includes Fort St. John, Watson Lake and Port Hardy)	Airfields (Weather) (AACS)	Required	None
Fort Chimo—Frobisher Bay Route to Greenland	Weather Airfields	Required	None
Mingan	Weather, AACS	None	None
River Clyde	AACS	None	None
Padloping Island	AACS	None	None
Lake Harbor	AACS	None	None
<i>Ellice Islands</i>			
Funa Futi (Disputed Sovereignty)	Airfield	Required	Proviso
<i>Fiji Islands</i>			
Nandi (Viti Levu)	Airfield	Required	Proviso
	Weather, AACS		
<i>Gilbert Islands</i>			
Tarawa	Airfield	Required	Proviso
	Weather		
<i>India</i>			
Karachi Airport	Airfield	Transit & Tech. Stop	None
Agra Airport	Airfield	Transit & Tech. Stop	None
Kharagpur-Dudkhundi	Airfield	Transit & Tech. Stop	None
Calcutta	Airfield	Transit & Tech. Stop	None
Dum Dum Airport	Weather	Transit & Tech. Stop	None
Barrackpore Airport	Weather AACS	Transit & Tech. Stop	None
<i>Line Islands</i>			
Christmas Island (Disputed Sovereignty)	Airfield	Required	Stay
<i>Newfoundland (other than 99-year bases)</i>			
Goose Bay, Labrador	Airfield	Required	Stay
Cape Harrison, Labrador	Weather, AACS	None	None
Hebron, Labrador	Weather, AACS	None	None
St. Johns	Airfield	None	None
Wesleyville	Weather	None	None
<i>New Hebrides</i>			
Espiritu Santo (French-British)	Airfield	Required	Proviso
	Weather		
	Naval Base		
	AACS		
<i>New Zealand</i>			
Aitutaki Island	Airfield	Transit & Tech. Stop	None
Upolu (Mandate)	Airfield	Required	Proviso

<i>Country and Location</i>	<i>Facility</i>	<i>Requirement</i>	<i>Recommended Action</i>
BRITISH COMMONWEALTH—CON.			
<i>Phoenix Islands</i>			
Canton Island (Disputed Sovereignty)	Airfield	Essential	Stay
<i>United Kingdom</i>			
London	Headquarters	None	None
Bovington	Airfield	None	None
Prestwick (Scotland)	Airfield (Navigational Aide Alternate)	None	None
Exeter	Naval Facilities	None	None
<i>Solomon Islands</i>			
Guadalcanal—Tulagi	Airfield Weather	Required	Proviso
CUBA			
Batista Field	Airfield	Required	None
San Julian	Airfield	Required	None
La Fe	Seaplane Base	Required	None
DENMARK			
<i>Greenland</i>			
BW-1 (Narsarsssuak)	Airfield Naval Base	Essential	Stay
BW-3 (Simiutak)	AACS, Weather	Essential	Stay
BE-2 (Ikateq)	Airfield, AACS	Essential	Stay
Marrak	Airfield	Essential	Stay
BW-8 (Sondrestamfjord)	Airfield, AACS, Weather	Essential	Stay
Grondal	Naval Base	Essential	Stay
ECUADOR			
Galapagos	Airfield	Essential	Stay for time-being
EGYPT			
Payne Field Cairo	Airfield	Transit & Tech. Stop	None
FRANCE			
<i>Algeria</i>			
Maison Blanche Airport, Algiers	Airfield	Transit & Tech. Stop	None
Biskra	AACS	Transit & Tech. Stop	None
<i>French Guiana</i>			
Rochambeau Field, Cayenne	Airfield Weather AACS	Transit & Tech. Stop	None
<i>French Indo-China</i>			
Tan Son Nhut (Airport) (Saigon)	Airfield	Transit & Tech. Stop	None.
<i>French Morocco</i>			
Cazes Field—Casablanca	Airfield	Required	Stay
Port Lyautey	Naval Air Base	Required	Stay
<i>New Caledonia</i>			
Tontouta (Noumea)	Airfield Weather, AACS	Required	Stay
Bora Bora	Weather Facilities	Required	Stay
<i>Senegal</i>			
Dakar	Naval Base Airfield	Required Required	Stay Stay
GUATEMALA			
San Jose Airport	Airfield	Transit & Tech. Stop	None
ICELAND			
Meeks Field, Keflavik	Airfield	Essential	Stay
Reykjavik (Fossvogur)	Naval Facilities, Airfield	Essential	Stay
Hvalfjord	Naval Base	Essential	Stay

<i>Country and Location</i>	<i>Facility</i>	<i>Requirement</i>	<i>Recommended Action</i>
ITALY			
<i>Libya</i> Wheelus Field, Tripoli	Airfield	Transit & Tech. Stop	Stay for time-being
<i>Eritrea</i> Asmara	Army Detach- ment	Provision for Retention for in- definite period	Stay for time-being
LIBERIA			
Roberts Field (Monrovia)	Airfield	Required	None
NETHERLANDS			
<i>Biak</i>	Airfield Weather, AACCS	Required	None
<i>Curacao</i> Hato Field	Airfield	Required	None
<i>Morotai</i>	Airfield	Required	None
<i>Surinam</i> Zandery Field	Airfield Weather, AACCS	Required	None
NICARAGUA			
Las Mercedes Airport, Managua	Airfield	Transit & Tech. Stop	None
PANAMA			
Several Airfields in Republic of Panama	Airfields	Essential	None
PERU			
Talara	Airfield	Required	Stay for time-being
PORTUGAL			
<i>Azores</i> Lagens Field, Terceira	Airfield	Essential	Covered by post-war agreement
Santa Maria	Airfield	Essential	Covered by post-war agreement
SAUDI ARABIA			
Dhahran Airport	Airfield	Transit & Tech. Stop	Stay
SIAM			
Don Muang Airport, Bangkok	Airfield	Transit & Tech. Stop	None

Editorial Note

Memoirs: Sixty Years on the Firing Line (New York: Funk & Wagnalls, 1968), by Arthur Krock, Washington correspondent of the *New York Times*, 1932-1953, contains as Appendix A a report titled "American Relations with the Soviet Union," 62 pages, prepared by Clark M. Clifford, Special Counsel to President Truman. Chapter headings are as follows: Soviet Foreign Policy; Soviet-American Agreements, 1942-1946; Violations of Soviet Agreements with the United States; Conflicting Views on Reparations; Soviet Activities Affecting American Security; and United States Policy Toward the Soviet Union.

Clifford's letter of transmittal to President Truman states that in

the course of drafting the memorandum, he consulted the Secretaries of State, War and Navy, the Joint Chiefs of Staff, and others, assembling and summarizing their statements, studies, and opinions. Krock indicates that the report was laid on the desk of the President on September 24, 1946 (*Memoirs*, p. 223). No copy of the report has been found in the files of the Department of State.

Secretariat Files

*Memorandum by the Acting Executive Secretary of the Executive Committee on Economic Foreign Policy (Dennison) to the Members of the Committee*⁸⁶

[WASHINGTON,] November 6, 1946.

On October 26, 1945 the Executive Committee approved a statement of its views with respect to the proposed stockpile program, which was to be submitted to the appropriate authorities after legislation, then pending, had been enacted. The legislation, entitled *Strategic and Critical Materials Stockpiling Act*, was approved by the President, July 23, 1946, and an initial appropriation of \$100,000,000 has been provided for the current fiscal year. In indicating his approval the President issued a statement regarding the "Buy American" provision of the law which presumably may be taken as a guide in its administration. Copies of the Act and of the President's statement are attached to the document (sent to ECEFP members only).⁸⁷

Since the legislation approved in July contains certain provisions which were not anticipated by the Executive Committee in October 1945, it seems advisable to make some changes in the Committee's original statement. The original statement, D-140/45,⁸⁸ has not yet been

⁸⁶ For information regarding the organization and functions of the Executive Committee on Economic Foreign Policy, see footnote 36, p. 1283.

⁸⁷ Not reproduced.

⁸⁸ ECEFP D-140/45, November 14, 1945, which was sent to the chiefs of all United States missions, reported that on October 26, 1945, the Committee had taken the following action with regard to the establishment of stockpiles of strategic materials:

"If and when pending stockpile legislation (S.1481) is enacted, the following views of the Executive Committee should be submitted to the appropriate authorities for consideration in the administration of a stockpile program in so far as those views are found to be consistent with the provisions of the law and provided that administration in accordance therewith shall be entirely subservient to the requirements of national security:

"1. The stockpiles established for national defense purposes should not be used as buffer stocks for purposes of regulating prices.

"2. Purchases and sales made under such a program should in so far as may be practicable and consistent with the purposes of the program be timed to avoid undue stimulation or depression of markets, either foreign or domestic.

"3. The program should, in so far as may be practicable, be geared into a possible program for the conservation of resources and for the lowering of tariffs on imported materials. (By giving the domestic industry a reasonable period in which to adjust itself to less mining and more dependence on imports, it should

Footnote continued on following page.

submitted to the Secretaries of War, Navy, and Interior, and it is now proposed that a revised statement, D-85/46, be substituted for it.⁸⁹

ELEANOR E. DENNISON

[Attachment]

Establishment of Stockpiles of Strategic Materials

CONFIDENTIAL
ECEFP D-85/46

[WASHINGTON,] November 6, 1946.

The Executive Committee on Economic Foreign Policy submits to the Secretaries of War, Navy, and Interior the following statement pointing out considerations of economic foreign policy in the administration of the stockpiling program:

1. The stockpiles established for national defense purposes under the Strategic and Critical Materials Stockpiling Act should not be used as buffer stocks for purposes of regulating prices. It is noted in this regard that the law, although making necessary provision for the disposal of stocks subject to deterioration or obsolescence, prohibits the sale of materials from stockpile except under national emergency.

2. So far as practicable and consistent with the main purposes of the stockpiling program, it should be the policy in making purchases for the stockpile, particularly in the immediate future, to refrain from purchases of a kind, whether domestic or foreign, which might interfere with or otherwise impede the reconversion of industry to peacetime conditions and the furtherance of the United States program for the expansion of international trade.

3. As a matter of long-range policy, purchases of materials for a stockpile should, as far as practicable, be made at time of ample supply rather than at times of short supply, so as to avoid undue stimulation or depression of markets at home or abroad.

4. Particular note should be made of the statement made by the President upon his signing of the legislation, with particular reference to the "Buy American" provision of the law, that "the stockpiling program should not be used as a means of generally subsidizing those domestic producers who otherwise could not compete suc-

be possible to shift workers to other employment, and to readjust financial structures without undue burden.)

"4. In making purchases, account should be taken of Allied countries whose mining industries have been greatly expanded to meet war needs and which require assistance to adjust their economies to peacetime conditions without severe economic shock.

"5. Expenditures should be made with due regard to prudent use of funds, so as to provide such economic protection as may be needed without undue cost or undue encouragement of high-cost producers." (Secretariat Files)

⁸⁹ The Committee took no further action on this matter in 1946.

cessfully with other domestic or foreign producers" and to the effect that the Act "should not be used as a device to give domestic interests an advantage over foreign producers of strategic materials greater than that provided by the tariff laws."

Secretariat Files

Minutes of the 206th Meeting of the Secretary of State's Staff Committee, Department of State, Washington, December 20, 1946, 9:20 a. m.

SECRET

Present:

The Under Secretary (presiding)
 The Counselor
 Messrs. Eddy ⁹⁰
 Fahy ⁹¹
 General Hilldring ⁹²
 Messrs. Russell
 Thorp ⁹³
 Henderson
 Hiss
 Hulten ⁹⁴ (for Mr. Benton)
 Matthews
 Vincent
 Green ⁹⁵ (DA)
 Gange
 Jamison
 Reber ⁹⁶

Absent:

The Secretary
 The Under Secretary
 for Economic Affairs ⁹⁷
 Mr. Braden

The Committee met at 9:20 a. m., the Under Secretary presiding.

POLICY RELATIVE TO THE TRANSFER TO FOREIGN COUNTRIES OF MILITARY SUPPLIES OF U.S. ORIGIN (Document SC-208) ⁹⁸

1. *Action:* THE COMMITTEE APPROVED the recommendations of the document subject to amendment of the second sentence of paragraph 1

⁹⁰ William A. Eddy, Special Assistant to the Secretary of State for Research and Intelligence.

⁹¹ Charles Fahy, Legal Adviser.

⁹² John H. Hilldring, Assistant Secretary of State for Occupied Areas.

⁹³ Willard L. Thorp, Assistant Secretary of State for Economic Affairs.

⁹⁴ Charles M. Hulten, Deputy to the Assistant Secretary of State for Public Affairs.

⁹⁵ James F. Green, Associate Chief of the Division of Dependent Area Affairs.

⁹⁶ James Q. Reber, Chief of the Committee Coordinating Section of the Central Secretariat.

⁹⁷ William L. Clayton.

⁹⁸ *Infra.*

to read "pending effective United Nations action to bring about a satisfactory system for the regulation of armaments in accordance with the United Nations General Assembly Resolution of December 14, 1946,⁹⁹ on that subject and until . . ."

2. IT IS FURTHER AGREED that paragraph 9, page 8 of the document should be similarly revised and that paragraph 13, page 9 should be revised to make it clear that the arms program for China, temporarily suspended, is to be handled on an *ad hoc* basis pending a decision to seek enabling legislation.

3. *Discussion:* GENERAL HILLDRING, in presenting the document, stated that it had originated in and been approved by the Policy Committee on Arms and Armaments.¹ He said that the recommendations owed much to the five months experience of that Committee in dealing with the problems for which they were intended to offer guidance. The Arms Committee at its inception, he said, had been confronted with the lack of any overall policy guidance on transfers of military supplies, although there were several isolated bits of policy here and there both written and unwritten. Two documents, SWNCC 202/2² and SC/R-184,³ as amended, covered transfers of supplies from surplus, but there were no definite policies dealing with transfers from other governmental and non-governmental sources. The document before the Committee, he said, represented an attempt to merge all pertinent policy papers and at least one informal understanding and to make those modifications deemed desirable as a result of the Arms Committee's experience.

4. GENERAL HILLDRING outlined the chief points of the document, stating that, while several specific categories of military transfers were given standing approval, it had been felt necessary to leave the door open for certain other types of transfers which could not be spelled out in advance. He mentioned specifically the assignment of small amounts of arms to a country for police purposes and pointed to the procedures recommended for handling such transfers. He said that SWNCC 202/2 had set forth the policy on transfers from surplus on a country-to-country basis but it was generally agreed that there were so many variables that such a listing soon became unwieldy. It was recommended, therefore, that any exceptions from the specific categories approved in this document should be considered by the Arms Commit-

⁹⁹ *Ante*, p 1099.

¹ Regarding the organization and functions of the Policy Committee on Arms and Armaments, see footnote 72, p. 840.

² *Ante*, p. 1145.

³ *Ante*, p. 1141.

tee and recommendations submitted to the Secretary of State. GENERAL HILLDRING emphasized that, while it was generally agreed that the long-term United States policy should be to cut transfers of military supplies to foreign countries to a minimum, it was also recognized that it would be necessary in the foreseeable future to make exceptions to this in the interests of general international security and that of the United States. He reviewed the extensive preparatory work on the document, and indicated that it had been brought before the Staff Committee with a view to getting approval so that it might be taken as the expression of the State Department's policy on this subject for presentation to the War and Navy Departments before January 2, 1947.

5. THE UNDER SECRETARY asked how the possible furnishing of military supplies and equipment to China was covered in the document, and GENERAL HILLDRING and MR. VINCENT replied that any such transfers were to be handled on an *ad hoc* basis as outlined in paragraph 4 of the Recommendations. There was some discussion of the advisability of including specific reference to a program for China, but GENERAL HILLDRING indicated that such reference had been deleted at the specific request of the representative of FE on the Arms Committee. THE UNDER SECRETARY suggested inclusion of language which would indicate that a program for aiding China would be carried out under certain conditions, but MR. VINCENT thought this was not desirable, since the projected program for that country had so many different aspects. At the suggestion of Mr. Thorp and the Under Secretary, IT WAS AGREED that the reference to the Chinese program in paragraph 13 of the Discussion section of the document should be clarified to remove any possible ambiguity. GENERAL HILLDRING stated that it was his view that, since the program for China was temporarily suspended at the request of high authority, a decision to renew that program would have to be reviewed by the Arms Committee and handled as an exception rather than as one of the categories specifically listed in paragraph 2 of the Recommendations.

6. MR. VINCENT indicated that a program for China would be carried out if, after General Marshall gives approval, the necessary legislation is put through the Congress. THE COUNSELOR asked whether the China program did not have a limited phase to be carried out through disposal of surplus property and THE UNDER SECRETARY pointed out that such aid had not been military.

7. MR. MATTHEWS asked whether the new standardization program for Latin America was included, and GENERAL HILLDRING stated that

the Latin American program referred to in the category listing was only the interim program being accomplished through disposal of surplus.

8. MR. MATTHEWS asked whether the War and Navy Departments had been consulted on the general principle of drastic limitation of arms transfers as set forth in the first recommendation. GENERAL HILLDRING replied that representatives of both Departments were aware of the fact that this would be the State Department's position. He pointed out further that the language of paragraph 9 of the Discussion section of the document had been very carefully phrased so as to meet the possible objections of War and Navy. MR. HENDERSON said that it was his view that the section referred to covered this point adequately and he joined with Mr. Matthews in commending the officers responsible for preparing the entire document.

GENERAL HILLDRING referred to a recent meeting of the National Munitions Control Board which, although a lengthy meeting with no definite action resulting, had involved considerable discussion of the location of responsibility for determining policy on the export of arms and armaments. GENERAL HILLDRING said that he had gone to the meeting with a brief prepared in Le in which the position had been taken that the Secretary of State should have full authority to make decisions on the export of arms without consulting the Secretaries of War and Navy, although such consultation is acceptable on questions on the import of arms. He said that he had been unable to secure War and Navy Department assent to this position as they had insisted on being consulted with respect to both export and import of arms. THE UNDER SECRETARY indicated his view that the position of those Departments was understandable and sound. It was the consensus that on both questions of import and export the War and Navy Departments should be consulted by the State Department.

9. THE COUNSELOR inquired with reference to the China program whether it was planned to press for the enabling legislation when Congress convened in January. THE UNDER SECRETARY stated that General Marshall had requested that action on the proposed legislation be suspended until he could report a more favorable situation in China.

10. MR. FAHY said that the document appeared to have been prepared without reference to the United Nations General Assembly resolution on the regulation and limitation of armaments, and he suggested that this action should be mentioned specifically. IT WAS AGREED that paragraph 1 of the Recommendations and paragraph 9 of the Discussion should be so revised.

[Here follows discussion of another subject.]

Secretariat Files

*Memorandum Prepared for the Secretary of State's Staff Committee*⁴TOP SECRET
SC-208

[WASHINGTON,] December 20, 1946.

POLICY RELATIVE TO THE TRANSFER TO FOREIGN COUNTRIES OF MILITARY
SUPPLIES OF U.S. ORIGIN

The attached document containing recommendations originating in the Policy Committee on Arms and Armaments is presented for the consideration of the Committee. The policy set forth herein, if approved, will supersede the previous Staff Committee decision expressed in SC/R-184, February 5, 1946,⁵ as amended by SC/R-187, February 21, 1946,⁶ and provide the State Department representative on SWNCC with a policy paper for guidance in recommending a revision of SWNCC 202/2, March 21, 1946.⁷

[Annex]

PROBLEM

To set forth a policy governing all transfers to foreign countries, whether by sale or otherwise, of military supplies of U.S. origin whether such supplies are of U.S. Government or private ownership.

Both SWNCC 202/2 and SC/R-184, as amended deal only with United States Government-owned military supplies. They do not purport to state policy governing the exportation through private channels of arms, ammunition or implements of war. These policies are limited in scope and, to some extent, inconsistent and out of date. It is, therefore, desirable to restate the policy to govern all transfers.

RECOMMENDATIONS

It is recommended that:

1. It be the long-term policy of the United States to limit drastically the transfer to foreign countries of military supplies of U.S. origin.

⁴ This document, as revised in accordance with decisions taken at the 206th Meeting of the Secretary of State's Staff Committee (see *supra*), served as the basis for SWNCC 202/4 submitted by the Department of State to the State-War-Navy Coordinating Committee on January 8, 1947. Although different in format, that document closely resembles the present paper in both phraseology and substance; large sections are identical. (SWNCC Files)

The decision to revise United States policy with respect to providing military assistance to foreign governments was taken in connection with U.S. concern regarding the independence and territorial integrity of Greece, Turkey, and Iran; see vol. VII, pp. 222-281, *passim*; pp. 856-923, *passim*; and pp. 507-547, *passim*; respectively.

⁵ *Ante*, p. 1141.

⁶ See footnote 59, p. 1141.

⁷ *Ante*, p. 1145.

Pending effective United Nations action to bring about a satisfactory system for the regulation of armaments and until the United States is satisfied that its national security as well as the security of other peace-loving states is assured, the implementation of this long-term policy must be qualified by factors of more immediate concern.

2. Except as provided in paragraph "4" below, it be the policy of the United States to authorize no transfers to foreign countries, by sale or otherwise, of military supplies of U.S. origin unless such transfers fall within one of the following categories:

a. Retransfers by the United Kingdom to British Commonwealth forces in Japan of military supplies, whether acquired by the United Kingdom under lend-lease or under the surplus property agreement, subject, in the case of equipment of the lend-lease inventory, to the qualifications specified with respect to such retransfers by the Policy Committee on Arms and Armaments;

b. Sales to France by the Foreign Liquidation Commissioner of reasonable quantities of military supplies, except in cases which appear to relate to Indochina;

c. Transfers to the Philippine Republic pursuant to Public Law 380, 78th Congress, approved June 29, 1944, and Public Law 454, 79th Congress, approved June 26, 1946 ("Republic of the Philippines Military Assistance Act");

d. The interim program for the sale of specified amounts of military, naval and air equipment to other American republics as proposed by the War and Navy Departments and approved by the State Department. The program is being executed under the provisions of the Surplus Property Act;

e. Transfers to Canada for joint defense, pursuant to the request of the Canadian Government. These transfers are being made under the provisions of the Surplus Property Act; and

f. Transfers of small quantities of military supplies of U.S. origin, when such transfers are not considered to have any special political or military significance.

3. Transfers falling within any one of the categories set forth in paragraph "2" above, excepting those in category "f", may be made without reference to the Policy Committee on Arms and Armaments, but that Committee shall be kept currently informed of any such transfers as from time to time are made. Transfers falling within category "f" of paragraph "2" above shall be made only upon approval of the Policy Committee on Arms and Armaments or in accordance with such rules as that Committee shall from time to time promulgate for the purpose.

4. In addition to the transfers mentioned in paragraph "2" above it may from time to time be in the interest of the United States to authorize transfers to foreign countries by sale or otherwise of military supplies of U.S. origin under one or more of the following conditions:

If the transfer is determined to be reasonable and necessary;

a. To enable a country to maintain internal order in the reasonable and legitimate exercise of constituted authority, or

b. To enable a country to provide for and to exercise its right of self-defense against armed attack, a right recognized in Article 51 of the Charter of the United Nations, or

c. To assist a country to discharge its international responsibilities for

(1) Furnishing contingents to the Security Council pursuant to Article 43 of the Charter of the United Nations, and

(2) Carrying out military occupation in enemy or ex-enemy territory.

The determination as to whether or not a transfer will meet one of the foregoing conditions and is otherwise in the interests of the United States, shall rest with the Secretary of State to whom the Policy Committee on Arms and Armaments will make appropriate recommendations.

5. Military supplies of U.S. lend-lease origin now in the hands of foreign governments may remain in the hands of such governments except to the extent that the United States may wish from time to time to recapture them. The United States shall continue to reserve the right to recapture all military supplies of U.S. lend-lease origin except such as may from time to time be sold to third governments by or with the consent of the United States. Transfers by sale or otherwise by a presently-holding government to a third government shall be subject to the provisions of paragraph 2, 3 and 4 above.

6. A statement be prepared for adoption by SWNCC for the purpose of formalizing U.S. policy among the three departments concerned and for the purpose of establishing an appropriate mechanism for action on applications for transfers, as these *Recommendations* (paragraphs 1 to 5 above) have not been formally cleared with the War and Navy Departments.

7. The term "military supplies of U.S. origin" as used herein shall mean all articles which may be defined from time to time by or pursuant to Presidential Proclamation as arms, ammunition and implements of war, except as otherwise provided by the Policy Committee on Arms and Armaments, acting in accordance with established procedures.

FACTS BEARING ON THE PROBLEM

1. The President and the Secretary of State have publicly endorsed the principles of limiting world armaments by international agreement, and this country is committed to the regulation of armaments under Article 26 of the United Nations Charter. No definitive international action has as yet been taken to this end.

2. Certain national policies have been formulated (see paragraphs 3 and 4 below) with respect to the transfer of certain types of U.S. Government-owned arms. These policies are limited in scope and, to some extent, inconsistent and out of date. There is no clear statement of policy controlling the transfer to foreign countries of U.S. Government as well as privately owned military supplies of U.S. origin.

3. The following policy regarding disposal to foreign countries of military-type surplus equipment was agreed upon by the Secretary's Staff Committee at its meetings of February 5 and 21, 1946:

"No disposals of military-type surplus equipment should be made to arm other nations, except for (a) the transfer *en bloc* of military equipment left in England; (b) the program for equipping the French Army to a reasonable extent; (c) completion of the program for China begun during the war; (d) equipping Philippine forces; (e) fulfilling commitments made in the interim program for the other American republics; and (f) transfers to Canada when consistent with the program for joint defense." (SC/R-184, as amended by SC/R-184 [187])

4. The State, War and Navy Coordinating Committee on March 21, 1946, approved SWNCC 202/2. The following comments as to the purpose and scope of SWNCC 202/2 are pertinent to the present paper:

a. Its purpose was to set forth a policy "with respect to the extent to which the United States will support foreign countries with United States military supplies for their post-war armed forces" and with respect to "whether certain lend-lease items still in existence should be withdrawn from particular foreign nations as a matter of United States or international security . . ."

b. It dealt only with military supplies obtainable through U.S. surplus channels or through the recapture of lend-lease articles in the hands of foreign military authorities.

c. It stated a general conclusion that "as a general guide the State, War and Navy Departments agree that it is consistent with United States policy to support forces of foreign countries with United States military supplies to the extent stated in the 'specific conclusions' of this paper . . ."

d. The "specific conclusions" were intended to set the permissive limits within which it would be consistent with the then existing national policy to support the forces of individual foreign governments. In setting forth the specific conclusions, it was recognized that they would require modification from time to time. The policies set forth under the specific conclusions are not entirely consistent with the policy set forth in SC/R-184, as amended (paragraph 3 above).

e. One of the paper's general conclusions was to the effect that any support with U.S. military supplies should be implemented, so far as possible, within the framework of existing legislation, appropriations, *et cetera*.

f. With respect to lend-lease military supplies in the hands of foreign governments, it was concluded that it was not desirable to exer-

cise generally the right of recapture, although the United States should reserve such right and should obtain agreements providing for the return of lend-lease items on demand.

5. Both SWNCC 202/2 and SC/R-184, as amended, deal only with United States Government-owned military supplies. They do not purport to state any policy governing the exportation through private channels of arms, ammunition or implements of war. Pending determination of a policy to govern private exports, the Department has used the provisions of SWNCC 202/2 and SC/R-184, as amended, as general guidance where private exports were involved.

DISCUSSION

6. It is desirable to restate the policy to govern all transfers to foreign countries, whether by sale or otherwise, of military supplies of U.S. origin, whether such supplies are of U.S. Government or private ownership.

7. In formulating any policy to govern the transfer of military supplies of U.S. origin to foreign countries, consideration should be given to the long-range objectives of the United States with respect to the regulation of armaments. These objectives arise out of the obligations shared by all members of the United Nations to work for the regulation of armaments in such a manner that :

a. The use of armed force be restricted to that authorized by the Security Council of the United Nations, except in cases of self-defense against armed attack, and for the maintenance of internal order by governments in the legitimate and reasonable exercise of constituted authority;

b. There may be minimum diversion for armaments of human and economic resources which are needed for constructive purposes in creating a peaceful and orderly world;

c. Every encouragement be given in accordance with the principles of the United Nations Charter to the application of peaceful procedures for the settlement of international disputes.

8. It must therefore be the long-term policy of the United States to limit drastically the transfer to foreign countries of military supplies of U.S. origin, since any general increase in or dispersion of armaments would jeopardize the achievement of the foregoing objectives. Over the long run, such transfers should usually be limited to those necessary to the maintenance of internal peace and order by a foreign government in the legitimate and reasonable exercise of constituted authority, or to provide for self-defense in the event of an armed attack, or to enable a country to discharge its international responsibilities.

9. Pending effective United Nations action to bring about a satis-

factory system for the regulation of armaments and until the United States is satisfied that its national security as well as the security of other peace-loving states is assured, the implementation of the above-mentioned long-term policy must be qualified by factors of more immediate concern. Accordingly, in addition to transfers mentioned in paragraph 8 above, the United States may appropriately authorize the transfer of military supplies of U.S. origin to a foreign country when it is determined that such transfer is reasonable and necessary to preserve the independence and territorial integrity of a nation whose independence and territorial integrity are important to the security of the United States.

10. Unsettled world conditions and unstable conditions within certain countries, which countries may justifiably wish and need certain types of military supplies, make it impracticable to determine at this time, with any degree of specification, what types of supplies should be permitted to be transferred to what countries. Such determination must depend on the facts in each case, such as need and proposed use.

11. As it is believed that the implementation of a policy of control over transfers of military supplies can more readily and effectively be accomplished on an *ad hoc* basis, it is considered desirable that the policy determinations of SWNCC 202/2 be modified to conform to the *Recommendations* set forth herein.

12. It is considered that existing policies with respect to retention by foreign governments of lend-lease military supplies should be expressly reaffirmed (see paragraph 4*f* above).

13. Except for that relating to China, the programs mentioned in SC/R-184, as amended (see paragraph 3 above) are considered to be consistent with the policies suggested in paragraphs 8 and 9 above. However, it is desirable to re-define the scope of two of these programs, having in mind that SC/R-184, as amended, related to surplus equipment and that the passage of time has brought about changes in the nature of certain of the programs. For example,

a. SC/R-184 authorized the "transfer *en bloc* of military equipment left in England". That transfer has been made. However, under the terms of agreement with the British relating to U.S. Army and Navy surplus property, retransfers of that equipment to third governments cannot be made without the consent of the United States. SC/R-184 does not authorize such retransfers, nor does it authorize retransfers of lend-lease military equipment held by the British.

Requests are from time to time received from the British for authority to make retransfers to third governments of equipment in their lend-lease military inventory as well as equipment transferred pursuant to the surplus property agreement. The matter of retransfers of equipment from their lend-lease inventory to British Commonwealth Forces in Japan was discussed at the 18th and 19th meetings of the Policy

Committee on Arms and Armaments. The Committee "approved in principle" retransfers of this type, such retransfers being subject to the following qualifications:

1. "The articles shall remain subject to recapture by the United States Government. But this recapture may be waived with respect to any item transferred from the British lend-lease military inventory to the British Commonwealth occupation forces in Japan, provided payment for such items is made to the United States and provided also that such waiver is cleared with the War and Navy Departments.

2. "The British Army Staff will give subsequent notification to the Department of State of the types and quantities of articles retransferred.

3. "The matter will be subject to review at the time when the British Commonwealth forces withdraw from occupation duty in Japan."

As the British are permitted to retransfer lend-lease military equipment to British Commonwealth forces in Japan, it would appear that they should also be authorized to transfer to those forces military equipment previously sold to the British pursuant to the agreement relating to U.S. Army and Navy surplus property.

b. SC/R-184 approved "the program for equipping the French Army to a reasonable extent". The United States furnished military supplies to French forces from time to time during the war. The last approved extensive program was that authorized by President Roosevelt in March 1945 which involved the equipment of eight additional French divisions. This program was only partially completed by V-E Day, and it can no longer be considered a "program" in the sense originally authorized. Subsequent to V-E Day, an understanding was reached with the French with respect to the sale of military equipment, whereby the French would purchase from the Foreign Liquidation Commissioner such military equipment in the European theater as should be mutually agreed upon and as should be declared surplus for that purpose. No definite program of deliveries has been developed, but it is considered that the transfer of military supplies by the Foreign Liquidation Commissioner would fall within the authorization of SC/R-184. However, no such transfers should be made which appear to relate to Indochina, as it is not consistent with U.S. policy to support with military supplies French military activities in relation to that area.

It is considered that SC/R-184 should be modified to reflect the foregoing points and also to conform to the *Recommendations* set forth herein.

14. As the views expressed in paragraphs 6 to 13 above have not been formally cleared with the War and Navy Departments, and as some machinery should be agreed upon to facilitate *ad hoc* decisions on proposed transfers, it is considered desirable that a statement be prepared for adoption by SWNCC for the purpose of formalizing

U.S. policy among the three departments concerned and for the purpose of establishing an appropriate mechanism for action on applications for transfers.

15. The term "military supplies of U.S. origin" as used herein is intended to mean all articles which may be defined from time to time by or pursuant to Presidential Proclamation as arms, ammunition and implements of war, except as otherwise provided by the Policy Committee on Arms and Armaments, acting in accordance with established procedures.

FOREIGN POLICY ASPECTS OF UNITED STATES DEVELOPMENT OF ATOMIC ENERGY ¹

Department of State Atomic Energy Files ²

*Memorandum by the Commanding General, Manhattan Engineer
District (Groves) ³*

CONFIDENTIAL

[WASHINGTON,] 2 January 1946.

Our Army of the Future—As Influenced by Atomic Weapons.

In planning for our Army of the future, two distinct situations with respect to atomic weapons should be given consideration.

First Assumption: That satisfactory world agreements with respect to atomic energy have been made which ensure that atomic bombs will not be used under any circumstances.

Such agreements must provide for complete information at all times as to the activities of all nations in the atomic field. To get that information, it will be essential that our representatives have the right to travel freely anywhere, at any time, to observe and raise questions about any activity which they may suspect is related to the use of atomic energy.

This means the abandonment of all rights of privacy—that of the home, the laboratory and the industrial plant throughout the world including the United States.

Should such agreements be accompanied by the destruction of our present supply of atomic weapons and by measures which would pre-

¹ For extensive information on the formulation and execution of United States policy with respect to atomic energy, see Richard G. Hewlett and Oscar E. Anderson, Jr., *The New World, 1939-1946: A History of the United States Atomic Energy Commission*, vol. I. University Park, Pennsylvania: The Pennsylvania State University Press, 1962. Chapters 15 and 16 are of special interest in connection with the present compilation. For documentation on United States policy with respect to the international control of atomic energy, see *ante*, pp. 712-728, *passim*. For documentation on United States national security policy, see *ante*, pp. 1110 ff. For documentation on the attitude of the Soviet Union with respect to atomic energy, see vol. VI, pp. 683-866, *passim*.

² Lot 57D688, the consolidated lot file on atomic energy, 1942-1962, located in the Department of State, including the records of the Special Assistant to the Secretary of State on Atomic Energy and the records of the United States Delegation to the United Nations Atomic Energy Commission.

³ "Manhattan Engineer District" was the wartime code name of the atomic bomb development program; the designation continued to be employed after the nature of the project became public knowledge. General Groves transmitted this memorandum to Mr. John M. Hancock of the United States Delegation to the United Nations Atomic Energy Commission on June 10, 1946 (Department of State Atomic Energy Files).

vent manufacture of additional ones, then our Army of the future would not be influenced greatly by the non-existent atomic weapons until the agreement was broken or threatened. If the agreement were broken, the world would head directly into an atomic weapons armament race with the assurance of supremacy if she chose to assume it for the nation winning that race. Unless the United Nations Organization achieves an unprecedented success in establishing genuine world government and a reduction of national ambitions and suspicions—in other words, unless the UNO genuinely abolishes all chance of major wars—this eventuality will be most probable.

If the world agreement provided for the retention of a small number of atomic weapons for the purpose of enforcing peace,

- a. by some international agency,
- b. by the United States as the trustee agency of that organization, or
- c. by each of the major powers as agents of that organization,

our Army of the future must be planned with due regard for the unprecedented power of the weapon and its potentiality for sudden, crippling delivery. A small number of such bombs could give an enormous initial advantage but would not ensure final victory unless they were followed up by more bombs.

Second Assumption: That satisfactory world agreements have not been reached and atomic bombs will be available to each of the three major nations within the course of 15 or 20 years or even 5 or 10.

Should there be an armament race in atomic weapons,—and the world could not long survive such a race—then the United States must for all time maintain absolute supremacy in atomic weapons, including number, size and power, efficiency, means for immediate offensive use and defense against atomic attack. We must also have a worldwide intelligence service which will keep us at all times completely informed of any activities of other nations in the atomic field and of their military intentions.

If we were truly realistic instead of idealistic, as we appear to be, we would not permit any foreign power with which we are not firmly allied, and in which we do not have absolute confidence to make or possess atomic weapons. If such a country started to make atomic weapons we would destroy its capacity to make them before it had progressed far enough to threaten us. If there was only some way to make America sense now its true peril some 15 to 20 years hence in a world of unrestricted atomic bombs, the nation would rise up and demand one of the two alternatives essential to its very existence. Either we must have a hard-boiled, realistic, enforceable, world-agreement ensuring the outlawing of atomic weapons or we and our dependable allies must have an exclusive supremacy in the field, which

means that no other nation can be permitted to have atomic weapons. The United States is in a position now to get and enforce one of those alternates—five years from now will be too late to initiate the agreements. Genuine and proven mutual confidence between the great nations is the prime essential requirement for the agreement.

The atomic bomb is not an all-purpose weapon. One would not use a pile-driver for driving tacks when a tack hammer would do a better and a cheaper job. It is a weapon of tremendous, devastating power, capable of being produced in more than adequate numbers to influence decisively the outcome of any future conflict. It can be simplified and improved from its early models and if we are to judge from past developments of other weapons future bombs should be more powerful than the bombs used at Hiroshima and Nagasaki.

The atomic bomb is exclusively an offensive weapon—a weapon of rapid attrition. With it war can be carried to the enemy's heart and vitals and there it can utterly destroy his capacity to fight and even to live. If used in sufficient numbers, it can completely destroy the densely populated centers of any nation on earth. It is a weapon of suddenness, completeness and totality. Two disciplined nations each using the bomb can destroy each other's entire national life, yet neither could invade the other with large armed forces in the face of atomic bombs used on the convoys, beachheads or airheads. It thus makes war unendurable. Its very existence should make war unthinkable.

The atomic bomb cannot stand alone in the nation's arsenal. To put all our reliance on that one powerful weapon is to court disaster. It could be captured or sabotaged. One or more might prove to be "duds" at the wrong time. The bomb must be transported safely to bases from which it can be sent against any enemy. These bases must be held safe against the enemy and new bases closer to the enemy may need to be won. The bomb must be delivered on enemy targets in spite of enemy resistance. The territory attacked must be occupied and controlled. For our protection the air and sea lanes around our lands and toward any enemy must be dominated by our arms and adequate forces, air and ground and possibly sea, must be used for the defense of our large centers of population and industry. All these considerations mean that we must have adequate, diversified, well-rounded military forces, trained for almost instantaneous action. Furthermore the entire nation must be disciplined to withstand cataclysmic destruction of key cities at home and still be able to win the war.

The size of an Army mobilized for a war would be materially smaller than that for the recent war, because it is inconceivable that a war carried on with an ample supply of atomic weapons on one or both sides could last long enough to mobilize, train, equip and main-

tain a vast Army. The force mobilized at the start of a war could perhaps be doubled or trebled in time to be useful.

For the next 5 to 10 years, our Army will have the major tasks of occupying former enemy territory, garrisoning overseas bases, carrying on a large military training program and executing the administrative, supply and overhead functions for the Army. For those tasks there will necessarily be required a large force, both ground and air, without considering the effects of atomic weapons. The size, composition, organization and equipment of the forces concerned with the essential tasks mentioned above will be such as will best meet the changing mission over the next several years.

The mobile forces of the Army outside those mentioned in the preceding paragraph will be definitely and markedly affected by the impact of the atomic bomb. Just how and to what extent is not yet clear. It will be largely influenced by what effective measures, if any, are taken to control the atomic problem. For the next several years study, experiment, invention, development and training will point the way toward the best kind of an Army to build around the all-powerful atomic weapons. One would be rash indeed to try and state now in detail what that Army will be ten years hence. Certain indications are clear, however, and preliminary conclusions can be drawn from them. Some of those follow :

1. Should we engage in a major war within the next five years, the atomic bombs used will be much like those used at Hiroshima and Nagasaki. Delivery of the bombs probably will be made by airplanes with selected crews. Assembly and technical supervision of the bombs will be done by scientific and technical personnel from the Manhattan project. The bombs are still a long way from being standard or routine weapons. What will come in the future depends on the development of new weapons and methods of delivery.

2. Special air units, with most modern aircraft and other equipment, trained for instant attack, located at bases primarily in the United States will have to be assigned the mission of delivering atomic bombs anywhere in the world.

3. There should be several highly mobile ground units, trained and equipped for rapid movement by fastest transportation for the purpose of seizing and holding bases and critical areas. Those mobile units should be backed up by a number of slower-moving, more heavily armed units to act in support.

4. There should be available as mobilized units or available for instant mobilization, sufficient forces (land, sea, and air) to control the sea and air lanes surrounding the United States and its possessions and for safe distances beyond so as to protect our cities and industries.

5. Overseas bases needed for launching attacks against potential enemies should be adequately equipped, guarded and supplied.

6. All possible methods of delivery of atomic weapons including aircraft, guided missiles, rockets and submarines should be studied and developed. Units for using best methods of delivery should be made part of our armed forces.

7. Our intelligence forces must be strengthened many-fold, made world-wide and be competent to always know and to give prompt, accurate and complete answers to the question: "What are other nations doing in the atomic weapon field"?

8. Many governmental and military installations must be arranged by construction, concealment, dispersal and other means so as to continue to function during an enemy attack with atomic weapons. Our atomic weapons installations, including certain manufacturing plants, storage points, launching sites and airbases, would be in that category. General dispersal of industry does not appear feasible because of the dislocations involved. If dispersal of key critical industries is undertaken, it should be for self-contained plants and not just the component parts. An atomic weapon war is visualized as one of short duration; hence it is believed that the war will have to be fought largely with our initial stockpile of weapons and equipment, augmented by all-out production of essential items.

9. Forces of 8 to 10 million men in the Army for a war are not now visualized, for the reason that an atomic weapon war should have reached a decision before such great forces could be mobilized, equipped, trained and maintained. Forces of perhaps one-third that number might be required and their assembly in time seems feasible. However since atomic war will be truly a war for survival, our total manpower should have had military training and be disciplined to withstand the tremendous shock of atomic attack.

10. Because an atomic weapon war will not let us have months to prepare in comparative security, a larger percentage of our war force unit must be kept always ready. Much of that force should be in components, including air, which can be ready to carry immediate offensive war against the enemy. With atomic weapons, a nation must be ready to strike the first blow if needed. The first blow or series of first blows may be the last.

11. Elaborate, fixed coast defenses in their present type will lose their importance. Some of the present installations should be retained and manned to protect our most important harbors and naval anchorages against sudden forays from the sea.

12. Defense against the atomic bomb will always be inadequate. The only defense which we can yet foresee is to stop the carrying vehicle. So long as the bomb is carried by aircraft, it will be possible to stop a large percentage of those aircraft attacking our vital centers but only one or two need get through to wreak great destruction. Our defenses against atomic attack by air will therefore require consider-

able forces. There must, nevertheless, be continued research of the highest quality and urgency in the defensive field.

13. While this subject is not in my field of responsibility, it is clear that a strong properly equipped Navy to ensure our freedom of the seas is an essential part of our national defense. The Navy is taking full advantage of all the lessons which can be learned from studies of atomic weapons including the data which will be available after the forthcoming tests against naval vessels.

14. Detailed plans concerning size, organization, composition, and equipment of the Army to utilize effectively atomic weapons are now under intensive study. As these plans crystallize such of them as require Congressional action will be presented promptly for consideration by the Congress.

The atomic bombs dropped on Japan had two primary effects: first, the sudden and unexpected ending of the war with the consequent saving of the lives of thousands of our men; and second, a complete revolution in future military thought. The atomic bomb is a terrifying advance over other weapons. It will influence warfare more than did gunpowder or the airplane. Its destructiveness makes it imperative that world peace be achieved. If the peoples of the major powers of the world really knew or could understand the peril inherent in atomic weapons they would demand of their various governments a real solution to the problem of war.

However, until such time as, by UNO or other action, all chance of major wars is truly nil, no policy is sound which is based on the assumption that atomic weapons will be outlawed for all time to come. Time will be needed for the gradual evolution of national and international thinking and resultant policies on the use of atomic energy in general, and of atomic weapons in particular. Presumably any international agreements reached will contain provisions for the exploitation of atomic energy for peacetime uses. As has been stated to the Senate Committee, in this exploitation there will be built up supplies of active materials sufficient for many bombs. Thus there will always be a vast military potential which must not be forgotten. Furthermore I understand that the time for conversion of peacetime atomic energy plants to war purposes would be dangerously short. It should be realized that we risk the security of our country when we gamble that there will be time to detect and to take decisive action against any nation that violates its agreements before atomic disaster is upon us.

Our military establishment must not be excluded from research and development in the atomic weapon field. We cannot lean exclusively on any agency which concerns itself primarily with possible peaceful uses of atomic energy. Any commission such as that proposed in the May-Johnson Bill must have as its primary concern the

military security of the United States. To accomplish that end the Army and Navy must have a major part in determining how atomic energy will be applied to national defense. If there are to be atomic weapons in the world, we must have the best, the biggest and the most; and the Army and Navy must not be divorced from their responsibility of defending the United States.

811.2423/1-546

Memorandum by the Secretary of State to President Truman

[WASHINGTON,] January 5, 1946.

The British have requested that a British scientific team be permitted to attend the forthcoming atomic bomb trials.⁴ The Secretaries of State, War, and Navy approve the idea, particularly since the British have various experts with special knowledge who would be of considerable assistance in connection with the tests, and from the military standpoint their participation would be desirable. The officer in charge of the atomic bomb project⁵ has indicated informally that he has no objection.

We should like to have your approval before proceeding.⁶

JAMES F. BYRNES

811.2423/2-546

*Minutes of the Meeting of the Secretaries of State, War, and Navy,
Washington, February 5, 1946, 10:30 a. m.*⁷

TOP SECRET

Present: The Secretary of State
The Secretary of War⁸ accompanied by Assistant Secretary Petersen⁹
The Secretary of the Navy accompanied by Admiral Blandy and Mr. Hidalgo
Mr. Matthews¹⁰

ATOMIC ENERGY

MR. FORRESTAL stated that he had asked Admiral Blandy to accompany him in case Mr. Byrnes wanted to raise any question in connection

⁴ For information regarding the origins of the Bikini tests, see Hewlett and Anderson, pp. 581-582.

⁵ Vice Adm. William H. P. Blandy.

⁶ The President's initialled "OK" appears on the source text.

⁷ The Secretaries of State, War, and Navy, or their representatives, met on an almost weekly basis in 1946.

⁸ Robert P. Patterson.

⁹ Howard C. Petersen, Assistant Secretary of War.

¹⁰ H. Freeman Matthews, Director of the Office of European Affairs.

with the proposed invitations for foreign observers to attend the forthcoming atomic bomb tests. ADMIRAL BLANDY stated that the three departments had now agreed to recommend to the Joint Chiefs of Staff that two foreign observers be invited for each country represented on the United Nations Atomic Energy Commission except for the British for whom a team of ten officers and civilians should be asked. MR. FORRESTAL stated that he was making inquiry as to the number of places aboard ship which might be available since this might be helpful in limiting the number of foreign observers and press representatives to be invited. MR. BYRNES said that he felt it was wise to limit foreign observers to the countries who are members of the Atomic Energy Commission because naturally from motives of curiosity every country would like to be present. He said that he would like to inform Molotov of our plans for foreign observers and that Molotov would naturally wish to know what their presence would mean.¹¹ ADMIRAL BLANDY said that with the exception of the British Delegation the observers would see no more than the press. He said that he had drafted the security provisions of the Congressional Resolution which will reserve full authority to prevent any violation of basic security requirements. MR. BYRNES raised the question as to whether the public should be told that the British observers are to see more than the others. As soon as the plans for observers are approved by the JCS he wants to clear the question with the President. (Admiral Blandy left at this point.)

[Here follows discussion of various other subjects.]

Department of State Atomic Energy Files

Memorandum by the Commanding General, Manhattan Engineer District (Groves), to the Secretary of State

TOP SECRET

WASHINGTON, 13 February 1946.

1. At its meeting on 4 December 1945, the Combined Policy Committee appointed a subcommittee consisting of the Honorable L. B. Pearson,¹² Major General L. R. Groves and Mr. Roger Makins¹³ to draw up an agreement to take the place of the Articles of Agreement

¹¹ In telegram 237, February 7, the Embassy in Moscow was instructed to inform the Soviet Government of United States plans to conduct atomic tests; for text of telegram 237, see vol. VI, p. 691.

¹² Lester B. Pearson, Canadian Ambassador in the United States.

¹³ British Minister in the United States.

signed at Quebec on 19 August 1943¹⁴ and to recast the Trust Agreement of 13 June 1944,¹⁵ if necessary. The documents were to be in accord with the recent memorandum signed by the President and Prime Ministers of the United Kingdom and Canada, a copy of which is attached as enclosure 1.¹⁶ The Heads of the Agreement agreed to by General Groves and Sir John Anderson,¹⁷ a copy of which is attached as enclosure 2,¹⁸ were to be used as the basis. The documents were to be in a form suitable for execution as executive agreements.

2. The subcommittee has met a number of times and has reached an agreement which will be presented at the meeting of the Combined Policy Committee scheduled for Friday, 15 February 1946. It has also prepared in accordance with the minutes of the Combined Policy Committee drafts of letters to be exchanged between the President and the Prime Ministers, which will effectively eliminate the restrictions placed upon post-war commercial participation by the United Kingdom.¹⁹

3. The scope of the new arrangements extends far beyond that ever contemplated by the Quebec Agreement and in effect will constitute an outright alliance, which can only be terminated by mutual consent between the United States, the United Kingdom and Canada, in the entire field of atomic energy. The military, political, legal, and international implications require the closest consideration by the highest authorities of the possible consequences which may result from this alliance if it is consummated in the present form.

¹⁴ The Combined Policy Committee was established under the terms of the Roosevelt-Churchill "Articles of Agreement governing collaboration between the authorities of the U.S.A. and the U.K. in the matter of Tube Alloys" (i.e. atomic energy research and development) signed at Quebec, August 19, 1943 (Treaties and Other International Acts Series (TIAS) No. 2993: *United States Treaties and Other International Agreements*, vol. 5, pt. 1, p. 1114). For documentation on the First Quebec Conference, August 14-24, 1943, see *Foreign Relations, Conferences at Washington and Quebec, 1943*, pp. 391 ff.

For extracts from the minutes of the meeting of December 4, 1945, see *Foreign Relations, 1945*, vol. II, p. 86.

¹⁵ Reference is to the Agreement and Declaration of Trust, signed by President Roosevelt and Prime Minister Churchill on June 13, 1944, establishing the Combined Development Trust, of which General Groves was Chairman; for text, see *Foreign Relations, 1944*, vol. II, p. 1026-1028. The Trust was to operate under the direction of the Combined Policy Committee. Its main function was to secure control and insure development of uranium and thorium supplies located outside the jurisdiction of the United States, the United Kingdom, the Dominions, India, and Burma.

¹⁶ Reference is to the memorandum of November 16, 1945, expressing intention to continue cooperation; for text, see telegram 3400, April 20, 1946, to London, p. 1235. For text of the Agreed Declaration by President Truman, Prime Minister Attlee of the United Kingdom, and Prime Minister Mackenzie King of Canada, signed at Washington, November 15, 1945, see Department of State Treaties and Other International Acts Series (TIAS) No. 1504, or 60 Stat. (p. 2) 1479.

¹⁷ Chairman, British Advisory Committee on Atomic Energy; former Chancellor of the Exchequer.

¹⁸ For text, see *Foreign Relations, 1945*, vol. II, p. 75.

¹⁹ For text of the report, including drafts of letters to be exchanged, see *infra*.

4. The Quebec Agreement was an executive agreement made under the President's power to conduct war. The stated principle with respect to exchange of information was that in the field of scientific research and development there should be full and effective interchange of information and ideas between those in the two countries engaged in the same section of the field. This principle was applied wholeheartedly throughout the war period although the exchange was almost entirely from the United States to the United Kingdom. Since V-J Day, its application has been lessened.

5. The type of cooperation now being sought by the United Kingdom must be considered primarily in terms of its military aspects, for, in spite of all of the discussions in this country of peaceful potentialities of atomic energy, its primary, almost sole, importance will remain military until world peace is assured or until effective control proves feasible. We do not yet know how successful will be the efforts of the United States, the United Kingdom and Canada to effect international control of atomic energy and prevent its use for military purposes. I feel that it would be an easier task to outlaw war itself. Until control is achieved, and at the best it will take years to accomplish this, atomic energy will continue to be the most strategically important military weapon in existence. The proposed form of cooperation in the field of atomic energy could well be considered as tantamount to a military alliance.

6. The memorandum signed by the President and the Prime Ministers of the United Kingdom and Canada intends cooperation in the field of atomic energy but does not expressly or by implication provide for any joint venture of the three governments. The financial and developmental burdens since the inception of this project have rested almost solely upon the United States. The true relationship and the basis of collaboration between the United States and United Kingdom has been kept from the American people and the Congress. There is a general feeling that the United Kingdom played an important role in the development of the atomic bomb. This is not the case.

7. Serious consideration should be given to the effects of the provisions of Chapter XVI of the United Nations Charter, namely, that all treaties and international agreements shall be registered with the Secretariat at the earliest possible time. Consideration should also be given not only to the validity but to the wisdom of an executive agreement. The advent of atomic energy has caused considerable apprehension not only in Congress but among all thinking Americans as well. Initial steps have been taken on the international level to bring about agreement among all nations in this field. The temper of the people and of the Congress is such that any secret arrangement at this time would, if it became known, be subject to severe criticism and might result in serious complications. The bringing to

light of such an agreement during a period in which the United States is fostering international cooperation and a community of responsibility to maintain peace would very likely cast grave reflection on the sincerity of this effort and furnish the opportunity which certain countries may be seeking to discredit us in the eyes of the world.

8. It is extremely important that we arrive at a definition of "full and effective interchange of information" at this time. Dr. Chadwick has acquainted me with the probable intentions of the United Kingdom government to develop a large scale plant for production of fissionable materials in England. The information and assistance which he has stated he will request from us to enable the United Kingdom to carry out its program include practically all of the processing techniques and plant designs and specifications of the entire Manhattan Project less the gas diffusion method, and even some of the personnel. The project would depend on American knowledge, not British. I have discussed the matter with General Eisenhower. He feels very strongly that cooperation must include wholehearted consideration of our views on keeping large scale installations out of England. Any large British installation should be built, not in the United Kingdom, but in Canada.

9. In any consideration for utilizing the existing American-British agreements as bases for agreements for the exchange of information and for cooperation in the field of atomic energy, there should be included provisions for cooperative planning on the location of any new large scale installations developed for the production of fissionable materials.²⁰

L. R. GROVES
Major General, USA

Department of State Atomic Energy Files

*Draft Report to the Combined Policy Committee by a
Sub-Committee*²¹

TOP SECRET

[WASHINGTON, February 15, 1946.]

The Sub-Committee (Major General L. R. Groves, the Hon. L. B. Pearson, and Mr. Roger Makins) was appointed by the Combined Policy Committee on December 4th to draw up, in accordance with

²⁰ Regarding United States negotiations with the United Kingdom and Canada in 1946 concerning continued cooperation in the postwar period, see Hewlett and Anderson, pp. 477-481.

²¹ The source text bears a number of handwritten changes of undetermined origin which have not been reproduced.

the Memorandum signed by the President and the Prime Ministers of the United Kingdom and Canada, a document to take the place of the Articles of Agreement signed at Quebec on August 19th, 1943. The Sub-Committee was instructed that this revised document should be in the form of an executive agreement, and that the obligation in the fourth provision of the Quebec Agreement should be eliminated.

2. The Sub-Committee has held three meetings. It has had before it the Quebec Agreement; the Agreement and Declaration of Trust signed on June 13th, 1944; and the Memorandum addressed to the Chairman of the Combined Policy Committee by General Groves and Sir John Anderson on November 16th.

3. The Sub-Committee considered the fourth provision of the Quebec Agreement in the light of the discussion in the Combined Policy Committee on this point. It concluded that this matter could best be dealt with by an exchange of letters between the President and the Prime Minister in the form set out in Annex A to this report.

4. The Sub-Committee agreed upon the text of a Memorandum of Agreement between the three Governments. This text is contained in Annex B to this report.

5. The Sub-Committee also agreed on the revised text of the Agreement and Declaration of Trust between the three governments. This text is contained in Annex C to this report.

Annex A—Part I

DRAFT LETTER FROM PRESIDENT TO PRIME MINISTER

I have given full consideration to the Fourth Provision of the Articles of Agreement governing collaboration between the authorities of the United States of America and the United Kingdom in the matter Tube Alloys signed by President Roosevelt and Mr. Winston Churchill at Quebec on August 19th, 1943.

2. I have also taken into consideration the Memorandum of Agreement signed at . . . and . . . on . . ., 1946, providing for the continuation of co-operation in the field of atomic energy between the Governments of the United States, the United Kingdom and Canada.

3. In view of the provisions of this Memorandum of Agreement of . . . 1946, I hereby determine and declare that it is fair and just, and in harmony with the economic welfare of the world that there should be no restrictions placed upon the Government of the United Kingdom in the matter of the development and use of Atomic Energy for industrial or commercial purposes.

Annex A—Part II

DRAFT REPLY TO PRESIDENT FROM PRIME MINISTER

I have received your letter of and on behalf of the Government of the United Kingdom I take note of and accept the determination and declaration which you have made under the Fourth Provision of the Articles of Agreement governing collaboration between the authorities of the United States of America and the United Kingdom in the matter of Tube Alloys signed by President Roosevelt and Mr. Winston Churchill at Quebec on August 19th, 1943.

Annex B

DRAFT MEMORANDUM OF AGREEMENT

WHEREAS the President of the United States, the Prime Minister of Great Britain and Northern Ireland, and the Prime Minister of Canada have expressed the desire that there should be full and effective cooperation between the United States, the United Kingdom and Canada in the field of atomic energy;

WHEREAS for this purpose the Combined Policy Committee already established should be continued in existence; and

WHEREAS a Combined Development Trust has been set up for the purpose of acquiring supplies of uranium ores and concentrates and thorium minerals;

The Government of the United States, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of Canada are agreed as follows:

1. None of the three Governments will use atomic weapons against other parties without prior consultation with each of the other two governments.

2. None of the three Governments will disclose any information to or enter into negotiations concerning atomic energy with other governments or authorities or persons in other countries except in accordance with agreed common policy or after prior consultation with each of the other two Governments.

3. Each of the three Governments will take measures so far as practicable to secure control and possession, by purchase or otherwise, of all deposits of uranium and thorium situated in areas comprising respectively the United States, its territories or possessions, the United Kingdom and its colonial dependencies, and Canada. They will also, severally or jointly, use every endeavour with respect to the remaining territories of the British Commonwealth and other countries to acquire all such supplies of uranium ores and concentrates and thorium minerals as may be agreed to be desirable. All supplies acquired under the

provisions of this paragraph will be subject to allocation by the Combined Policy Committee.

4. The supplies acquired under the arrangements provided for in the preceding paragraph shall be allocated by the Combined Policy Committee to the three Governments in such quantities as may be needed, in the common interest, for scientific research, military and humanitarian purposes. Such supplies as are not allocated for these purposes and are not already in the ownership of the Combined Development Trust, shall be offered for sale to the Trust. The disposal of unallocated supplies shall be determined by the Combined Policy Committee at a later date in the light of the then existing conditions and on a fair and equitable basis. Supplies in the ownership of the Trust allocated to any Government will be transferred to that Government by the Trust under such arrangements as may be determined upon by the Combined Policy Committee.

5. The Combined Policy Committee will settle the policy to be followed in the mining and producing of uranium ores and concentrates and thorium minerals, and the Combined Development Trust will not be obliged to purchase supplies mined and produced otherwise than in accordance with the policy thus laid down.

6. There shall be full and effective cooperation between the three Governments in regard to the exchange of information concerning atomic energy required for their respective programmes of atomic energy development. This exchange will be implemented by arrangements approved from time to time by the Combined Policy Committee.

7. The Combined Policy Committee, already established and composed of six members, three from the United States, two from the United Kingdom, and one from Canada, shall carry out the policies set out in the present Memorandum subject to the control of the respective Governments. To this end, the Committee shall:

1. Review from time to time the general programme of work being carried out in the three countries.

2. Allocate materials in accordance with the principles set forth in the fourth paragraph above.

3. Settle any questions which may arise concerning the interpretation and application of arrangements regulating cooperation between the three Governments.

8. This Memorandum of Agreement supersedes all agreements relating to atomic energy existing between the three Governments or any two of them prior to the date hereof, with the exception of the Agreement and Declaration of Trust signed on , the Patents Memorandum of October 1st, 1943 as modified by subsequent agreement on September 19th, 1944 and March 8th, 1945,^{21a} and the

^{21a} The three documents relating to patents, copies of which exist in the records of the Combined Policy Committee in the Department of State Atomic Energy Files, are not printed. In regard to wartime patent arrangements, see Margaret Gowing, *Britain and Atomic Energy 1939-1945* (London, St. Martin's Press, 1964), pp. 244-245.

Exchange of Letters between the Acting Secretary of State and His Majesty's Ambassador of September 19th and 24th, 1945.²²

9. The provisions of the present agreement are subject to any wider agreements for the control of atomic energy to which all the three governments may subsequently become parties.

Annex C

RE-DRAFT OF DECLARATION OF TRUST

THIS AGREEMENT AND DECLARATION OF TRUST is made
 by on behalf of the Govern-
 ment of the United States of America, by on
 behalf of the Government of the United Kingdom of Great Britain
 and Northern Ireland, and by on behalf of the
 Government of Canada, (the said Governments being hereinafter
 referred to as "the three Governments");

WHEREAS it is in the common interest of the three Governments to ensure the acquisition of an adequate supply of uranium ores and concentrates and thorium minerals; and

WHEREAS it is the intention of the three Governments to secure to the fullest extent practicable supplies of uranium ores and concentrates and thorium minerals within the boundaries of such areas as come under their respective jurisdictions; and

WHEREAS it has been agreed that the three Governments will use every endeavor to acquire all such supplies of uranium ores and concentrates and thorium minerals situated in territories outside their jurisdiction as may be agreed to be desirable; and

WHEREAS it has been decided to establish a joint organization for the purpose of securing supplies of uranium ores and concentrates and thorium minerals;

NOW IT IS HEREBY AGREED AND DECLARED AS FOLLOWS:

1. (1) There is established in the City of Washington, District of Columbia, a Trust known as "The Combined Development Trust" (hereinafter called "the Trust").

(2) The Trust shall be composed of and administered by six persons, three from the United States, two from the United Kingdom and one from Canada, who shall be appointed, and be subject to removal, by the Combined Policy Committee established by the three Governments.

(3) The Trust shall carry out its functions under the direction and guidance of and as agent of the Combined Policy Committee.

2. The Trust shall use its best endeavours to develop the production of uranium ores and concentrates and thorium minerals and for

²² For texts, see *Foreign Relations*, 1945, vol. II, pp. 44 and 47, respectively.

that purpose shall take such steps as it may in the common interest think fit to:

(a) Explore and survey sources of uranium ores and concentrates and thorium minerals.

(b) Develop the production of uranium ores and concentrates and thorium minerals by the acquisition of mines and ore deposits, mining concessions or otherwise.

(c) Provide with equipment any mines or mining works for the production of uranium ores and concentrates and thorium minerals.

(d) Survey and improve the methods of production of uranium ores and concentrates and thorium minerals.

(e) Acquire and undertake the concentration and disposal of uranium and thorium materials.

(f) Provide storage and other facilities.

(g) Undertake any functions or operations which conduce to the effective carrying out of the purpose of the Trust in the common interest.

3. (1) All uranium ores and concentrates and thorium minerals and other property acquired by the Trust shall be held by it in trust for the three Governments jointly, and disposed of or otherwise dealt with only in accordance with the direction of the Combined Policy Committee.

(2) The Trust is not obliged to acquire supplies mined and produced otherwise than in accordance with mining and production policy settled by the Combined Policy Committee.

(3) Supplies in the ownership of the Trust allocated by the Combined Policy Committee to any government will be transferred to that Government by the Trust.

(4) The Trust shall submit such reports of its activities as may be required from time to time by the Combined Policy Committee.

4. For the purpose of carrying out its functions, the Trust shall utilize whenever and wherever practicable the established agencies of any of the three Governments, and may employ and pay such other agents and employees as it considers expedient, and may delegate to any agents or employees all or any of its functions.

5. The Trust may acquire and hold any property in the name of nominees.

6. All funds properly required by the Trust for the performance of its functions shall be provided as to one-half by the Government of the United States of America and as to the other half by the Government of the United Kingdom of Great Britain and Northern Ireland.

7. In the event of the Combined Policy Committee ceasing to exist, the functions of the Committee under the Trust shall be performed by such other body or person as may be designated by the President for the time being of the United States of America, the Prime Minister for the time being of the United Kingdom of Great Britain and

Northern Ireland, and the Prime Minister for the time being of Canada.

8. This Agreement and Declaration of Trust shall supersede, as from its date, the Agreement and Declaration of Trust made on June 13th, 1944 by the President of the United States and the Prime Minister of Great Britain. It shall remain in full force and effect from the date hereof until terminated by mutual consent on the request of any of the parties and shall be subject to revision or extension at any time by mutual consent.

(Signed) _____

ON BEHALF OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

(Signed) _____

ON BEHALF OF THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND

(Signed) _____

ON BEHALF OF THE GOVERNMENT OF CANADA

Department of State Atomic Energy Files

*Minutes of the Meeting of the Combined Policy Committee at the
Department of State, February 15, 1946, 4 p. m.*

TOP SECRET

Present: *Members*

The Secretary of State (in the Chair)

The Secretary of War

The Rt. Hon. Earl of Halifax ²³

Field Marshal Sir Henry Maitland Wilson

By Invitation

The Canadian Ambassador, Mr. L. B. Pearson
(representing the Hon. C. D. Howe) ²⁴

Mr. Dean Acheson ²⁵

Sir James Chadwick ²⁶

Joint Secretaries

Major General L. R. Groves

Mr. Roger Makins

I. *Minutes of the Meeting Held on December 4th, 1945.*²⁷

Various amendments were proposed to the Minutes. The Secretariat was instructed to circulate a revised copy for approval at the next meeting.

²³ British Ambassador in the United States.

²⁴ Canadian Member, Combined Policy Committee.

²⁵ Under Secretary of State.

²⁶ Scientific Adviser to the British Members of the Combined Policy Committee.

²⁷ For extracts from the minutes in the form ultimately approved, see *Foreign Relations*, 1945, vol. II, p. 86.

II. *Revision of Agreements.*

The Committee had before it a report of the Sub-Committee appointed at the last meeting. The Sub-Committee had drawn up, on the basis of the Committee's instructions, a document to take the place of the Articles of Agreement signed at Quebec on August 19th, 1943, in the form of an executive agreement. The Sub-Committee had also revised the Agreement and Declaration of Trust and had drafted an exchange of letters to cover the fourth provision of the Quebec Agreement. The report of the Sub-Committee is attached as Tab NN.²⁸

THE CHAIRMAN referred to Article 102 of the Charter of the United Nations. It was the policy of the United States Government, and he was sure also of the British and Canadian Governments, to be scrupulous in their observance of the obligations of the Charter. It seemed clear that the revised agreements as presented to the Committee would require to be registered with the Secretariat of the United Nations.

LORD HALIFAX and MR. PEARSON said that the same point had also been present to their minds.

A discussion followed on the form of any revised agreements.

MR. PEARSON suggested that the revised arrangements might be covered by an exchange of letters of declarations on the part of the three Governments to the effect that, pending the working out of an international scheme for the control of atomic energy by the United Nations Commission, they intended to proceed in their relations with one another on certain lines.

It was suggested in the discussion that, apart from the question of form, and of Article 102 of the Charter, there might well be advantage in making the revised arrangements agreed upon by the three Governments public in any event.

THE COMMITTEE decided :—

(a) That, having regard to the obligations of Article 102 of the Charter of the United Nations, the question of the form of any revised arrangements should be referred for consideration to the appropriate legal authorities of the three Governments.

(b) That the three Governments would also consider the desirability of making public in any event any revised arrangements which might be concluded.

It was suggested that the draft exchange of letters proposed by the Sub-Committee to deal with the Fourth Provision of the Quebec Agreement might require revision in the light of the discussion.

The Secretariat was instructed to submit a revised draft²⁹ at the next meeting of the Committee.

An inquiry was made whether cooperation could not proceed on

²⁸ *Supra.*

²⁹ Not printed.

on the basis of existing agreements until an international scheme was developed by the Atomic Energy Commission.

It was pointed out that since the existing agreements had been concluded before the coming into force of the Charter, they did not require to be registered with the Secretariat of the United Nations.

LORD HALIFAX said that the Quebec Agreement provided for full and effective collaboration between the two countries "in bringing the project", that is to say, the development of the Atomic Bomb, "to fruition". It did not, as at present interpreted, provide a sufficient basis for cooperation in present circumstances particularly in the field of exchange of information. He referred to the Memorandum signed by the President and the Prime Ministers of the United Kingdom and Canada on November 16th, which represented the decision on which His Majesty's Government had been basing their policy and programme.

THE CHAIRMAN said that he would discuss this matter further with the President.

III. *Programme of Research and Development in the United Kingdom.*

LORD HALIFAX made a statement on this subject, the text of which is contained in Tab OO.³⁰

The Committee:—took note of this statement.

IV. *The Combined Development Trust.*

The Committee was informed that Sir Charles Hambro, Deputy Chairman of the Trust, had resigned. The appointment of Mr. Roger Makins to succeed to this vacancy was approved.

The Committee then adjourned.

L. R. GROVES
Major General, U.S.A.
Joint Secretaries
ROGER MAKINS

Department of State Atomic Energy Files

*Statement by the British Ambassador (Halifax)*³¹

TOP SECRET

[WASHINGTON, February 15, 1946.]

At its meeting on October 13th, 1945, I informed the Combined Policy Committee that His Majesty's Government had decided to set up a Research Establishment in the United Kingdom to deal with all

³⁰ *Infra.*

³¹ Delivered at the meeting of the Combined Policy Committee, February 15, the minutes of which are printed *supra*.

aspects of atomic energy, and that they were considering plans for large-scale production of fissile material.³²

2. His Majesty's Government have now further considered this question and have decided to put into effect the following programme:—

The Experimental and Research Establishment will be situated in Harwell near Didcot. It will be concerned as much with the development of atomic energy for peaceful purposes as with its military application. In addition to work on the determination of the necessary physical, chemical and metallurgical data, the activities of the establishment will include the construction on a pilot scale of plants for the production of useful energy from fissile materials. The equipment of the establishment will include a small air-cooled graphite pile dissipating 6,000 kilowatts. In addition, a small number of units of the type used in the electro magnetic process for the separation of U.235 will be installed, for the separation of other isotopes as well as those of uranium and for general experimental purposes. The establishment will be the source of supply of tracer elements, both stable and radioactive, for use in biological and chemical research. It is intended that, subject to the needs of military security, the work of this establishment will be carried on under conditions which, as regards freedom of discussion and publication of results, will approximate as closely as possible to those of a university.

2. In order to produce adequate supplies of fissile material—

(a) for the use of the Research Establishment and

(b) for eventual industrial or military application, His Majesty's Government have decided to undertake the construction of a large-scale graphite pile for the production of plutonium. His Majesty's Government have, of course, in mind the fact that the conclusions reached by the United Nations Commission on Atomic Energy will affect the eventual use to be made of any material produced in the United Kingdom.

3. His Majesty's Government are also preparing a Bill for the control of all atomic energy activities in the United Kingdom which will be shortly introduced into Parliament.

811.2423/2-146

The Assistant Secretary for American Republic Affairs (Braden) to the Chief of the Military Intelligence Service, War Department (Peabody)

SECRET

WASHINGTON, March 1, 1946.

MY DEAR GENERAL PEABODY: I am writing in reference to your secret memorandum of February 1, 1946³³ enclosing a memorandum

³² For extracts from the minutes of the meeting of October 13, 1945, see *Foreign Relations*, 1945, vol. II, p. 57.

³³ Not printed.

from the Military Attaché at Buenos Aires recommending that the subject of inter-American control of uranium and other radioactive materials be considered as a matter for the agenda of the approaching Rio conference.³⁴

While recognizing the value of this recommendation, it seems clear that it would be premature to place this subject on the agenda of the Rio conference.

Any consideration of inter-American control of uranium and other radioactive materials must wait on the formulation of United States policy with regard to domestic controls and wider international controls. It seems highly unlikely that domestic legislation will have been passed by the Congress by the time the Rio conference convenes. Furthermore, our policy with regard to inter-American control of radioactive materials must be considered in the light of the recommendations of the Commission for the Control of Atomic Energy recently established by the General Assembly.

I want to take this opportunity to express appreciation that this important matter was brought to the attention of the Department of State and to assure you that it is receiving careful study.

Sincerely yours,

SPRUILLE BRADEN

811.2423/3-1446

Memorandum by the Secretary of State to President Truman

SECRET

[WASHINGTON,] March 8, 1946.

Subject: Allocation of Observers and Press Representatives for Atomic Bomb Tests.

The Joint Chiefs of Staff on advice of the Commander, Joint Task Force One, have now established specific allocation of observers and press representatives for the forthcoming atomic bomb tests. The allocations are in accordance with the general plan already presented to you, except that they accord to the Canadian Government the privilege which was proposed for Great Britain—that of sending additional observers. Although the authorization of additional observers to selected nations may and probably will cause adverse comment from foreign nations not favored, it is considered that special treatment of Great Britain and Canada is fully justified. The development of atomic power resulted from a combination of the resources and scientific skill of the United States, Great Britain and Canada, and it is only fitting and proper that our associates be given special consideration.

³⁴ The Rio De Janeiro Conference for the Maintenance of Continental Peace and Security was held from August 15 to September 2, 1947.

For your information the specific allocation of observers and press representatives is:

<i>Observers</i>	
U.S. armed services	116
U.S. civilian scientists	30
Members of Congress	60
Foreign nations having membership on UNO Atomic Energy Commission, two per nation	22
Additional British observers	8
Additional Canadian observers	4
Total Observers	240
<i>Press Representatives</i>	
U.S. press, radio, newsreels, lecturers, magazine writers:	
On board press ship	147
On board other ships of task force	20
On shore at Kwajalein	20
Foreign press, one per nation having membership on UNO Atomic Energy Commission, plus two extra for Great Britain:	
On board press ship	13
Total Press	200

The Secretaries of State, War and the Navy have approved the above.³⁵

JAMES F. BYRNES

Department of State Atomic Energy Files

*Proposal by the British Members of the Combined Policy Committee*³⁶

TOP SECRET

[WASHINGTON, undated.]

DRAFT CONCLUSIONS OF COMBINED POLICY COMMITTEE RECOMMENDING ARRANGEMENTS FOR CONTINUANCE OF CO-OPERATION BETWEEN THE UNITED STATES, THE UNITED KINGDOM AND CANADIAN GOVERNMENTS

The Committee took note that on 16th November, 1945, President Truman, Mr. Attlee and Mr. Mackenzie King had:—

(i) Recorded their wish that full and effective cooperation should continue in the field of atomic energy between the United States, the United Kingdom and Canada;

³⁵ The following appears in handwriting on the last page of the source text: "March 14, 1946

Approved with the proviso that an equal number of the members of Congress shall come from the Military Affairs, Naval Affairs and Appropriations Committees of each House.

This will prevent either service from being favored.

Harry S. Truman"

In a circular telegram of May 4, appropriate United States representatives abroad were instructed to issue invitations for the tests; for the text of telegram, see vol. VI, p. 751.

³⁶ This document was considered at the Combined Policy Committee Meeting of April 15; for the minutes of that meeting, see p. 1227.

(ii) Agreed that the Combined Policy Committee and the Combined Development Trust should be continued in suitable form:

(iii) Requested the Combined Policy Committee to work out appropriate arrangements for this purpose.

2. There was general agreement in the Committee that it would be undesirable to propose the conclusion of a new and formal agreement between the three Governments at this moment. Having regard to the obligations assumed under Article 102 of the United Nations' Charter, it would be necessary to publish the agreement; and it would be inopportune to do this so shortly before the opening of discussions in the United Nations Commission on Atomic Energy.

3. On the other hand, close cooperation between the three Governments which was begun during the war was a matter of public knowledge and the Declaration issued at Washington last November had made it clear to the world that this cooperation had not been broken off. The three Governments would not be open to criticism if they were to continue this cooperation on the same footing, until the outcome had been seen of the discussions in the United Nations Commission.

4. This cooperation might appropriately be based upon the existing documents. Since, however, these documents, and, in particular, the so-called Quebec Agreement, were in certain respects related to war conditions, certain adaptations and additions were required to render them suitable for the future.

[5.] The Committee:—

(1) Agreed to recommend, for the approval of the three Governments:—

(a) that cooperation should be continued, for the present, on the basis of the existing agreements, subject to the points shown in the schedules attached to these minutes;

(b) that these arrangements should be subject to revision later, in the light of any international agreement, which might be reached, as a result of the recommendations of the United Nations Commission on Atomic Energy;

(2) Took note that if the recommendation in (1) above was approved by the Canadian Government, they would acquire the same rights and assume the same obligations as if they had been parties to the Quebec Agreement and the Declaration of Trust.

SCHEDULE OF AMENDMENTS

(i) ARTICLES OF AGREEMENT APPROVED AT QUEBEC ON 19TH AUGUST, 1943
BY PRESIDENT ROOSEVELT AND MR. CHURCHILL³⁷

Preamble and First Article to be deleted.

³⁷ For text of the Quebec Agreement, see *Treaties and Other International Acts Series (TIAS) No. 2993; United States Treaties and Other International Agreements*, vol. 5, pt. 1, p. 1114.

Second Article to be revised to read:—

“None of the three Governments will use atomic weapons against other parties without prior consultation with each of the other two Governments.”

Third Article to be revised to read:—

“None of the three Governments will disclose any information to, or enter into negotiations with other Governments, or authorities or persons in other countries concerning atomic energy, except in accordance with agreed common policy or after consultation with each of the other two Governments.”

Fourth Article to be deleted in view of the exchange of letters between President Truman and Mr. Attlee which has the effect of putting an end to this provision.

Fifth Article to be deleted and the following inserted:—

“5. Each of the three Governments will take measures so far as practicable to secure control and possession, by purchase or otherwise, of all deposits of uranium and thorium situated in areas comprising respectively the United States, its territories or possessions; the United Kingdom and its colonial dependencies; and Canada. They will also use every endeavour to acquire all supplies of uranium ores and concentrates and thorium minerals situated in other countries as may be agreed to be desirable. The three Governments will agree in each case whether the action referred to in the preceding sentence will be taken by one of them alone or by all three Governments or any two of them jointly.[”]

6. All supplies acquired under the provisions of the preceding paragraph (including those acquired by the Combined Development Trust) will be subject to allocation by the Combined Policy Committee and paid for by the Government to whom they are allocated. These allocations shall be made to any of the three Governments in such quantities as may be needed in the common interest for scientific research, military and humanitarian purposes. Such supplies as are not allocated for these purposes and are not already in the ownership of the Combined Development Trust shall be offered for sale to the Trust. The disposal of unallocated supplies, whether in the hands of the Trust or of any of the Governments, shall be determined by the Combined Policy Committee at a later date, in the light of the then existing conditions and on a fair and equitable basis.

7. The Combined Policy Committee will settle the policy to be followed in the mining and producing of uranium ores and concentrates and thorium minerals, and the Combined Development Trust will not be obliged to purchase supplies mined and produced otherwise than in accordance with policy thus laid down.

8. There shall be full and effective cooperation between the three Governments in regard to the exchange of information concerning atomic energy required for their respective programmes of atomic energy development. This exchange will be implemented by arrangements approved from time to time by the Combined Policy Committee.

9. The Combined Policy Committee, already established and composed of six members, three from the United States, two from the United Kingdom, and one from Canada, shall carry out the policies set out in the present memorandum subject to the control of the respective Governments. To this end the Committee shall:—

- (i) Review from time to time the general programme of work being carried out in the three countries;
- (ii) Allocate materials in accordance with the principles set forth in the sixth paragraph above;
- (iii) Settle any questions which may arise concerning the interpretation and application of arrangements regulating cooperation between the three Governments.”

(ii) THE DECLARATION OF TRUST SIGNED BY PRESIDENT ROOSEVELT AND MR. CHURCHILL OF 13TH JUNE, 1944 ³⁸

Preamble

First Paragraph

- Add: “and by on behalf of the Government of Canada”
- For: “The Two Governments”
- Read: “The Three Governments”

Second Paragraph

- Delete: this paragraph

Third Paragraph

- Delete: this paragraph and substitute:—
“Whereas it is in the common interest of the three Governments to ensure the acquisition of an adequate supply of uranium ores and concentrates and thorium minerals; and”

Fourth Paragraph

- For: “The Two Governments”
- Read: “The Three Governments”
- For: “control” substitute “secure”
- For: “uranium and thorium ore”
- Substitute: “uranium ores and concentrates and thorium minerals”

³⁸ For text, see *Foreign Relations*, 1944, vol. II, p. 1026.

Fifth Paragraph

Delete: this paragraph and substitute:
 "Whereas it has been agreed that the three Governments will use every endeavour to acquire all such supplies of uranium ores and concentrates and thorium minerals situated in territories outside their jurisdiction as may be agreed to be desirable."

Sixth Paragraph

Delete: "gaining control of the uranium and the supplies in certain areas outside the control of the two Governments and of other Governments of the Dominions and of India and of Burma"

Substitute: "securing supplies of uranium ores and concentrates and thorium minerals"

*Agreement**Clause 1 (2)*

After the words "six persons"

Insert: "three from the United States, two from the United Kingdom and one from Canada"

For: "Quebec Agreement" substitute "three Governments"

Insert: new sub-clause (3):

"The Trust shall carry out its functions under the direction and guidance of, and as agent of, the Combined Policy Committee."

Clause 2

Omit: "gain control of and"

For: "uranium and thorium" throughout this clause

Read: "uranium ores and concentrates and thorium minerals"

Delete: "supplies situated in certain areas other than areas under the jurisdiction of the two Governments and of the Governments of the two Dominions and of India and Burma"

Sub-Clause (a)

Delete: "supplies"

Sub-Clause (e)

Delete: "treatment and disposal of uranium and thorium"

Substitute: "the concentration and disposal of"

*Clause 3**Sub-clause (1)*

Delete: "the Trust shall carry out its functions under the direction and guidance of the Combined Policy Committee and as its agent and"

For: "all uranium and thorium and all uranium and thorium ores and supplies"

Substitute: "all uranium ores and concentrates and thorium minerals"

For: "the Two Governments"

Read: "the Three Governments"

After "deal with" insert "only"

After sub-clause (1) insert two new sub-clauses:

"(2) The Trust is not obliged to acquire supplies mined and produced otherwise than in accordance with mining and production policy settled by the Combined Policy Committee.

(3) Supplies in the ownership of the Trust allocated by the Combined Policy Committee to any Government will be sold to that Government by the Trust."

Re-number sub-clause (2) as sub-clause (4)

Clause 4

For: "the Two Governments"

Read: "the Three Governments"

Clause 7

Add at the end of clause: "and the Prime Minister for the time being of Canada"

Clause 8

Delete this clause and substitute:

"This agreement and Declaration of Trust shall remain in full force and effect from the date hereof until terminated by mutual consent on the request of any of the parties and shall be subject to revision or extension at any time by mutual consent."

Department of State Atomic Energy Files

*The Commanding General, Manhattan Engineer District (Groves),
to the Secretary of State*³⁹

TOP SECRET

WASHINGTON, 2 April 1946.

MY DEAR MR. CHAIRMAN: At their last meeting on March 29, 1946, the members of the Combined Development Trust discussed the possi-

³⁹ General Groves was Chairman of the Combined Development Trust; Secretary Byrnes was Chairman of the Combined Policy Committee.

bility of being called upon to disclose information, reports, and other data on world resources of uranium and thorium to the United States, United Kingdom and Canadian delegates to the UNO Atomic Energy Commission.

In view of the Top Secret classification which has been applied to all activities and even the existence of the Combined Development Trust, we believe that the disclosure of raw materials information, if it becomes necessary, should be made through the medium of other agencies rather than directly by the Combined Development Trust.

It is requested that the Combined Policy Committee consider this matter and that the Trust be advised as to the policy adopted.

Respectfully submitted,

L. R. GROVES

Department of State Atomic Energy Files

*The Commanding General, Manhattan Engineer District (Groves),
to the Secretary of State*

TOP SECRET

WASHINGTON, April 2, 1946.

MY DEAR MR. CHAIRMAN: At the July 4, 1945, meeting of the Combined Policy Committee⁴⁰ it was agreed that for the duration of the war all uranium supplies being received by the Combined Development Trust for the joint account of the United States and the United Kingdom should be allocated to the United States Government for the production of weapons to be used against the common enemy, that insofar as the uranium materials received by the Combined Development Trust exceeded the quantity required for the production of weapons for use against the common enemy they should be held by the Combined Development Trust to be disposed of or otherwise dealt with in accordance with the directions of the Combined Policy Committee, and that in making future allocations all relevant factors should be reviewed.

The Combined Development Trust requests that the Combined Policy Committee review the subject of allocation of raw materials and that appropriate instructions governing the allocation and disposition of all raw materials thus far acquired by the Combined Development Trust be issued.

Respectfully submitted,

L. R. GROVES

⁴⁰ For extracts from the minutes of that meeting, see *Foreign Relations*, 1945, vol. II, p. 12.

Department of State Atomic Energy Files

*Memorandum on Allocation by the British Members of the Combined Policy Committee*⁴¹

TOP SECRET

[WASHINGTON, undated.]

At its meeting on July 4th, 1945, the Combined Policy Committee determined that while the war lasts all uranium supplies received by the Combined Development Trust for the joint account of the United States and the United Kingdom should be allocated to the United States Government for the production of weapons for use against the common enemy. The Committee's attention, having been called to the fact that this policy will leave Great Britain without any reserve of supplies of this material for the future use, the Committee noted this statement of the British members and agreed that insofar as the material received by the Trust exceeds the quantity required for the production of weapons against the common enemy in the present war, it should be held by the Combined Development Trust to be disposed of or otherwise dealt with in accordance with paragraph 3(1) of the Agreement of 13th June, 1944, and that in making future allocations all relevant factors should be reviewed.

2. Since this decision related to "the production of weapons against the common enemy in the present war" it now needs to be reviewed.

3. The principles on which it is proposed that allocations of raw materials should be made in future are set out in paragraph 4 of the revised memorandum of Agreement at present under consideration by the Committee. But in the opinion of the British members, the Committee should take a decision in respect of the interim period between V-J Day and February 28th. It is therefore suggested that all supplies received since V-J Day should now be allocated to meet the requirements of the three Governments, as approved by the Combined Policy Committee, after consideration of representations from each member Government. The unallocated balance (if any) should be held by the Combined Development Trust.

4. The British members suggest that the principle that the supplies allocated by the Combined Policy Committee should be paid for by the Government receiving the material, should be applied to this allocation.

5. It is further proposed that the Combined Policy Committee should also consider the allocations for the supplies which it is anticipated will be received for the ten months from March 1st to December 31st, 1946.

⁴¹This document was considered at the Combined Policy Committee Meeting of April 15; for the minutes of that meeting, see p. 1227.

6. Finally, the British members wish to draw attention to the fact that, as the programmes of atomic energy development in the United States of America, the United Kingdom and Canada progress, raw materials may well become in short supply. The Combined Policy Committee may therefore wish to decide that immediate consideration should be given to any possibilities of a more economical use of material.

[Annex]

DRAFT PROPOSAL ON THE SUBJECT OF ALLOCATION

It is proposed that in application of the principles laid down in the paper circulated at the last meeting of the Combined Policy Committee by the British members on the subject of allocation, a decision should be reached on the following basis, both in respect of the interim period since V-J Day and for the period up to December 31st, 1946.

2. The raw material supplies received from the territory with which the Combined Development Trust is concerned should be divided on a 50-50 basis between the United States of America on the one hand and the United Kingdom and Canada on the other. This basis corresponds with the basis of the Trust's financial arrangements.

3. It is considered that this basis of allocation should cover not merely the materials received during the remaining period of 1946, but also all the material received since V-J Day. In accordance with the decision of the Committee of July 4th such material was to be held by the Combined Development Trust.

Department of State Atomic Energy Files

*Memorandum by the United States Members of the Combined Policy Committee*⁴²

TOP SECRET

[WASHINGTON,] April 9, 1946.

SUGGESTED DRAFT OF MINUTE RE ALLOCATION BY U.S. MEMBERS

The subject of allocation of raw material was discussed.

Reference was made to Minute 6 of the 4 July 1945 meeting which provided that all uranium materials being received by the Combined Development Trust were to be allocated to the United States for such time as those materials would be required for the production of bombs for use against the common enemy and that insofar as the quantity of materials received by the Trust exceeds the quantity required for that

⁴² This document was considered at the Combined Policy Committee Meeting of April 15, the minutes of which are printed *infra*.

purpose, it should be held by the Trust to be disposed of or otherwise dealt with in accordance with the Agreement of 13 June 1944.

It was agreed that for the time being the principle of allocation should be based upon the current requirements of the member Governments for their respective programs.

It was agreed that:

(a) All Trust materials which have actually been received and utilized as of March 31, 1946, by the respective Governments are hereby allocated to those Governments.

(b) Subsequent to March 31, 1946, a quantity of 250 tons of contained U_3O_8 per month is to be allocated to the United States to fill stated plant requirements.

(c) The remainder of the materials being received by the Trust will be held for allocation by the C.P.C. to the member Governments in accordance with requirements of their respective programs and upon application to the C.P.C.

(d) All uranium materials recovered on the European continent by Allied Forces during the war are allocated to the United States.

Department of State Atomic Energy Files

Minutes of the Meeting of the Combined Policy Committee at the Department of State, April 15, 1946, 2:30 p. m.

TOP SECRET

Present: *Members*

The Secretary of State (in the Chair)

The Secretary of War

Dr. Vannevar Bush ⁴³

The Rt. Hon. Earl of Halifax

Field Marshal Lord Wilson

By Invitation

The Canadian Ambassador, Mr. L. B. Pearson
(representing the Hon. C. D. Howe)

Mr. Dean Acheson

Sir James Chadwick

Secretariat

Major General L. R. Groves

Mr. Roger Makins

Mr. George Bateman

I. *Minutes of the Meetings held on December 4th, 1945 and February 15th, 1946.*

These minutes were approved.

⁴³ Director of the Office of Scientific Research and Development.

II. *Report by Chairman of the Combined Development Trust.*

(a) Disclosure of information to the representatives of the three Governments on the United Nations Atomic Energy Committee.

The Committee had before it a letter from the Chairman of the C.D.T. to the Chairman of the Committee (copy of which is attached as Tab PP ⁴⁴) enquiring whether the C.D.T. was authorized to communicate information on its activities to the representatives of the three Governments on the United Nations Atomic Energy Commission.

The Committee decided that their respective representatives should receive information and instructions direct from the Governments and that the Trust and the Trustees as such should take no action in this regard.

(b) Elimination of Special U.K. Bank Account for C.D.T. Funds.

The Committee had before it a letter from the Chairman of the C.D.T. ⁴⁵ reporting that the Trust had agreed that a special account which had been opened in the Bank of England should be discontinued.

The Committee took note of the decision of the Trust in this matter.

III. *Declassification of Information Regarding Atomic Energy.*

GENERAL GROVES stated that a Committee under the Chairmanship of Doctor Tolman ⁴⁶ had reported on the question of releasing for publication classified material relating to atomic energy. The Committee had recommended that certain types of material should be released forthwith. A set of rules for declassification had been prepared to give effect to the recommendations of the Tolman Committee and copies had been communicated to Sir James Chadwick and to the Canadian authorities at Chalk River. In conformity with the Third Provision of the Quebec Agreement the approval of the C.P.C. was required before action could be taken under these rules.

After discussion, the Committee approved action to give effect to the proposed procedure on declassification of information, subject to confirmation by the U.K. Government.

IV. *Allocation of Material.*

The Committee had before it (a) a letter from the Chairman of the C.D.T.; ⁴⁷ (b) a memorandum by the British members ⁴⁸ which had been circulated but not discussed at the last meeting of the Com-

⁴⁴ *Ante*, p. 1223.

⁴⁵ Not printed.

⁴⁶ Richard C. Tolman, scientific adviser to the Commanding General, Manhattan Engineer District.

⁴⁷ *Ante*, p. 1224.

⁴⁸ *Ante*, p. 1225.

mittee with a specific proposal which had since been added; and (c) a proposal by the U.S. members.⁴⁹

LORD HALIFAX said that the proposal of the British members was an endeavour to find an equitable and simple solution of the problem of allocation of material received by the C.D.T. since V-J Day. He regarded the proposal put forward by the U.S. members as inequitable, in that it gave a large allocation to the U.S. and none to the U.K. Such a proposal would be quite unacceptable to the British Government. He pointed out that in a period when there was intended to be full and effective cooperation in the field of atomic energy between the three Governments, the British Government was not only receiving no material, but was financing the acquisition of material by the U.S. through the Trust up to 50% of the supplies received.

GENERAL GROVES said that the principle of the U.S. members' proposal was allocation on the basis of need. This principle had first been laid down in paragraph (3) of the Quebec Agreement. The U.K., unlike the U.S., had no current needs for the operation of plants. Acceptance of the proposal put forward by the British members would mean a partial shutdown of the U.S. plants which required the maintenance of a long pipeline.

GENERAL GROVES asked that the present flow of material should be continued pending a decision.

LORD HALIFAX agreed, providing that a very early decision was reached.

After further discussion, the Committee agreed that the present flow of material should be continued pending a decision and appointed a group consisting of Mr. Dean Acheson, Dr. Bush, General Groves, Sir James Chadwick and Mr. Makins to work out a proposal for the allocation of material in the light of the discussion in the Committee. If agreement was reached in this group, it would not be necessary for the matter to be referred back to the Committee.

V. *Revision of Agreements.*

The Committee had before it a proposal by the British members that cooperation between the three Governments pending the outcome of the discussions with the U.N. Commission, should be based on conclusions recorded in the minutes of the Committee. A draft of such conclusions had been circulated.⁵⁰

In introducing this proposal LORD HALIFAX said that it had the effect of basing cooperation between the Governments on the Quebec Agreement and the Declaration of Trust, subject to such amendments as were necessary to apply these documents to the circumstances of the post-

⁴⁹ *Supra.*

⁵⁰ *Ante*, p. 1218.

war period. The proposal would have substantially the same effect as the report submitted by the Sub-Committee at the last meeting.

LORD HALIFAX hoped that this proposal would meet the point which the Committee wished to reach, namely, to find a method by which the decision to favour the continuance of cooperation taken on November 16th, 1945 by the two Prime Ministers and the President could be implemented.

THE U.S. MEMBERS said that in the opinion of the U.S. legal advisers, the U.K. proposal did not surmount the difficulty presented by Article 102 of the Charter, since its effect was to change the basis of the cooperation established by the Quebec Agreement.

MR. PEARSON said that from the legal point of view the Canadian Government shared the opinion of the U.S. Government that the proposal of the U.K. members constituted a new agreement to which Article 102 of the Charter would apply.

THE U.K. MEMBERS pointed out that this left the decision taken on November 16th, 1945 by the two Prime Ministers and the President without effect. Cooperation was neither full nor effective at the present time. In particular, the U. K. was not receiving from the U. S. information it required for the execution of its atomic energy programme.

THE U.S. MEMBERS replied that they felt that nothing should be done which could in any way compromise the success of the discussions within the United Nations.

THE U.K. MEMBERS stated that the question was to give effect to the decision taken on November 16th, 1945, which in Mr. Attlee's mind almost certainly involved mutual assistance among the three countries in the development of their atomic energy programmes. Some months had elapsed since this decision was taken and the matter had now become pressing. It was desirable either that some arrangement could be come to or that instructions should be issued to enable the information required for the British programme to be made available.

After further discussion THE CHAIRMAN said that he did not feel that the Committee could carry the matter further than it had done, and suggested that it was now necessary to refer to the signatories of the original decision and ask them to communicate with each other as to the effect which should be given to it. He himself would immediately refer the matter to the President.

LORD HALIFAX agreed that the matter could not be carried further at the present meeting and said that he would report to the Prime Minister. He added that the course of the discussion had left him with a very uneasy feeling. Owing to various considerations on different planes, and political difficulties of one sort or another, there appeared to be a great danger that while we were trying to work out full United

Nations collaboration, which might or might not succeed and might in any case take a long time, we were likely to impair the background of collaboration which had been drawn up between us around atomic energy. He thought that his report of this meeting would be found gravely disturbing in London.

MR. PEARSON said that he would refer the question to Mr. Mackenzie King.

The meeting then adjourned.

L. R. GROVES
Major General U.S.A.

Joint Secretaries

ROGER MAKINS
G. C. BATEMAN

Department of State Atomic Energy Files : Telegram

*The British Prime Minister (Attlee) to President Truman*⁵¹

TOP SECRET

LONDON, 16 April 1946—10:00 p. m.
[Received 16 April—9:50 p. m.]

29. Lord Halifax has reported to me what happened at the meeting of the atomic energy Combined Policy Committee of 15th April and Mr. Byrnes has no doubt made a report to you.

I am gravely disturbed at the turn which the Combined Policy Committee's discussions have taken over the implementation of the second and third paragraphs of the short document which you, Mr. MacKenzie King and I signed on 16th November last. I feel that unless you and we and the Canadian Government can reach a satisfactory working basis of cooperation at least to cover the period until we see the outcome of the discussions in the United Nations Commission on atomic energy, we in this country shall be placed in a position which, I am sure you will agree, is inconsistent with the document. As you know, the document stated that it was our desire that there should be "full and effective cooperation in the field of atomic energy between the United States, the United Kingdom and Canada"; and it seems to me that this cannot mean less than full interchange of information and a fair division of the material. Moreover, the interchange of information was implicit in the Washington declaration, paragraph 4 of which recognized as a matter of principle that our three countries possessed the knowledge required for the use of atomic energy, and paragraph 6 of which stated our willingness, subject to suitable safeguards, to share with other states information about the practical industrial applications. The declaration contained nothing about the sharing of information among ourselves and the clear indi-

⁵¹ Transmitted via United States military channels. Submitted to the President at 8:15 a. m., April 17.

cation is that this was already provided for. The wartime arrangements under which the major share of the development work and the construction and operation of full scale plants were carried out in the United States have naturally meant that technological and engineering information has accumulated in your hands, and if there is to be full and effective cooperation between us it seems essential that this information should be shared. I would therefore urge most strongly that the Combined Policy Committee should make a further attempt to work out a satisfactory basis of cooperation. In the last resort a solution might be that the heads of the three governments should each issue instructions for the interchange of information, including, in particular, the technical information which each of us requires for the implementation of immediate programmes.

Department of State Atomic Energy Files

*The Secretary of War (Patterson) to the Secretary of State*⁵²

TOP SECRET

WASHINGTON, April 17, 1946.

DEAR JIM: I am enclosing a narrative, with annexed papers, showing discussions and transactions that I had with the British last November in the field of atomic energy. The narrative was prepared by Captain Arneson who participated actively in all discussions and transactions.⁵³

You will note that the so-called "Memorandum of Intention" was prepared by the same people and at the same time as the short note of November 16, which speaks of "full and effective cooperation".⁵⁴ The "Memorandum of Intention" (Tab F), which was signed by Sir John Anderson and General Groves and was intended as a recommended guide for the preparation of a new agreement, states as follows:

"5. There shall be full and effective cooperation in the field of basic scientific research among the three countries. In the field of development, design, construction, and operation of plants such cooperation, recognized as desirable in principle, shall be regulated by such *ad hoc*

⁵² The source text is date-stamped the Office of the Under Secretary, April 19; it bears no indication of having been examined by the Secretary of State.

⁵³ For text of the Arneson memorandum, see *Foreign Relations*, 1945, vol. II, p. 63.

⁵⁴ The document referred to here as the "Memorandum of Intention" is that signed by General Groves and Sir John Anderson on November 16, 1945; for text, see *ibid.*, p. 75. The document referred to here as "the short note" is that signed by President Truman, Prime Minister Attlee, and Prime Minister Mackenzie King; for text, see telegram 3400, April 20, to London, p. 1235.

arrangements as may be approved from time to time by the Combined Policy Committee as mutually advantageous".

It seems clear to me, that quite apart from the course of action looking to United Nations control of atomic energy, our British friends could not have had the impression that "full and effective cooperation" included imparting industrial information and "know-how" to them.

Sincerely yours,

ROBERT P. PATTERSON

855.646/4-1846 : Telegram

The Ambassador in Belgium (Kirk) to the Secretary of State

TOP SECRET

BRUSSELS, April 18, 1946—2 p. m.

[Received 11:17 p. m.]

481. See Embassy's telegram 465, April 16, 6 p. m.⁵⁵ Replying to my question Foreign Minister⁵⁶ yesterday expressed increasing anxiety concerning possible cross questioning on subject of disposition of uranium resources of the Belgian Congo. He stated that Lalmand, Communist Minister of Food had, at a recent Cabinet meeting, questioned the Minister of Economic Affairs on the subject of uranium. M. Deveze had replied evasively, as had Spaak, but temporizing could not be prolonged indefinitely. The Minister assured me, however, that he would take no steps prior to consultation with British Ambassador and myself.

I think [we] should recognize that sources of uranium ores are naturally of world-wide interest, including much guessing on the part of the press. Also that any nation which possesses such deposits will be the object of envy by others. This may result in the popular mind placing an enhanced or fictitious value upon such resources. From the above it follows that the force of public opinion may demand answers to questions as to how their government proposes to handle such assets. In addition there will always exist the likelihood that other nations may inspire such inquiries designed either to gain information or to cause embarrassment.

As local newspapers are devoting more space to the Congo and its potentialities, and as questioning within the Cabinet has begun, it seems to me we should in consultation with British formulate our line of action. I feel that at some point it will be best policy to be honest and with concurrence of both Belgians and British to announce frankly

⁵⁵ Not printed.

⁵⁶ Paul-Henri Spaak.

what has been agreed to and why.⁵⁷ It may be preferable to have Belgians take initiative in any such announcement.

My main point is that the disclosure of our agreement may be forced by events and I suggest we should have a definite plan to forestall criticism. Perhaps the Acheson report on atomic energy,⁵⁸ which is not yet available to me, may contain features providing us an easy and frank solution. In any case I recommend the problem be studied to determine (a) what degree of secrecy is still required and (b) the question of timing if any announcement is to be made and by whom.

KIRK

811.2423/4-1846

Memorandum of Conversation, by the Secretary of State

TOP SECRET

[WASHINGTON,] April 18, 1946.

Lord Halifax called at his request to see the Secretary.

The Secretary opened the conversation regarding the request of the United Kingdom to have information and technical assistance necessary for the construction of an atomic energy plant in Great Britain made available to them. The Secretary and Lord Halifax discussed the sequence of events of the meeting of the three heads of Government in Washington last November when the Declaration on atomic energy was made.⁵⁹ The Secretary pointed out that the memorandum of intention did not provide for making available to the UK such information and assistance.⁶⁰ He said such action would weaken the effectiveness of the Atomic Energy Commission of the United Nations and that public sentiment in this country would be strongly opposed to such a move. He said he had discussed the matter with the President. Neither he nor the President were aware of the memorandum signed by Sir John Anderson and General Groves a few hours after the two Prime Ministers and the President had signed a memorandum, but that memorandum proves, and so states specifically, that cooperation shall be

⁵⁷ For text of the Memorandum of Agreement Regarding Control of Uranium between the United States, the United Kingdom, and Belgium, September 26, 1944, see *Foreign Relations*, 1944, vol. II, p. 1029.

⁵⁸ See the letter from the Secretary of State's Committee on Atomic Energy to the Secretary of State, March 17, p. 761, and footnote 90 thereto.

⁵⁹ For text of the Agreed Declaration by President Truman, Prime Minister Attlee of the United Kingdom, and Prime Minister King of Canada, signed at Washington, November 15, 1945, see Department of State Treaties and Other International Acts Series (TIAS) No. 1504, or 60 Stat. (pt. 2) 1479.

⁶⁰ The "memorandum of intention" referred to by Mr. Byrnes is the document signed by the President and the two Prime Ministers on November 16, 1945; for text, see telegram 3400, April 20, to London, *infra*.

in the field of basic scientific research.⁶¹ The development, design, construction and operation of plants is considered separately and arrangements toward this end must be approved by the Combined Policy Committee. The construction of a plant in this country would bring bitter criticism and Congressional approval could probably not be obtained. It will be a little more difficult to get approval for a plant in Great Britain.

Lord Halifax said that he understood the Secretary's thoughts on the subject and suggested that a message to Attlee from the President along these lines be sent. He also suggested that if, while in Paris, the Secretary could find time to go to London to talk with Attlee about this it would be helpful. The Secretary said he might be able to do this.

841.646/4-2046 : Telegram

President Truman to the British Prime Minister (Attlee) ⁶²

TOP SECRET US URGENT WASHINGTON, April 20, 1946—4 p. m.

3400. The Secretary of State has informed me of the discussion in the Combined Policy Committee with reference to the request of the representatives of the United Kingdom that they be furnished with full information as to the construction and operation of the atomic energy plants in this country in order that they may proceed to construct a plant somewhere in the United Kingdom.

The Secretary advises me that the request is based upon the construction placed upon the memorandum dated November 16, 1945, signed by Harry S. Truman, C. R. Attlee and Mackenzie King. That memorandum reads as follows:

"1. We desire that there should be full and effective cooperation in the field of atomic energy between the United States, the United Kingdom and Canada.

"2. We agree that the Combined Policy Committee and the Combined Development Trust should be continued in a suitable form.

"3. We request the Combined Policy Committee to consider and recommend to us appropriate arrangements for this purpose."

I would regret it very much if there should be any misunderstanding by us as to this memorandum.

I think it is agreed by all of us that during the war under the Quebec Agreement the United States was not obligated to furnish

⁶¹ For text of the Groves-Anderson memorandum, see *Foreign Relations*, 1945, vol. II, p. 75.

⁶² Drafted by the Secretary of State.

to the United Kingdom in the post-war period the designs and assistance in construction and operation of plants necessary to the building of a plant. Therefore, the question is whether this situation was changed and such an obligation assumed by the United States under the language of the memorandum above quoted.

The language "full and effective cooperation" is very general. We must consider what was the intention of those who signed the memorandum. I must say that no one at any time informed me that the memorandum was proposed with the intention of having the United States obligate itself to furnish the engineering and operation assistance necessary for the construction of another atomic energy plant. Had that been done I would not have signed the memorandum.

That such a change in our obligation was not intended at the time is indicated by the working paper prepared by Sir John Anderson and General Groves, a few hours after the signing of a memorandum by you and me. I admit that I was not aware of the existence of this paper, but it shows conclusively that even in the minds of those gentlemen who prepared the agreement we signed, the words "full and effective cooperation" applied only to the field of basic scientific information and were not intended to require the giving of information as to construction and operation of plants whenever it was requested.

Paragraph 5 of that memorandum of intention reads as follows:

"There shall be full and effective cooperation in the field of basic scientific research among the three countries. In the field of development, design, construction, and operation of plants such cooperation, recognized as desirable in principle, shall be regulated by such *ad hoc* arrangements as may be approved from time to time by the Combined Policy Committee as mutually advantageous."

As to our entering at this time into an arrangement to assist the United Kingdom in building an atomic energy plant, I think it would be exceedingly unwise from the standpoint of the United Kingdom as well as the United States.

On November 15, the day prior to the signing of the memorandum first above referred to, the United Kingdom, Canada and the United States issued jointly a declaration of our intention to request the United Nations to establish a commission to control the production of atomic energy so as to prevent its use for military purposes. Our action led to the adoption later by the General Assembly of a resolution creating a commission for that purpose. I would not want to have it said that on the morning following the issuance of our declaration to bring about international control we entered into a new agreement, the purpose of which was to have the United States furnish the in-

formation as to construction and operation of plants which would enable the United Kingdom to construct another atomic energy plant. No such purpose was suggested by you or thought of by me.

We were inspired to issue our declaration by the demands of people the world over that there should be some international control of atomic energy. Ever since, we have been working toward that goal.

In view of our advocacy of international control, public sentiment in the United States would not permit us to construct another plant until the United Nations Commission has had an opportunity to report upon the subject. I believe that it would be more critical if at this time we entered into a new arrangement to assist the United Kingdom in designing, constructing and operating a plant.

I have written you frankly because I am sure that it is what you would have me do.

HARRY S. TRUMAN

Department of State Atomic Energy Files

Memorandum by the Commanding General, Manhattan Engineer District (Groves), to the Under Secretary of State (Acheson)

TOP SECRET

WASHINGTON, 29 April 1946.

In view of Ambassador Kirk's recent cables⁶³ concerning the feasibility of timely disclosure of our arrangements with the Belgium Government, I discussed the matter fully with Mr. Edgar Sengier, President of African Metals Corporation and Director of Union Minière du Haut Katanga.

As you know, Mr. Sengier participated in the arrangements which have been made between the Belgium Government and the United States and United Kingdom Governments. In large measure, he has been an influencing factor with respect to the policy followed by Mr. Spaak and other Belgian officials. For this reason, great weight should be placed on his recommendations. He feels that full disclosure at this time would be a mistake since such action would probably be followed by a movement to abrogate existing agreements both political and commercial. He further believes that any friction or conflict over such matters at this time will jeopardize our proposed action within the United Nations Organization. In view of these considerations, Mr. Sengier is convinced that Mr. Spaak will not wish to make any statement which will "muddy the waters" during the critical period of the next few months. I am in full agreement with Mr. Sengier. I suggest

⁶³ See telegram 481, April 18, from Brussels, p. 1233.

that a statement of the general tenor of that given below be transmitted to Ambassador Kirk for discussion with Mr. Spaak.

The United States Government like that of Belgium is vitally concerned with the success of the United Nations Organization. The question of atomic energy is being seriously considered at present by the American, British and Canadian Governments. The proposals which will be submitted for consideration by the United Nations Atomic Energy Commission depend to a great extent on existing circumstances. Belgium should not take at the present time an attitude which might upset the proposed plan for an Atomic Development Authority under the United Nations.

The United States delegate to the United Nations Organization Atomic Energy Commission, Mr. Bernard Baruch, is presently studying this matter for the United States Government. The Congress is taking steps to enact domestic legislation consistent with international cooperation in this field. The cooperation of the Belgium Government is necessary to the fulfillment of these objectives. Mr. Sengier is acquainted with this matter and will be in Brussels on or about 12 May 1946.

L. R. GROVES

Department of State Atomic Energy Files

Memorandum by the Commanding General, Manhattan Engineer District (Groves), to the Under Secretary of State (Acheson) and the Director of the Office of Scientific Research and Development (Bush)

TOP SECRET

WASHINGTON, April 29, 1946.

1. In accordance with the arrangements we made after the last C.P.C. meeting,⁶⁴ I have met three times with Mr. Makins and Sir James Chadwick to work out a tentative proposal for the allocation of raw materials. Sir James Chadwick has submitted a statement (Inclosure No. 1) summarizing the proposed United Kingdom atomic energy program and his estimate of the raw material requirements therefor. I have prepared a similar statement (Inclosure No. 2) indicating the United States program and requirements. We have agreed upon an estimate of the minimum amount of raw materials to be received from the Belgian Congo (Inclosure No. 3).⁶⁵

2. Mr. Makins proposed initially, and argued most vehemently, that all materials received since VJ-Day should be allocated on a 50-50

⁶⁴ Reference is to the April 15 meeting of the Combined Policy Committee.

⁶⁵ The enclosures are not printed.

basis. I refused completely to consider such a proposal for the following reasons :

a. Such an allocation would require us to decrease the present scale of the operation of our plants.

b. Such a plan completely disregards the principle of need ; it would permit the British to build up stockpiles of material for which they have no immediate requirement, but which would be available at some future date to supply plants which will be built with the advantage of all of our costly scientific and technological developments as well as directly or indirectly with our money.

c. Such a plan neglects the fact that the contributions to the Atomic Energy Program have not been on a 50-50 basis. The contributions of the British have been very small indeed.

d. Since any future war would involve a United States-United Kingdom joint military effort, we would again carry the major war burden. We should take advantage of our present production capacity to build up a strategic reserve of atomic weapons.

e. The supply of material is not sufficient to justify the building of additional plants by a nation destined to be a partner of ours in any major military operation.

f. The real purpose, in my opinion, is to build up a stock of materials to take advantage of potential commercial uses.

Mr. Makins then proposed a compromise plan which would permit the British to build up stocks which they claim they would require in 1946 if they started their program, and which would permit us to operate the Manhattan District plants approximately in accordance with our established program, but would not permit us to lay up stock. This plan is summarized below :

To Be Available to the United States:

All C.D.T. materials received as of 31 March 1946, by allocation of the C.P.C.	1134 short tons of contained U_3O_8
$\frac{1}{2}$ -share of estimated deliveries of C.D.T. materials from 1 April to 31 December 1946, by allocation of the C.P.C.	1350 short tons
Materials captured in Europe by American troops, which, in accordance with established governmental policy, are already the property of the United States	525 short tons
By purchase from Canada, the current production rate of approximately	30 short tons per month

To Be Available to the United Kingdom:

$\frac{1}{2}$ -share of estimated deliveries of C.D.T. materials from 1 April to 31 December 1946	1350 short tons
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As a part of the plan, we would deliver to the British 50 tons of Mallinckrodt oxide and 15 tons of uranium metal, which represents in all approximately 100 tons of contained U_3O_8 . The refining costs

were not mentioned, but would, in accordance with previous practice, be reimbursed to us by the British.

3. On the basis of this plan, the United States would receive a total of 2752 tons for 1946. Subtracting from this total the 100 tons referred to above (50 tons of Mallinckrodt oxide and 15 tons of uranium metal) would leave us a total of 2652 tons for 1946 as against our stated requirement of 3060 tons.

4. This plan is not fair to the United States because it is contrary to the principle of "need". That principle, furthermore, should forbid the building of atomic energy plants by the British when raw materials are admittedly in short supply.

L. R. GROVES

Department of State Atomic Energy Files

Memorandum by the Commanding General, Manhattan Engineer District (Groves), to the Under Secretary of State (Acheson)

TOP SECRET

WASHINGTON, April 29, 1946.

1. In accordance with my promise of this morning, I have prepared this paper which you should read along with my earlier memorandum of today⁶⁶ before you hold your discussion with Lord Halifax.

2. In view of the limited supply of raw materials from proven ore sources, the British are anxious to build up stockpiles to meet a three-year requirement for their proposed plutonium piles and uranium-separation plants. They estimate this requirement to be 5400 tons of contained U_3O_8 . Our present requirements, to maintain present operating scales and to provide for such contingencies as process improvement and additional research, are 3060 tons for 1946 and 230 tons per month thereafter. Since the present estimate of proven high grade reserves in the Belgian Congo is approximately 7700 tons, it is obvious that the British program cannot be carried out without effecting a shut-down of our own plants in about two years.

3. From the point of view of joint American-British security, it would appear to be inadvisable to curtail our capacity for producing atomic bombs in order to permit the building up of stockpiles of uranium ore in England. Moreover, it would be economically wasteful not to take advantage of the productive capacity of the costly, complex, and highly integrated investment which the Manhattan District represents. It would be even more wasteful to attempt to duplicate our plants in England when, admittedly, there are not sufficient fore-

⁶⁶ *Supra.*

seeable reserves of high grade raw material to satisfy even our own requirements for the next three or four years.

4. Another question which arises is the military advisability of constructing large-scale plants in the United Kingdom. It is a foregone conclusion that, in the event of any future war, such plants most certainly would be neutralized, if not completely destroyed, during the first few days of hostilities because of their strategically poor location. It would appear to be much more advisable, if the British are to build any such plants, that they be located in such a place as not to render them susceptible of immediate destruction by the enemy. Canada, for instance, appears to be a more desirable location from the standpoint of military security.

5. Since the Congo is at the present time the only commercially-exploitable source of uranium ore, the desire of the British to share the output on a 50-50 basis is not in consonance with the atomic energy program as a whole. That the United States made by far the major contribution to the success of the program is not disputable. In spite of all the discussions about the commercial application of atomic energy, its overwhelming importance for many years to come will be its use as a military weapon. The United States, therefore, is still continuing to produce atomic bombs which, if they are ever to be used, would be used against a common enemy. Commercial application of atomic energy can come only when international control has been definitely assured. Our present predominance in the military atomic energy field will undoubtedly help to bring about such international control. Such stockpiles as the British intend to build up may well be utilized for commercial application at that time. A decision to divide the raw materials on a 50-50 basis would, in effect, be penalizing the United States for using its raw material to insure peace, while permitting the British to stockpile their raw material for future peaceful uses.

6. Turning over to the British of stockpiles of raw material, as well as information on our scientific and technological developments of the past four years, will materially alter the atomic energy situation as it exists today. As long as we have expectations or hopes that the United Nations Organization will attempt to achieve a solution to the problem of control of atomic energy, it seems a mistake to weaken the hands of the United States in securing a satisfactory solution to the problem by strengthening the hands of any other nation including Great Britain, as to do so will make our task of achieving a satisfactory solution much more difficult.

L. R. GROVES

Department of State Atomic Energy Files

Memorandum for the Files, by Mr. John M. Hancock of the United States Delegation to the Atomic Energy Commission ⁶⁷

[WASHINGTON,] May 1, 1946.

[Here follow comments on Mr. Hancock's conference with Under Secretary of State Acheson on April 30; this portion of the memorandum is printed on page 780.]

Gen. Groves had spoken to Mr. Baruch on Sunday,⁶⁸ regarding a new British request that they be given one-half of all the material now being acquired from the Belgian Congo and Canada so that when they do complete their plant, they will have a stockpile. The present ore in sight now in the Congo is about 7,500 tons which, in view of our present plant capacity, would last about three years. The British have been paying one-half of the cost. They see this mine running out, and they are making a strong plea to get one-half of this ore as it is coming in.

You will recall that there had been a previous British request that we give them the technical know-how and that we supply scientists to proceed with the construction of an atomic energy plant in Britain. The military had opposed it and for the moment the Policy Board ⁶⁹ has opposed it. Byrnes was to see the President the day after he saw our group.

The Quebec agreement would provide that we would not use the atomic bomb against each other, that we would not use it against a third party without the others consenting, that we would not communicate it to others. The agreement wasn't in the terms previously described by Mr. Byrnes. It would not give the President control at the end of the war, except that his control was assumed to be a reasonable one and was to relate to our having the advantage in the commercial element which would flow from the great expenditure we have made in time and effort in the war. Unhappily, nobody knows whether our Government is going to stand on the fact that Truman did not know of the Quebec agreement when he made his new agreement describing in such general terms as full and effective cooperation. The result, of course, is that the door is wide open for the British.

As to the second point as to sharing the ore from the Congo and Canada received after VJ Day, the Joint Policy Board ruled that the British had gone along quietly with the situation since the end of the

⁶⁷ This memorandum consists of notes on Mr. Hancock's meetings with Under Secretary of State Acheson, Secretary of War Patterson, General Groves, and Senator McMahon on April 30 and May 1. A portion of this document dealing with the international control of atomic energy is printed on p. 780.

⁶⁸ April 28.

⁶⁹ The body under reference is presumably the Combined Policy Committee.

war and, as I recall, they signed their demand on April 16 of this year, with the result that the Policy Board has said that they have waived all rights on any material prior to the time of their asserting their claims. The Joint Policy Board has left the matter with Groves to work it out in some way with the British.

Groves showed me his whole arguments against the case and I think he will try to make some sort of a deal, but I also think the cards are stacked against him because Bob Patterson and Acheson both feel the British have a just claim. There are some grounds for argument, but I think both men are in the mood to rule Groves out because they feel the British have a good case.

Let me interrupt here to state what Patterson told me this morning. The British are asking for all of the secret information. Patterson has said they want to send 100 men over here, maybe have us send 100 men over there to help them build the plant. Patterson says there is no trace of an obligation to do any such thing, and so far as he is concerned, he is not going to do it. To my mind that is going to operate to slow up the British request for the material, and certainly they are not going to be in a position which will give them an opportunity to interfere with our action in the United Nations Conference or to handicap us.

I think this now covers the essential facts with regard to the agreements with the British.

[Here follow additional comments on meetings with Messrs. Acheson, Patterson, and Groves, and Senator McMahon; subjects treated include international control, domestic legislation, and negotiations with the United Kingdom.]

855.646/4-1846 : Telegram

The Acting Secretary of State to the Ambassador in Belgium (Kirk)

TOP SECRET

WASHINGTON, May 2, 1946—2 p. m.

458. Reference your telegram 481 April 18 British have been considering this same problem in London and here and we have discussed it with them. I share your apprehensions that disclosure of our agreement may be forced by events and that so far as possible we should have a definite plan to forestall criticism. However, pending clarification of basic questions of policy especially as affecting United Nations action on atomic energy, it is our hope that Spaak will not be forced to make disclosures. If at any time he feels that he cannot further postpone some kind of public statement we hope that he can give you and your British colleague sufficient notice so that we and

British can have time to consult with Spaak and determine whether we need to take any concurrent action.⁷⁰

ACHESON

Department of State Atomic Energy Files

*Memorandum by the Acting Secretary of State (Acheson) to
President Truman*

TOP SECRET

[WASHINGTON,] May 6, 1946.

You will recall that the Secretary spoke with you about a meeting of the Combined Policy Committee at which there was discussion regarding the meaning of the memorandum of November 16 initialed by you and the Prime Ministers of the United Kingdom and Canada. This involves interpretation of the phrase "full and effective cooperation in the field of atomic energy". The attached letter from Mr. Stone, Counselor of the Canadian Embassy, is directed to that point. Mr. Stone and the Canadian Ambassador have told me that Mr. Attlee communicated with Mr. Mackenzie King urging him to take a strong position on the interpretation of this document. Mr. King declined to do so and this letter is, I believe, a method of escaping from the predicament of undertaking any interpretation at all.

DEAN ACHESON

[Enclosure]

The Counselor of the Canadian Embassy (Stone) to the Under Secretary of State (Acheson)

WASHINGTON, April 29, 1946.

DEAR MR. ACHESON: You will recall that at the last meeting of the Combined Policy Committee it was decided to ask for clarification of the interpretation of the Agreement of November 16th between the President, the Prime Minister of the United Kingdom and the Prime Minister of Canada concerning "full and effective co-operation in the field of atomic energy".

In the Ambassador's absence in Canada, I am instructed to say that Mr. Mackenzie King's understanding of the Agreement in this respect is indicated by the fact that the Canadian authorities, both during the

⁷⁰ In telegram 530, May 2, Mr. Kirk reported that the views expressed in the present telegram had been transmitted orally to Mr. Spaak, who had concurred in the desirability of delaying a statement and had agreed to inform the United States and United Kingdom Ambassadors in advance of any action on his part (855.646/5-546).

war and in the postwar period, have provided the United States authorities with full information on all Canadian activities in this field. In particular, the United States authorities have had access to full information as to developments at Chalk River. In fact, a United States official is stationed there permanently and is in a position to secure a complete picture of the work going forward in the plant.

Yours very sincerely,

THOMAS A. STONE

Department of State Atomic Energy Files

Memorandum by Mr. Dean Acheson, Dr. Vannevar Bush, and General Leslie R. Groves⁷¹ to the United States Members of the Combined Policy Committee

TOP SECRET

WASHINGTON, May 7, 1946.

Out of the discussions of the Sub-committee, consisting of Acting Secretary of State Dean Acheson, Dr. Vannevar Bush, and Major General Leslie R. Groves on the American side, and Mr. Roger Makins and Dr. James Chadwick on the British side, appointed by the Combined Policy Committee for the purpose of discussing allocation of raw materials, has come a general understanding of what will be a satisfactory plan to the British. This plan contemplates that all raw materials received by the United States as of March 31, 1946, will be regarded as allocated to the United States, but that, for the remainder of the current year, the Combined Policy Committee shall allocate 1350 tons to the British and 1350 tons to the United States. It is estimated that such allocation would dispose of all materials becoming available to the Combined Development Trust from April 1 to December 31, 1946. The United States will make available 50 tons of Mallinckrodt oxide and 15 tons of uranium metal which represents in all approximately 100 tons of contained U_3O_8 . The refining costs of this latter material will be reimbursed to the United States by the United Kingdom.

The American members propose and believe that the British will accept the qualification that the supplies to be allocated to either nation during the remainder of 1946 will not exceed 1350 tons of contained U_3O_8 . They also propose to include a statement to the effect that the "allocation will be made without prejudice to establishing a different basis for subsequent years". It is believed that the British will probably accept this proposal also.

⁷¹ The Under Secretary of State; the Director of the Office of Scientific Research and Development; and the Commanding General, Manhattan Engineer District, respectively.

In our opinion, the British will not be satisfied with any allocation materially less than the proposed compromise, and a failure to reach agreement on this basis will threaten the future of the Combined Development Trust and of our mutually-advantageous collaboration with them in the field of raw materials. In view of this, and of the necessity of making an allocation, we believe that an allocation on the basis of the proposed compromise is the best obtainable.

The undersigned believe it is desirable that discussions with the British be continued with the purpose of reviewing the advisability of erecting atomic energy plants in England. It is not known, of course, whether any such plants will be built in the near future. It has been pointed out by General Groves that, from the point of view of joint American-British security, it is inadvisable to spread the existing short supply of uranium ores unnecessarily. In the event of any future war, such plants in England most certainly would be neutralized, destroyed, or captured during the first few days of hostilities because of their strategically poor location. Moreover, the Army feels that if the British are to build any such plants, they should be so located as to render them less susceptible of immediate destruction or capture. From the standpoint of military security, Canada is a much more desirable location.⁷²

DEAN ACHESON
VANNEVAR BUSH
L. R. GROVES

Department of State Atomic Energy Files

*Memorandum by a Subcommittee of the Combined Policy Committee
to the Committee*

TOP SECRET

[WASHINGTON,] May 13, 1946.

Pursuant to the action taken at the April 15, 1946 meeting of the Combined Policy Committee, the undersigned Sub-Committee which was appointed to work out a proposal on the allocation of raw materials has considered the matter and agreed as follows:

(1) All raw materials received by the United States as of March 31, 1946 and subject to allocation by the Combined Policy Committee, and those materials captured in Europe, shall be regarded as allocated to the United States.

(2) For the remainder of the current year, April 1, 1946 to December 31, 1946 the Combined Policy Committee shall allocate 1,350 tons

⁷² The handwritten approvals of the President (July 10, 1946) and Secretary of War Patterson (undated) appear at the bottom of the source text.

of contained U_3O_8 to the United Kingdom and 1,350 tons to the United States. The supplies to be allocated to either nation during the remainder of 1946 shall not exceed these amounts. This allocation is to be made without prejudice to establishing a different basis of allocation for subsequent years.

(3) In addition, the United States will transfer to the United Kingdom under suitable arrangement 50 tons of Mallinckrodt oxide and 15 tons of uranium metal.

ROGER MAKINS
J. CHADWICK
VANNEVAR BUSH
DEAN ACHESON
LESLIE R. GROVES

855.646/5-1846 : Telegram

The Ambassador in Belgium (Kirk) to the Secretary of State

TOP SECRET NIACT
US URGENT

BRUSSELS, May 18, 1946—3 p. m.
[Received 8:33 p. m.]

594. Prime Minister called meeting this morning British Ambassador, Spaak, Minister of Colonies Godding and myself on subject Government's reply to Libois⁷³ interpellation (my 582, May 15, 8 a. m., and 586, May 16, 7 p. m.).⁷⁴ Van Acker states reply must be given Wednesday 22 May at 2 p. m., local time. Van Acker calm and unflurried and proposes simple and natural treatment of topic. He believes it definitely preferable to take this action now rather than to permit pressure to grow by continuing to refuse statement. Question and reply may provoke some discussion but combination Van Acker and Spaak will keep situation well in hand in my opinion.

Libois question follows "I wish to have precise information on the intervention of the Government (during the war and at present) in questions relative to the uranium deposits of the Congo. I must insist on the importance of the question of atomic energy, on its immediate interest, and on the responsibilities of the Belgian authorities both to the nation and before world opinion."

The Government intends to reply in a general manner and if in the course of the debate questions of a really definite nature are put concerning the destination of the Congo uranium during the war and whether an agreement on this subject existed, they will reply:

1. That the regime applied to uranium during the war was similar

⁷³ A Communist Senator.

⁷⁴ Neither printed.

to that for all other raw materials of strategic importance such as copper, cobalt, rubber, et cetera.

2. That it was with the knowledge of the Government that the Union Miniere sold uranium to the UK and USA in the same way as other raw materials and the contract had a certain duration. (If pressed as to the period of the contract they will say this is a matter which will depend on the action of the Atomic Commission of UNO).

3. That the commercial contract made on this occasion had the approval of the Government because they knew that if Belgium had need of a certain quantity of raw material for her own research requirements it [would] be made available.

4. The Government has in mind legislation for controlling the use of uranium but that such legislation can only be effective when the Atomic Commission of the UNO has announced its conclusions.

The above reply was formulated with full agreement all five of us and Van Acker perfectly agreeable both British Ambassador and I transmit it to our Governments. Also quite willing you should make any statements in conformity this position which you may deem advisable. I will of course give you prompt notice of course of debate in Senate here and would appreciate notice of any action you may intend to take.⁷⁵

My own view is that some discussion by press is to be expected with Communist elements possibly critical. Of interest however, is fact that one Socialist Senator has filed formal question in general similar to Libois indicating increasing curiosity.

KIRK

811.2423/6-1446

Memorandum by the Commanding General, Manhattan Engineer District (Groves), to the Joint Chiefs of Staff

RESTRICTED

WASHINGTON, June 1, 1946.

Subject: Invitation to Mr. Trygve Lie to Attend Operation CROSSROADS.

1. It is recommended that an invitation to attend operation CROSSROADS be extended promptly to Mr. Trygve Lie, Secretary-General of the United Nations. The commander, Joint Task Force One, has told me that the invitation to Mr. Lie must be approved by the Joint Chiefs of Staff.

⁷⁵ Mr. Kirk reported in telegram 622, May 22, that the Senate interpellation of that afternoon was quiet and that agreements between Belgium, the United States, and the United Kingdom had not been questioned. He stated that the statement by the Belgian Government had apparently at least temporarily relieved the pressure for information on the subject. (855.646/5-2246)

2. I have been informed by Mr. Baruch that Mr. Lie desires such an invitation, although he probably will not accept it, and further that issuance of such an invitation will be helpful to the negotiations which Mr. Baruch is about to enter upon in the Atomic Energy Commission.⁷⁶

L. R. GROVES

Department of State Atomic Energy Files

*The British Prime Minister (Attlee) to President Truman*⁷⁷

TOP SECRET URGENT
PERSONAL

[LONDON,] 7 June 1946—12:36 a. m.
[Received 2:15 p. m.]

3019. Your telegram of the 20 April about the exchange of information on atomic energy.⁷⁸

I have held back my reply until I had been able to discuss the matter with Halifax and with MacKenzie King.

I should like first to go back a little over past history. In the early years of the war, in 1940 and 1941, our scientists were amongst the first to become convinced of the enormous military possibilities of the atomic energy project, and it will not, I think, be denied that both then and later, if we had been willing to face the diversion of industrial effort that would have been needed, we had the resources and the scientific and technical skill that would have enabled us to embark on the development of the project in this country. But to do that we should have had to reduce our efforts in other directions in which we were already heavily engaged, both in comparatively new but highly important fields of development such as radar and jet propulsion, and in the more established forms of war production. To do so at that time would not have been opportune, particularly so long as the threat of invasion lasted and while our principal centres of production were subject to air attack. Nevertheless, if we had continued to stand alone, I do not believe that we could have afforded to neglect so revolutionary a development and to gamble on the chance that the war would end without our enemies succeeding in developing it. At whatever cost, we should have been bound to make the attempt to develop it in this country. Whether or not we should have succeeded before the war ended, we should certainly have gained much knowledge and experience.

⁷⁶ The Joint Chiefs of Staff informed the Secretary of State, through the State-War-Navy Coordinating Committee, on June 14 that they had no objection to an invitation being extended to the Secretary General. Mr. Lie was invited on June 20, but declined on June 24 due to commitments in New York and in Europe. (811.2423/6-1946, 6-2046, 501.BC Atomic/6-2646)

⁷⁷ Transmitted through military channels to the White House as telegram 3019.

⁷⁸ *Ante*, p. 1235.

Fortunately, however, it was not necessary to make the choice. President Roosevelt had become interested in the idea of an atomic weapon and had decided to engage upon it all the vast resources of the United States. In October, 1941, he wrote to Mr. Churchill and proposed that any extended efforts in this field should be coordinated or even jointly conducted.⁷⁹ It was thus possible for us to decide that we would concentrate on assisting to the best of our ability the development of the enterprise in the United States. It is not for me to try to assess what that assistance was worth, but we gave it in the confident belief that the experience and knowledge gained in America would be made freely available to us, just as we made freely available to you the results of research in other fields such as radar and jet propulsion, on which, as a result of this decision, we were able to concentrate. It was part of that wise division of effort and pooling of resources which was made possible by the system of reciprocal aid which, without attempting to compare and measure the aggregate contribution on each side, enabled both countries to concentrate their efforts on those fields where they seemed likely to be most productive. I must repeat that, but for that system, we should have been forced to adopt a different distribution of our resources in this country, which would not have been so advantageous to the common interest.

As I have said, we entered on these arrangements in a spirit of partnership and in the belief that both countries would pool the experience which they gained. It was, in fact, later expressly provided in the Quebec agreement that there should be complete interchange of ideas and information on all sections of the project between members of the policy committee and their immediate technical advisers, and, at the lower level, interchange of information in the field of design and construction of large scale plants was not ruled out but was made subject to *ad hoc* arrangements to be approved by the Combined Policy Committee. At the same time it was left to the President of the United States to specify the terms on which any postwar advantages of an industrial or a commercial character should be dealt with as between the United States and Great Britain.

In the latter days of the war, we considered more than once whether under the existing arrangements we were making the best use of our resources and whether the time had not come when we ought to undertake a policy of more active development in this country if we were not to fall too far behind in a field of development in which we had, but a short time before, been in the forefront. But, on each occasion, after full deliberation, we came back to the principle of the Quebec

⁷⁹ President Roosevelt's letter of October 11, 1941, and Prime Minister Churchill's reply are described in Hewlett and Anderson, p. 259.

agreement that the earliest possible realization of the project must come first and before any separate national advantage and that, while our scientists could still contribute anything to the work in the United States, they should not be withdrawn. We felt that we could rely on the provisions of the agreement to ensure that we should not suffer, that we should be given full access at the highest level to the knowledge of all sections of the project, and that the dissemination of such information to lower level would be limited only by considerations of security.

This situation continued until the goal had been reached and the first bomb dropped. At that point, we considered, we might reasonably prepare to undertake a more active programme of development in this country and might expect to be able to make use of the experience which had been gained up to that point in the joint enterprise.

Almost immediately the war came to an end, and we were told that until new arrangements could be concluded, the supply of information must be stopped. When I visited Washington, therefore, in November, it was an important part of my purpose to secure that, as President Roosevelt had promised Mr. Churchill at Hyde Park in September 1944, the cooperation which had existed during the war should be continued and that it should be full and effective.⁸⁰ I was very much reassured, therefore, when you agreed that this should be so and that the Combined Policy Committee should be asked to recommend arrangements to that end. It seemed a natural and a logical continuation of the previous agreement that the arrangements for peace time collaboration would cover at least the same ground as before and would take account of the fact that this country was now free to devote a substantial industrial effort to the atomic energy project. The matter was discussed, in the first instance, at a conference held in Judge Patterson's room at the War Department and afterwards in greater detail by Sir John Anderson with General Groves and Mr. George Harrison, and together they drew up the memorandum to which you refer. I can find no support in the paragraph of that document, which you quote, for the view that there was no obligation to exchange information about the construction of large scale plants. It is indeed clearly laid down that, while the principle was not in doubt, the best means of giving effect to it should be considered further by the Combined Policy Committee.

⁸⁰ The pertinent portion of the *Aide-Mémoire* of conversation between President Roosevelt and Prime Minister Churchill, September 18, 1944, is printed in *Foreign Relations, The Conference of Berlin (The Potsdam Conference)*, 1945, vol. II, p. 1371. Additional documentation on the agreement, which was negotiated following the Quebec Conference of 1944, will appear in a subsequent *Foreign Relations* volume.

Such discussions did, in fact, take place and lasted many weeks. Finally, a unanimous report was submitted to the Combined Policy Committee by a Subcommittee on which your Government was represented by General Groves. The draft agreement which the Subcommittee drew up provided that there was to be full and effective cooperation in the exchange of information required for the development programmes of the two countries. We made it clear in the discussions that our own programme would include the construction of large scale plants in this country.

When the Subcommittee's report was considered by the Combined Policy Committee, it came as a surprise to us to find that your Government was not prepared to enter into any agreement, nor to proceed on the basis of the agreements previously reached between us, nor yet to agree that cooperation should, in fact, continue by administrative action. The clause of our agreement, signed in November, by which the Combined Policy Committee was to recommend the arrangements required for continued cooperation has thus remained a dead letter.

I cannot agree with the argument that to continue such cooperation would be inconsistent with the public declaration on the control of atomic energy which you and MacKenzie King and I issued in November. That our three Governments stand on a special relationship to one another in this field is a matter of record and was, in fact, the reason why we took the initiative in issuing the declaration. It is surely not inconsistent with its purpose that the cooperation begun during the war should continue during the peace unless and until it can be replaced by a wider system. And until recently, at any rate, I think it is fair to say that it was generally assumed in both our countries that this cooperation was continuing. And, indeed, in one important part of the field it is: I am referring to our joint control of raw materials. We have not thought it necessary to abandon that—in my opinion, quite rightly. Why then should we abandon all further pooling of information?

You evidently feel that it would be inconsistent with the declaration issued at Washington that another atomic energy plant should be constructed and that the United States should assist in its construction. The purpose of the Washington declaration was to promote the development of atomic energy for peaceful ends and to ensure that it should not be used as a means of destruction. It was certainly not intended to stifle all further development in other countries, any more than it was suggested that the development which has already taken place in the United States should be abandoned. We have made no secret of the fact that we intend to produce fissile material, though naturally the use which we shall make of it will be much affected by the deliberations of the Atomic Energy Commission.

In the meantime, I can see nothing in the Washington declaration, or in the assembly resolution, which requires us to dissolve our partnership, either in the exchange of information or in the control of raw materials, until it can be merged in a wider partnership, I should be sorry to think that you did not agree with this view.

I have set out the position fully and frankly as I am sure you would have wished me to do. I realize that an additional complication may arise from the fact that the McMahan bill containing stringent provisions about the disclosure of information has within the last few days been passed by the Senate.⁸¹

I would nevertheless most strongly urge that for the reasons I have given our continuing cooperation over raw materials shall be balanced by an exchange of information which will give us, with all proper precautions in regard to security, that full information to which we believe that we are entitled, both by the documents and by the history of our common efforts in the past.

Department of State Atomic Energy Files

*The Acting Secretary of State to the British Minister Counselor
(Makins)*

TOP SECRET

[WASHINGTON,] July 1, 1946.

MY DEAR MR. MAKINS: In our recent conversation, we discussed the effect which passage of S. 1717 (the McMahan Bill) might have on the operations of the Combined Development Trust.

Careful perusal of S. 1717, as it passed the Senate, indicates that it does not contain any provision which automatically affects the Combined Development Trust or which makes it mandatory for the proposed Atomic Energy Commission to take action which would affect adversely the Trust Agreement. It is true that the independent commission contemplated in the bill might conceivably proceed in such a manner as to affect adversely the Trust Agreement. In assessing the likelihood of such a development, however, two important considerations should be understood. The first is that it could result only from affirmative action by the commission. The second is that the proposed commission will undoubtedly be informed in detail about the Combined Development Trust. To interfere with the operations of the Trust, therefore, the commission would find it necessary to take positive action with full realization that its course was not in harmony with the intent of the Trust Agreement.

⁸¹ For information on legislation on atomic energy in 1946, see Hewlett and Anderson, chapter 14.

In the event that an independent commission of the kind provided for in S. 1717 is ultimately established, the situation will not differ from many others in which it is necessary to coordinate the policies and programs of two or more Departments or agencies of this government in matters affecting the foreign relations of the United States. This coordination has been achieved with reasonable success in the past and I am confident that it can be achieved in this matter.

Sincerely yours,

DEAN ACHESON

Department of State Atomic Energy Files

Memorandum by the Joint Secretaries of the Combined Policy Committee (Groves, Makins, Bateman)

TOP SECRET

[WASHINGTON,] July 26, 1946.

STATEMENT TO COMBINED POLICY COMMITTEE ON COMBINED
DEVELOPMENT TRUST FINANCIAL POLICY

1. Under the Agreement and Declaration of Trust, the Combined Development Trust is directed, among other things, (2(e)), to "acquire and undertake the treatment and disposal of uranium and thorium and uranium and thorium materials."⁸²

2. Under paragraph 3(I) "The Trust shall carry out its functions under the direction and guidance of the Combined Policy Committee, and as its agent, and all uranium and thorium and all uranium and thorium ores and supplies and other property acquired by the Trust shall be held by it in trust for the two Governments jointly, and disposed of or otherwise dealt with in accordance with the direction of the Combined Policy Committee."

3. The financial provision of the Trust Agreement is as follows: "All funds properly required by the Trust for the performance of its functions shall be provided as to one-half by the Government of the United States of America and the other half by the Government of the United Kingdom of Great Britain and Northern Ireland."

4. The only source from which the Trust has received significant quantities of raw material is the Belgian Congo under the Tripartite Agreement signed on September 26th, 1944.⁸³

⁸² For text of the Agreement and Declaration of Trust, signed by President Roosevelt and Prime Minister Churchill on June 13, 1944, see *Foreign Relations*, 1944, vol. II, p. 1026.

⁸³ For text, see *Foreign Relations*, 1944, vol. II, pp. 1029-1030.

5. The quantities received by the Trust from this source and their cost, including freight, are approximately as follows:—

- | | |
|--|----------------|
| (1) Before V–J Day. | |
| 293 short tons of contained U_3O_8 | \$885, 468. |
| (2) Between V–J Day and March 31st. | |
| 850 short tons of contained U_3O_8 | \$2, 582, 260. |
| (3) Since April 1st. | |
| 1,969 short tons of contained U_3O_8 | \$7, 113, 956. |

6. An agreement on allocation of raw material until the end of 1946 was reached on May 13th.⁸⁴ This allocation was retroactive to V–J Day. Pending this agreement, all the material had been shipped to the United States.

7. The British Government have raised the question of the financial consequences of the agreement about allocation. They have pointed out that the expenditure of the Trust is of three kinds:

- (1) Administrative.
- (2) Research, Development, and Geological Survey work.
- (3) Acquisition of Raw Material.

No issue arises on the expenditure in the first two categories which, it is agreed, should continue to be borne in equal shares by the two Governments. Nor does any issue arise in regard to the material shipped to the United States of America prior to V–J Day, which was used in the production of weapons against the common enemy.

8. The only question raised by the British Government concerns the raw material which was received from the Congo since V–J Day and which was the subject of the allocation agreement of May 13th. They believe that the right course is for each Government to pay the Trust for the raw material which that Government has actually received or will receive under the allocation agreement. Otherwise one Government is in the position of financing the acquisition of material by the other. The British Government suggest that this is inequitable, and that, after the end of the war, and, the termination of the special arrangements between the two Governments for Lend-Lease and Reciprocal Aid, the fair principle is that each Government should pay for the raw material which is allocated to it.

9. This matter was brought up before the trustees of the Combined Development Trust but they agreed that it was not a matter lying within the scope of their authority.

⁸⁴ *Ante*, p. 1246.

Department of State Atomic Energy Files

*Minutes of the Meeting of the Combined Policy Committee at the
Department of State, July 31, 1946, 10:30 a. m.*

TOP SECRET

Present: *Members:*

The Acting Secretary of State (representing the Secretary
of State) (in the Chair)

The Secretary of War
Field Marshal Lord Wilson

By Invitation:

The Right Honorable Lord Inverchapel ⁸⁵

Mr. Herbert Marks ⁸⁶

Secretariat:

Major General L. R. Groves

Mr. Roger Makins

Mr. George Bateman

I. *Minutes of the Meeting of April 15, 1946.*⁸⁷

The Minutes were approved.

Mr. Makins pointed out with reference to Section III of the Minutes that the proposed procedure on declassification of information regarding atomic energy had been approved at the last meeting subject to confirmation by the U. K. Government.

This confirmation had subsequently been received.

II. *Appointment of Lord Inverchapel as U. K. Member of the
Combined Policy Committee.*

The Committee approved the appointment of Lord Inverchapel as a U. K. member of the Combined Policy Committee in succession to Lord Halifax.

III. *Appointment of Mr. Gordon Munro as U. K. Member of the
Combined Development Trust.*

The Committee approved this appointment.

IV. *Confirmation of Agreement on Allocation of Raw Materials.*

The Committee had before it a memorandum of agreement on the allocation of raw materials which had been drawn up and signed on

⁸⁵ British Ambassador in the United States.

⁸⁶ Special Assistant to the Under Secretary of State.

⁸⁷ *Ante*, p. 1227.

May 13th by Mr. Makins, Sir James Chadwick, Dr. Bush, Mr. Acheson and General Groves in accordance with the decision of the Committee at its last meeting.⁸⁸

The Committee confirmed this agreement.

V. *Combined Development Trust Financial Policy.*

The Committee had before it a paper by the Joint Secretaries on this subject, the text of which is annexed to these Minutes.⁸⁹ There were two questions; whether the principle should be adopted that a government should pay for the raw material it received through the Combined Development Trust; and secondly, if this principle were accepted, from what date it should be applicable.

After discussion:

The Committee agreed that the principle should be adopted that a government should bear the cost of the raw material which it received through the Combined Development Trust; that this principle should be applied as from V-J Day; and that the Combined Development Trust should be guided accordingly.

VI. *Other Business.*

The attention of the Committee was drawn to the passage by Congress of an Atomic Energy Bill.

The Secretary of War said that he would have a study made of the possible effects of this legislation on the activities of the Combined Policy Committee and the Combined Development Trust.

The Chairman said that, in the first instance, this concerned the United States members of the Committee, but the United Kingdom and Canadian members would be kept informed on the matter.

The Committee then adjourned.

(These minutes have not as yet been formally approved by the Committee.)⁹⁰

Joint Secretaries

L. R. GROVES
Major General, U.S.A.

ROGER MAKINS
G. C. BATEMAN

⁸⁸ *Ante*, p. 1246.

⁸⁹ *Ante*, p. 1254.

⁹⁰ The minutes were approved by the Committee at its next meeting, February 3, 1947.

Department of State Atomic Energy Files

*Memorandum by the Commanding General, Manhattan Engineer
District (Groves), to the Secretary of State*

TOP SECRET

WASHINGTON, October 24, 1946.

Because of the importance of the Congo to the atomic energy program of the United States, it is essential to maintain as friendly relations as possible and to keep developments in the Congo and Belgium under close observation. The situation in these areas, as it affects the atomic energy program, has been the subject of numerous dispatches from Ambassador Kirk to the Department of State.

Such dispatches have indicated attempts by Communist-inspired elements to infiltrate and to "organize" workers in the Congo. They have also indicated certain economic and social unrest in the area which might be deterred through positive action by this country. To date, in cooperation with the Belgians, we have been able to operate to our mutual benefit and satisfaction and generally any developments adverse to our interests have been forestalled.

In view of the foregoing, as well as the planned expansion of our activities in the Congo, it appears that our interests would be further served by stationing additional trained observers in the Congo. The situation in Belgium is thoroughly and accurately covered. As for the Congo, however, we are at present relying on reports from Union Minière in conjunction with reports from occasional visitors from this country.

Direct "on-the-spot" reports from the Congo by one or two consular officials who are apprised of the importance of the area in the atomic energy program and who while devoting a major portion of their time to normal State Department activities, would yet serve as a source of information for atomic energy matters, would be of measurable value in assuring the success of the program. Specifically, the staff at Leopoldville might be increased to permit the office there to devote a portion of its time to surveys and reports of particular interest to our affairs. Of even greater importance would be a consular office at Elisabethville, operated by an officer who, preferably, speaks French and who has a working knowledge of mining or geology. Such a consul could provide the badly needed surveillance of activities in the Jadotville area and would enable us to be kept as well informed as the British are through their consul at Elisabethville. In addition, we should have consular representation at all points in the Belgian Congo at which British or Russians representatives are stationed.

I suggest, therefore, that, if practicable, consideration be given to augmenting the consular staff in the Congo.

L. R. GROVES

Department of State Atomic Energy Files

*The British Prime Minister (Attlee) to President Truman*⁹¹

TOP SECRET

[WASHINGTON,] December 17, 1946.

You will remember that on 6th [7th] June this year I telegraphed to you,⁹² urging that steps should be taken to establish full and effective co-operation in the field of atomic energy between our two countries. I have not pressed you earlier for a reply to that message because I have been mindful of your difficulties arising from the passage through Congress of United States legislation for the control of atomic energy. Now, however, your act has been passed and the Commission which is to control these matters in your country has been appointed. Moreover, it is evident that the establishment of an effective system of international control is likely at best to take some time. In the meanwhile, however, we attach the highest importance to the continuation, in an effective form, of co-operation in the field of atomic energy, both with the United States and with Canada. I feel bound, therefore, to ask you now how in your view the understanding which we reached together in Washington a year ago can best be put into effect.

Department of State Atomic Energy Files

President Truman to the British Prime Minister (Attlee)

TOP SECRET

WASHINGTON [December 28, 1946.]

I wish to acknowledge the receipt of your message of December 17 concerning cooperation in the field of atomic energy between our two countries. Unhappily the exchange of communications between us earlier in the year revealed a considerable difference in understanding as to the purpose and meaning of the memorandum of November 16, 1945. The complexity of the problem has been increased by the legislation recently enacted by the Congress.

I am giving your messages the most careful consideration with my advisers including the newly created U. S. Atomic Energy Commission and hope in the near future to reply to you on the substance of these messages.

May I take this opportunity to send you my warmest greetings and best wishes for the coming year.⁹³

⁹¹ Delivered at the Department of State by the British Ambassador on December 17.

⁹² *Ante*, p. 1249.

⁹³ In telegram 3036, transmitted from London to the White House via United States military channels, Prime Minister Attlee replied as follows: "Many thanks for your letter of 28 December about atomic energy. I note that you will be sending a further reply. Thank you for your good wishes, which, I warmly reciprocate." (Department of State Atomic Energy Files)

BASIC FOREIGN COMMERCIAL POLICY OF THE UNITED STATES TO RESTORE FOREIGN TRADE TO PRIVATE CHANNELS

Editorial Note

For interim or emergency measures undertaken by the United States at this time in conjunction with other governments (particularly the United Kingdom and Canada) to continue wartime trade controls on the production, distribution, or pricing of certain international commodities during the immediate postwar recovery period, see Department of State *Bulletin*, 1946, under appropriate entries. This United States policy to continue controls during the transition period from war to peace on items mainly in short supply was approved at a meeting of the Executive Committee on Economic Foreign Policy on August 31, 1945 at which time it was recommended that “. . . in cases in which it is necessary to maintain controls for purposes of stability, reconversion, or rehabilitation, the responsibility therefor be transferred as quickly as practicable from the Anglo-American Combined Boards to international commodity committees composed of representatives of the principal producing and consuming countries” (ECEFP document D-119/45, August 31, 1945, Lot 122, Box 22). This position was used as a basis for negotiation with the United Kingdom and Canada, and on December 10, 1945 a joint statement was issued by the three governments terminating the Combined Raw Materials Board and the Combined Production and Resources Board as of December 31, 1945, but providing where necessary for continuance of the commodity committees established under those Boards; the Combined Food Board was continued until July 1, 1946 at which time its functions were taken over by the International Emergency Food Council (see documentation regarding the world food crisis, page 1439 ff.). The decision of August 1945 was reconfirmed by the Executive Committee on January 25, 1946.

The Department of State, however, regarded such governmental intervention in the channels of international trade as abnormal. As early as December 1944 the Executive Committee had drafted a basic policy statement regarding the relationship between basic foreign commercial policy and wartime trade controls in which it was declared that the burden of proof for continuation of such controls after the original reasons for imposing them had disappeared should rest with

those who advocated such action (ECEFP document D-87/44, Lot 122, Box 21). It was the fundamental policy of the Department to move as rapidly as possible in the direction of removal of government controls and restrictions from international trade, in line with traditional United States foreign commercial policy and with the program which this Government was pushing during these same years for the removal of trade barriers and the expansion of world trade and employment through the establishment of an International Trade Organization under the United Nations. In furtherance of this policy the Executive Committee on January 25, 1946 approved a program looking towards the discontinuance of the foreign wartime trading missions in this country, and the diplomatic missions in Washington of the concerned governments were notified of this in *aide-mémoire* on April 2.

FW 611.0031/4-246

*The Department of State to Certain Diplomatic Missions Located in Washington*¹

AIDE-MÉMOIRE

The Government of the United States recognizes the services performed by the several purchasing missions which were established in this country by other Governments during the war emergency. These services have encompassed among others the expediting of shipments, the handling of lend-lease transactions, the screening of requirements, and the direct procurement of essential supplies. However, the war having come to a victorious conclusion, it now becomes necessary to set forth the policy of this Government with reference to the continuance of these wartime agencies.

This Government favors the use of private channels in international trade as most consistent with the principles of liberal trade policy. At the same time it is recognized that the prompt conversion of the economies of the world, stabilization of prices, and equitable distribution of available supplies may make necessary the continuation of government participation in trade during the transition from war to peace. In such cases, it is the policy of this Government that state trading

¹ Australia, Belgium, China, Greece, India, Italy, The Netherlands, New Zealand, Norway, Portugal, the Union of South Africa, and the United Kingdom. A somewhat similar *aide-mémoire* was transmitted to the Soviet Union, which took account of its traditional pre-war trading pattern. In the case of France, the substance of the policy was discussed with French representatives during the financial and economic negotiations which took place in Washington during April and May. No record has been found of the communication to Poland, but there is a record of conversations with its representatives.

agencies should conduct their trade in accordance with usual commercial considerations.

With this in view it is the desire of this Government that existing foreign purchasing missions in the United States limit their operations during the transition period to the procurement of those commodities which are necessary to meet essential civilian requirements for relief and rehabilitation. Also it is this Government's position that purchasing missions should use normal trade channels to the maximum extent practicable and that their purchasing methods should be consistent with commercial considerations.

Finally, as the transition period draws to a close and the emergency need ceases to exist the United States Government believes that these wartime missions should be disestablished.²

WASHINGTON, April 2, 1946.

² Some weeks later the Department of State engaged in conversations with representatives of the fifteen nations having purchasing missions in this country in which it reiterated its position as to the desirability of returning international trade to private channels in conformity with the principles of a liberal trade policy. At the same time the Department recognized that certain adjustments would have to be made during the transitional period. In conversations with representatives from the British Embassy, the Department accepted points made in the British gloss on the *aide-mémoire*, and concurred in the necessity of foreign government procurement activity with respect both to purchases for government account and for commodities that were in short supply and subject to international allocation. The Department also agreed that the purchasing missions might be used during the transition period to expedite shipping and transactions between private traders in this and other countries.

There was general agreement with the United States position, except on the part of the Chinese, Indian, Polish and Soviet representatives. A detailed summary of these conversations may be found in the Department's classified bulletin "Current Economic Developments" No. 50, June 3, 1946.

UNITED STATES INTEREST IN INTERNATIONAL ECONOMIC COLLABORATION FOR THE EXPANSION OF WORLD TRADE AND EMPLOYMENT¹

560.AL/1-446: Telegram

The Ambassador in the United Kingdom (Winant) to the Secretary of State

SECRET

LONDON, January 4, 1946—4 p. m.

[Received January 4—11:57 a. m.]

94. For Wilcox² and Brown³ from Hawkins⁴ and Fowler.⁵ We have discussed at some length with Liesching,⁶ Helmore,⁷ Stirling⁸ and Shackle⁹ questions relating to the preliminary trade meeting¹⁰ as follows:

¹ For previous documentation relating to United States proposals for the expansion of international trade, see *Foreign Relations*, 1945, vol. II, pp. 1328 ff.

² Clair Wilcox, Director of the Office of International Trade Policy.

³ Winthrop G. Brown, Chief of the Division of Commercial Policy.

⁴ Harry C. Hawkins, Minister-Counselor for Economic Affairs, United States Embassy, London.

⁵ William A. Fowler, First Secretary of Embassy, United States Embassy, London.

⁶ Sir Percival Liesching, Second Secretary, British Board of Trade, until July, 1946 when he became Permanent Secretary to the British Ministry of Food.

⁷ James R. C. Helmore, Under Secretary of Commercial Relations and Treaties Department, British Board of Trade, until July, 1946 when he succeeded Sir Percival Liesching as Second Secretary, Board of Trade.

⁸ John A. Stirling, Assistant Secretary, British Board of Trade.

⁹ R. J. Shackle, Principal Assistant Secretary, British Board of Trade.

¹⁰ The United States Government published on December 6, 1945 a document entitled "Proposals for Expansion of World Trade and Employment", copies of which were transmitted on a world-wide basis to other governments (with certain limited exceptions) for their consideration. The Proposals set forth the views and objectives of this Government within the sphere of international economic relations and proposed that the United Nations convene in 1946 a conference to consider early and effective cooperative action on an international basis in the fields of trade and employment. For text of the Proposals, see Department of State *Bulletin*, December 9, 1945, p. 918.

At the same time invitations were issued by the United States Government to fifteen governments, considered to represent the principal trading nations of the world, to appoint representatives to attend a preliminary meeting in early 1946 at a place to be determined. Such a preliminary conference would negotiate, for the consideration of the proposed general conference, concrete arrangements for the relaxation of tariffs and non-tariff trade barriers. The preliminary meeting would also consult to reach a preliminary understanding with regard to other topics on the proposed agenda for the projected general conference (i.e., questions of employment, policy regarding surplus commodities, cartel policy, and an international trade organization).

For documentation regarding these events, see *Foreign Relations*, 1945, vol. II, pp. 1328 ff. For the text of the invitation issued to the fifteen governments, see *ibid.*, p. 1344.

1. Location for meeting. Liesching said the British Govt is definitely agreeable to holding the meeting in England provided a suitable place for it can be found. He and his staff are actively exploring the possibilities and have already made preliminary investigations. Oxford seems to be a definite possibility although some difficulties have been encountered which would have to be worked out. The facilities there probably would not be available before the first of July. The catering problem also presents difficulties. They are also investigating the possibilities of taking over a hotel or hotels in one of the evacuated south coast towns, which may offer a possibility in cases in which hotel property has not been restored to the owners. They appreciate the importance of deciding upon a place as soon as practicable and we expect to hear more from them shortly on the subject.

2. Liesching and his staff also had questions regarding the exact procedure to be followed before and at the meeting in the formulation of tariff schedules. In the course of the discussion the point was made that if we rely on each country presenting prior to or at the opening of the meeting a schedule of offers it will make to the other participants, we may meet with disappointment either because of the reluctance of countries to make any offers at all until they have some idea or at least have studied the possibilities of what they might get; or, if offers were made, they might be so unsatisfactory as to get the meeting off to a very bad start. The most common procedure in trade negotiations is for the parties to present their requests and it would be difficult to get many of them, particularly the continental countries, to understand and adopt the opposite procedure. In other words, if the initial step by each country were to submit to all the others a list of the concessions sought from them, prompt action is much more likely to be forthcoming, and each country would then be in a better position and more disposed at least to attempt to formulate a list of worthwhile offers for presentation when the meeting convenes. Also if all participating countries were asked to present request lists as soon as possible after the acceptance of the invitation to participate in the meeting, each country in formulating its offers for presentation at the meeting could do so with better knowledge of the expectations and needs of the others. This should not preclude any country that desired to do so from presenting a consolidated list of offers at the time it submits its request lists. We feel that in view of our key role in trade matters it would be highly desirable for the U.S. to do this, provided of course our offers are sufficiently attractive to make it clear that the negotiations are going to be worthwhile.

3. There are some indications that there may be a serious lack of understanding and hesitancy regarding our trade proposals and par-

ticipation in the meeting on the part of some of the continental countries. This possibility is suggested by the attitude of Dr. Kunosi, Assistant Director of the Economic Dept of the Czechoslovakian FonOff, who recently called on Stirling and expressed doubt and skepticism. Kunosi even intimated that acceptance by the British of these proposals may to some extent have been forced upon them in connection with the financial negotiations,¹¹ and conjectured that our trade proposals may represent only a scheme by the U.S. to capture world market. Stirling immediately sought to set him straight on these points and suggested that he see us, which he did yesterday. We explained the proposals to him and offered to discuss them further at any time with the Czechoslovakian Commercial Counselor here. In view of the foregoing we consider it extremely important that arrangements be made for someone from Washington or from here to discuss the proposals and the arrangements for implementing them fully with the appropriate officials of the various continental countries concerned. This should be done promptly in order to prevent first misconceptions and prejudices from becoming solidified. It might also speed up acceptances that have not been forthcoming and help to facilitate preparations for the meeting in those cases where acceptances have already been received. We had considered in Washington the desirability of calling a meeting in London of our economic counselors on the continent with the idea of explaining these matters fully to them so that they in turn could explain them to the Govts to which they are accredited. However, it would be much quicker and more effective if someone thoroughly familiar with the proposals, accompanied by the appropriate economic counselor, were to go into them fully with officials at least of the countries invited to attend the preliminary meeting. It would be desirable before doing so to have a definite understanding on the procedural steps referred to in paragraph 2 above.

The British have offered to cooperate fully in supporting our position in any way we think may be useful. We suggested and they agreed that a joint approach would not be desirable in view of the appearance of ganging up, but whoever carries on the discussions for us in the various capitals should keep the British economic representatives informed so that corroboration could be provided as need arose and occasion afforded and Liesching said that if you act on the above suggestion, British representatives would be appropriately

¹¹ For documentation regarding the financial negotiations between the United States and the United Kingdom in 1945 leading to the Loan Agreement of December 6, 1945, see *Foreign Relations*, 1945, vol. vi, pp. 1 ff. For a scholarly study of American-British joint efforts in the field of international economic relations in the late World War II and early postwar periods, see Richard N. Gardner, *Sterling-Dollar Diplomacy* (Oxford, The Clarendon Press, 1956).

briefed and instructed to cooperate. In any case he thought it desirable to brief them and to cover particularly the point that our proposals were agreed to wholeheartedly by the British Govt and not under pressure in connection with the loan negotiations. [Hawkins and Fowler.]

WINANT

560.A.L./1-746 : Telegram

The Chargé in the Soviet Union (Kennan) to the Secretary of State

SECRET

Moscow, January 7, 1946—noon.

[Received January 7—noon]

46. ReDeptel 2648 December 28.¹² Have asked for appointment with Mikoyan¹³ for purpose of presenting preliminary discussions on trade and employment. Statement I propose to make to him follows at end of this message. Since some days may still elapse before he receives me, I would appreciate being informed if Dept feels that any modifications of this statement would be in order. Dept will note that statement has been worded in such way as to cover contingency that we may wish to ask Soviets to make other concessions, as, for example, along lines of minimum purchase commitments, in place of tariff reductions.

Substance of statement follows :

“It will be noted that purpose of proposed preliminary discussions (to which some fifteen nations are being invited) is, first, to negotiate certain concrete arrangements for relaxation of tariff and other trade barriers and, second, to consult and to reach such preliminary understandings as may be practicable, with regard to other topics on proposed agenda for later conference. (Agenda for later conference, as envisaged by US Govt, were indicated in ‘Proposals for Expansion of World Trade and Employment’, a copy of which was delivered to Soviet Embassy in Washington on December 6 and another copy of which was submitted with Ambassador Harriman’s letter of December 21¹⁴ referred to above.

With respect to first of these two purposes of preliminary discussions, it is hope of US Govt that there will be discussion of concessions which each country would be prepared to make as its contribution toward general lowering of trade barriers of all kinds and an increase of world trade and employment. It will be noted that in ‘proposals’ referred to above, particularly chapter 3, reference is made to questions concerning manner in which state trading might be fitted into general framework of international economic collaboration. It

¹² *Foreign Relations*, 1945, vol. II, p. 1355.

¹³ Anastas Ivanovich Mikoyan, People’s Commissar for Foreign Trade.

¹⁴ Not printed.

is expectation of US Govt that these questions will form a subject of discussion at preliminary meeting in connection with general problem of reduction of trade barriers.

It is hope of US Govt that discussion will afford opportunity for consultation with regard to other questions treated in 'proposals', such as employment, 'surplus' commodities, policy toward cartels, and form of international trade organization.

US Govt anticipates that tentative agreements reached among countries participating in preliminary meeting (excluding possible agreements on tariff schedules) would be subject to possible alteration or modification at subsequent general conference in light of considerations advanced by other countries. US Govt envisages that general conference would also consider questions of adherence of other states to draft agreement reached at preliminary meeting and of treatment to be accorded those which do not accept it as well as those not invited to participate. US Govt feels that drafting countries, i.e., those participating in preliminary meeting, should propose in general conference that non-drafting countries be considered as provisionally adhering to agreement provided (a) that they accept non-tariff provisions and (b) that they obligate themselves to undertake bilateral tariff negotiations, or negotiations for equivalent concessions, with countries adhering to agreement.

In view of US Govt, drafting countries should also propose that benefits of agreement should, after reasonable period of time, be withheld from trade of those countries which have failed to adhere to it or which, having adhered, have failed to negotiate tariff reductions or such analagous reductions of trade barriers as would be judged by international trade organization to be in conformity with spirit of agreement."

KENNAN

560.AL/1-446 : Telegram

The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)

SECRET US URGENT WASHINGTON, January 9, 1946—6 p. m.

251. Dept believes it would be helpful in connection with preparations for preliminary trade meeting if Hawkins would spend a day or two at each of American missions at Paris, Brussels, The Hague and Praha. Purpose of these visits, which should be made in January or early February, would be to give appropriate Embassy personnel background of proposed meeting based on his experience and detailed knowledge of "Proposals" and of Anglo-American economic and financial discussions. Additional important purposes would be for Hawkins to impress upon missions necessity of making every effort to assure that foreign governments concerned are making adequate preparations for meeting, and to this end to participate in initiat-

ing informal explanatory discussions with appropriate officials of govts concerned. Dept is inclined to agree with conclusion in urtel 94, Jan. 4, that this procedure would be more effective in advancing immediate job of preparing for preliminary meeting than would general discussion of subject (together with other matters not intimately related) at wider gathering of all economic counselors on the continent, urtel 202, Jan. 8.¹⁵ Discussion at the meeting of counselors would not, however, be precluded. Unless you perceive objection, therefore, Hawkins is authorized to make these trips during the period indicated. Travel order follows. Please cable Dept approximate dates of each visit in order that it may inform missions concerned.¹⁶

In connection with these visits, Hawkins will wish to have following additional information:

1. All invited Govts have now accepted the invitation to attend the preliminary meeting except USSR, Czechoslovakia and Luxembourg.¹⁷

2. Current thinking in Dept, still subject to change, is that US may urge ECOSOC to call general world conference on trade and employment for some time late this year (the exact time to be set by the host Government), and to designate the nuclear group of countries¹⁸ to serve as a preparatory committee for this conference. Purpose of this arrangement would be to avoid confusion of having two separate international groups engaged in preparing proposals for general conference and to give impetus to proposals which would emerge from nuclear meeting. No decision on this procedure will be reached, however, without consulting you and US delegation to UNO.

3. Dept intends to prepare within the next week or ten days and to send to all American missions in countries accepting invitations to the preliminary meeting a detailed and comprehensive memorandum setting forth *a*) the objectives of the preliminary meeting, *b*) the preparations necessary to achieve these objectives and *c*) the pro-

¹⁵ Not printed.

¹⁶ Mr. Hawkins went to the Continent for such discussions later in the month, and was in Paris from January 24–February 2; Brussels, February 3–5; and The Hague, February 6. He submitted to the Department a report of these talks in London despatch 28276, February 11, not printed.

¹⁷ The acceptances were received as follows: Australia, December 21; Belgium, January 2; Brazil, January 7; Canada, December 15; China, December 31; Cuba, December 19; France, December 31; India, December 29; The Netherlands, January 3; New Zealand, December 17; and South Africa, January 2. Luxembourg and Czechoslovakia communicated acceptances on January 9 but the information had not been received in the Department at the time of the drafting of this telegram. United Kingdom acceptance of the principles of the "Proposals" had been indicated in a Joint Statement issued by the United States and the United Kingdom regarding the "Proposals" on December 6, 1945, at the same time that announcement was made of the conclusion of the Financial Agreement between the two governments.

¹⁸ That is, the fifteen governments to whom invitations had been sent for the preliminary meeting.

cedures which might be followed in carrying on actual negotiations at the meeting (i.e. committees to be established, etc.). This memorandum would be in form suitable for transmission to foreign governments concerned. Among other things, it would urge that each Govt participating in meeting transmit to each other participating Govt (where appropriate), as soon as possible and well in advance of the meeting, a list of the products on which it would wish to receive tariff concessions and an indication of the concessions desired. Urtel 94, Jan. 4. This procedure would not preclude, and would even appear to lead up naturally to presentation at meeting of schedules of offers by all countries.

4. It is hoped that by late February or early March it will be possible for Dept to transmit to all other participating Govts for their consideration a preliminary and tentative draft text of the Charter of the ITO, including provisions relating to trade barriers, cartels, commodity policy, employment and organization. To this text would be appended a draft protocol dealing with the independent entry into force of the schedules of tariff concessions and of the related provisions of the Charter (i.e. quotas, most-favored-nation treatment, national treatment for internal taxes, etc.) essential to safeguard the value of the tariff concessions.

5. Bilateral economic and financial discussions with French are planned for some time in February or March¹⁹ and Monnet, High Commissioner for the Modernization of Industry and Agriculture, will arrive in Washington within next few days for purpose of agreeing upon agenda. In so far as commercial policy is concerned, our objective will be to obtain general support of the "Proposals" by the French. US position on "Proposals" will not be modified during these or other bilateral discussions prior to preliminary meeting.

Dept will be glad to give special attention to answering any questions regarding proposed meeting which may occur to Hawkins in connection with proposed trips.

ACHESON

560.AL/12-2045 : Telegram

The Acting Secretary of State to the Ambassador in Norway
(Osborne)

CONFIDENTIAL

WASHINGTON, January 12, 1946—10 a. m.

21. After careful consideration, it is felt that it would not be practicable to extend to the Norwegian Govt an invitation to participate

¹⁹ For documentation regarding this subject, see vol. v, pp. 399 ff.

in the preliminary meeting on trade and employment.²⁰ This not only would add to size of group already large in view of complicated negotiations envisaged but would doubtless lead other Govts to press for invitations. Dept has already been approached informally by other Govts regarding such invitations.

Morgenstierne has taken up with Dept the desire of his Govt to be invited to preliminary meeting (reurtel 808 Dec. 28 [20]²¹). In explaining to him reasons for omission of Norway and why it would not be possible to increase number of countries participating, following points were made: (1) in selecting countries invited, primary emphasis was placed on assuring that group would be broadly representative as to types of trade barriers and economies and would include principal trading nations; (2) USSR included as member Big Five and as principal state-trading nation; (3) necessary to include all British Dominions because of their contractual obligations regarding tariff preferences and importance of action on imperial preferences; (4) Cuba included because of US-Cuba tariff preferences; (5) Luxembourg included as member of Belgo-Luxembourg Economic Union (re item 4 urtel 808); (6) no country was selected as representative of particular geographic area (re item 1 urtel 808); (7) shipping will not be discussed at conference (re item 2 urtel 808); (8) agreement reached at preliminary meeting will be opened to scrutiny of later world-wide conference; meanwhile views of Norwegian Govt on "Proposals for the Expansion of World Trade and Employment" will be welcomed and this Govt hopes Norway will look favorably on these proposals and will support them at world trade conference (re item 3 urtel 808); (9) finally, because of magnitude of task of negotiating detailed tariff concessions, this Govt has been compelled to limit number of countries participating in initial discussions.

It is suggested that you adopt similar approach in any discussion of matter with FonOff. Exclusion of Norway from preliminary meeting does not imply any lack of desire on part of this Govt for close trade relations with Norway.

ACHESON

²⁰ For an approach made in this sense to the Department by the Norwegian Ambassador (Morgenstierne) on December 14, 1945, and to the Ambassador in Norway (Osborne) by the Norwegian Permanent Under-Secretary for Foreign Affairs (Prebensen) at Oslo about December 20, see *Foreign Relations, 1945*, vol. II, pp. 1349 and 1352, respectively. Ambassador Morgenstierne had further conversations with the Department on this matter on January 5, 1946 and again on January 14.

²¹ *Foreign Relations, 1945*, vol. II, p. 1352. This transmitted Ambassador Osborne's report of his conversation with M. Prebensen.

560.AL/1-1446 : Telegram

The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)

SECRET U.S. URGENT

WASHINGTON, January 14, 1946—7 p. m.

405. For Hawkins and Stinebower.²² Dept will shortly transmit to US member²³ of ECOSOC instructions relating to the calling by ECOSOC of the proposed world conference on trade and employment. This will require the taking of decisions as to what proposals we should make in respect of the time and place of the conference, the countries to be invited, and the international machinery for preparing for the conference. A suggested position on the whole subject is outlined below. It is requested that you examine critically the various points indicated and cable the Dept your views and comments.

The outline follows:

1. ECOSOC should indicate the time of the conference in general terms only (e.g. late 1946), leaving the exact time to be announced by the preparatory committee (see 3 below) after consultation with ECOSOC. Purpose of this arrangement would be to avoid need for making prediction now as to the particular date by which preparations for the conference will have been completed. Dept considers it would be a mistake to hold world conference before preliminary trade meeting could produce concrete results on which conference could take action.

2. The following countries or categories of countries should be invited to the conference:

- a. Countries members of the United Nations in good standing at the time of the conference.
- b. Italy.
- c. Neutrals other than Spain.
- d. Ex-enemy states or liberated areas recognized by the Big Three.
- e. Any country which ECOSOC may later designate in the light of a change in political status.

3. We should urge that ECOSOC approve arrangement whereby the countries attending preliminary trade meeting (i.e. the nuclear

²² Leroy D. Stinebower, Deputy Director of the Office of International Trade Policy, and Adviser to the United States Delegation to the First Part of the First Session of the General Assembly of the United Nations which convened at London on January 10. Regarding the organization and functioning of the United States Delegation to the London meeting of the General Assembly, see *ante*, pp. 5-7.

²³ John G. Winant, United States Ambassador to the United Kingdom. Ambassador Winant was appointed United States Representative on the Economic and Social Council of the United Nations by President Truman on January 12. The Council, along with other organs of the United Nations, was being organized by the General Assembly at this time, and its first meeting was held on January 23.

group) would serve as the preparatory committee for the world conference. If necessary in order to obtain ECOSOC agreement to this procedure, US might agree to arrangement whereby Economic and Employment Commission²⁴ would be consulted and kept informed as to steps being taken by preparatory committee. Also, there would be no objection to appointment by ECOSOC of observers (i.e. representing ECOSOC and not individual countries) to attend preliminary trade meeting. Every effort should be made to avoid situation in which ECOSOC would entrust preparatory work to group other than that suggested above. If preparations for conference on matters of substance are carried forward by distinct or even overlapping groups confusion may result and the objectives of the conference may be impeded.

4. With regard to agenda, it appears to us that US should not attempt to force "Proposals" as sole item and preclude suggestions by others. Satisfactory arrangement might be one whereby ECOSOC would ask all invited countries to submit suggestions for agenda to ECOSOC which would transmit them to preparatory committee (i.e. the nuclear group).

5. Conference should be held in territory of member of the preparatory committee, and preferably in country where seat of ECOSOC is located. Additional reasons for holding conference here are that preliminary trade meeting would be elsewhere, US could offer best physical facilities, and finally, action by Congress on results of conference might be influenced favorably.

Your views regarding the foregoing should be communicated to the Dept as soon as possible.

ACHESON

560.AL/1-1646 : Telegram

The Ambassador in the United Kingdom (Winant) to the Secretary of State

SECRET

US URGENT

LONDON, January 16, 1946—2 p. m.

[Received 7 : 41 p. m.]

528. From Stinebower and Hawkins. Following are our comments and suggestions on proposals in your 405, January 14.

We are in general agreement with the proposal as outlined which

²⁴ The Economic and Employment Commission was one of five "nuclear" commissions established by the Economic and Social Council at its first session which extended from January 23 to February 18. For the proceedings of the first session of ECOSOC, see United Nations, *Official Records of the Economic and Social Council, First Year, First Session* (hereafter cited as ESC (I)).

runs along the same lines as our thinking. The Department should bear in mind the delicate nature of the attempt to induce ECOSOC to sponsor not only our main idea but machinery which we have already begun to develop. Some of our following comments are conditioned on the assumption that the most important element in the outline is securing ratification of the preparatory (nuclear) group as the agent of ECOSOC (your paragraph 3). If we can obtain this, it may be worthwhile to give way on some other items.

The prospects of securing approval for the essentials of your outline are strengthened by fact that 8 of the 18 members of ECOSOC are among the countries which have accepted invitations to prepare our negotiations and two countries (USSR and Czechoslovakia) are among the invitees.

At this stage we are not able to judge the prospects of getting the full list of countries set forth in your paragraph 2 invited to the conference but will bear them in mind as our desiderata. On this point and location of the conference we think the US should, if necessary, take the same flexible position as set forth in paragraph 1 relating to date.

We agree that agenda, your paragraph 4, need not be rigidly held to our "proposals" but believe that we should seek to limit the agenda to the five major subjects of our "proposals" and any additions should be such as to fall in one of them. Ecuador has already reintroduced the proposal on which they were defeated in PRECO²⁵ to call a conference on the stabilization of international prices by which they explain they mean measures to increase the prices of raw materials in comparison with prices of finished goods. We shall oppose but cannot yet forecast what action General Assembly will take.

First meeting of ECOSOC now set for January 23. We shall presumably have to introduce any agenda proposals very soon thereafter and therefore need prompt indication whether you want to proceed along the lines above indicated.²⁶ [Stinebower and Hawkins.]

WINANT

²⁵ This refers to the Preparatory Commission of the United Nations which met at London in November and December, 1945; documentation on certain United States interests that were advanced at this meeting is found in *Foreign Relations*, 1945, vol. 1, pp. 1433 ff., although the subject adverted to here is not covered as such.

²⁶ The Economic and Social Council began its session on January 23 as indicated. Documentation including briefing papers and position books for United States delegations to the Economic and Social Council beginning with the second session of ECOSOC is found in the files of the Reference and Documents Section of the Bureau of International Organization Affairs in the Department of State (hereafter referred to as the IO files). No preparatory documentation as such seems to have been made up for the delegation to ECOSOC's first session.

560.A.L./1-1646: Telegram

The Chargé in the Soviet Union (Kennan) to the Secretary of State

SECRET

Moscow, January 16, 1946—3 p. m.

[Received 3:36 p. m.]

148. Although it is now well over a week since request was made I have still been unable to arrange for appointment with anyone in Foreign Trade or Foreign Affairs Commissariats to present explanations which were subject of my 46 January 7, noon. This delay means, I think, that Soviets are subjecting our "proposals" to very careful study. Following are some of questions which I think are particularly occupying their attention:

1. They will wish to be entirely clear concerning relationship of tasks of proposed preliminary meeting and of later general conference to those of Economic and Social Council of UNO. I think it likely that they would prefer in general to pursue internatl economic questions through this latter council which, particularly if Internatl Labor Organization should be admitted to membership, would appear to present a more suitable medium for promulgation of Soviet internatl economic aims, which are so often political and tactical in nature, than would a special organization for trade and employment designed to enforce general and permanent principles. Indeed I think it possible that they may try to have entire question of preliminary talks on reduction of trade barriers submitted for prior consideration by Economic and Social Council before they will take a definite position.

2. Overall objective of increase of internatl trade as means of promoting peace and security and assuring general employment is not one which would naturally find ready enthusiasm in Soviet circles. Soviet instincts are autarchic. They view internatl trade for themselves a means of increasing Soviet strategic economic strength and of achieving economic independence. They would never admit that there was any problem of employment at all in Soviet Union or that employment problem in capitalist countries was susceptible of solution by increased foreign trade.

3. With respect to provisions relating to state trading, Department is of course correct in noting that they have accepted in past certain minimum purchase commitments. These were however with individual countries and did not necessarily reveal anything of total Soviet plans for foreign trade. Even though a global commitment would not require Soviet Government to increase its trade beyond point to which it had otherwise planned to carry it, it would be equivalent to publication of annual [apparent garble] import plan, and suggestion of entering into any discussion of such a commitment is obviously one

which would seem to Russian officials to call for careful study from policy standpoint.

4. Soviet economic experts will also wish to study global purchase proposal carefully from standpoint of general principles of their trade monopoly. Although they have not suffered much financially from foreign tariff provisions (two-thirds of their modest prewar exports to US were free of duty and in certain remaining items, duty was paid in effect by US consumers) they have laid great stress as a matter of tactics on establishing principle that most favored nation treatment in Soviet Union in tariff and other matters was equivalent to most favored nation treatment abroad. In this way they have hoped to secure for their state trading system universal most favored nation position beyond Soviet borders while reserving to themselves full freedom of action, even where necessary to evade or make meaningless most favored nation principle, in their own practice. Owing to ignorance or indifference of foreign negotiators they have had no small success with this in past and will not easily part with these aspirations. They will therefore weigh carefully sacrifice in principle which they would be asked to make in undertaking global purchase commitment against modest immediate gains by way of reciprocal tariff concessions which they might conceivably achieve through accepting such an obligation.

Sent Department 148; repeated London 27.

KENNAN

560.AL/1-1746: Circular Telegram

*The Acting Secretary of State to Certain Diplomatic Officers*²⁷

WASHINGTON, January 17, 1946.

Please inform appropriate officials of Govt to which you are accredited that Govts of following countries have now accepted invitation of Govt of US to participate in preliminary meeting on trade and employment: Australia, Belgium, Brazil, Canada, China, Cuba, Czechoslovakia, France, India, Luxembourg, Netherlands, New Zealand, South Africa and United Kingdom. Reference appropriate instruction or circular telegram cited in Depcirtel Dec 13, 1945.²⁸ You may also inform them that, on basis of replies received to US invitation, and in light of need for more preparation generally, it

²⁷ Sent to the United States missions accredited to the fifteen governments that had been invited by the United States to the preliminary conference.

²⁸ Not printed.

appears desirable to postpone meeting for several weeks, possibly until late June or early July.

ACHESON

560.AL/1-1646 : Telegram

The Acting Secretary of State to the Ambassador in the United Kingdom (Winant)

SECRET US URGENT

WASHINGTON, January 18, 1946—8 p. m.

605. Undel 89. For Hawkins and Stinebower. 1. Dept agrees with views expressed your telegram no. 528, Jan 16 (not Undel series) regarding calling by ECOSOC of proposed world conference on trade and employment and relation to preliminary trade meeting. You are accordingly authorized to proceed along the lines indicated in that telegram and to prepare appropriate draft resolution which should, however, be cleared with Dept before formal introduction in ECOSOC.

2. In connection with foregoing, you will be interested in following excerpt from cable we have received from Embassy Moscow setting forth Kennan's views regarding probable Russian reaction to proposed preliminary trade meeting :

"They [the Russians]²⁹ will wish to be entirely clear concerning relationship of tasks of proposed preliminary meeting and of later general conference to those of Economic and Social Council of UNO. I think it likely that they would prefer in general to pursue internatl economic questions through this latter council which, particularly if Internatl Labor Organization should be admitted to membership, would appear to present a more suitable medium for promulgation of Soviet internatl economic aims, which are so often political and tactical in nature, than would a special organization for trade and employment designed to enforce general and permanent principles. Indeed I think it possible that they may try to have entire question of preliminary talks on reduction of trade barriers submitted for prior consideration by Economic and Social Council before they will take a definite position."³⁰

3. Czechoslovakia has accepted our invitation (Depcirtel of Jan 17), which means that at least 9 of 18 members of ECOSOC will be represented at preliminary trade meeting.

4. We have had some further thoughts regarding character of observers which ECOSOC might appoint to attend preliminary trade meeting. We had thought that if, with our influence, Norway could be appointed as ECOSOC observer this would to some extent soften

²⁹ Brackets appear in the quotation in the original.

³⁰ The Soviet Union never accepted the bid to a preliminary trade meeting.

the effect of our having had to resist the strenuous efforts Norway has made and is continuing to make to get invited to the meeting. We feel, however, that it would be preferable if the observer or observers from ECOSOC were to be members of the secretariat rather than representatives of a particular country. If national representatives are selected (in which case we should probably press for inclusion of Norway) then it would seem desirable to have a committee of observers rather than only one. Your reactions to this general problem would be appreciated.

ACHESON

501.BB/1-2246 : Telegram

*The Secretary of State to the Acting Secretary of State*³¹

SECRET

US URGENT

LONDON, January 22, 1946—midnight.

[Received January 23—2: 57 a. m.]

798. This is Delun 117. Re Delun 118 following. The draft resolution is submitted for Dept's approval or comment. It will at once be discussed with the British and we will cable promptly any reactions or suggestions by them. It is still not certain what deadline will be imposed on the introduction of draft into ECOSOC hence it is most imperative that we have Dept's reactions immediately. It will be observed that recital of considerations is practically a direct quotation of Section A of our "Proposals." It does not seem wise to suggest that ECOSOC merely send observers to preparatory group. We have therefore proposed that ECOSOC should constitute nuclear group as Preparatory Committee with the addition of two members and a representative of the Secretariat designated by the Council. These persons presumably would not participate in the tariff negotiations but only in the consideration of agenda for Conference.

BYRNES

501.BB/1-2246 : Telegram

The Secretary of State to the Acting Secretary of State

US URGENT

LONDON, January 22, 1946.

[Received January 23—6: 11 a. m.]

797. Delun 118. Resolution regarding an International Conference on Trade and Employment proposed by the United States Delegation.

³¹ Secretary Byrnes was in London from January 8 to January 25 during which time he served as Head of the United States Delegation to the General Assembly.

a. The United Nations have already taken important steps toward the establishment of international machinery for the promotion of economic cooperation among nations with the object of preventing and removing economic and social maladjustments, of achieving fairness and equity in economic relations among states and of raising the level of economic well-being among all peoples. The Food and Agriculture organization of the United Nations, the International Monetary Fund and the International Bank for Reconstruction and Development have already been established as contribution in their respective fields toward the achievement of these objectives. The Economic and Social Council has been established as the agency for integrating the activities of all of these agencies into an effective whole.

b. It is essential that the cooperative economic measures already taken be supplemented by further measures dealing directly with trade barriers and discriminations which stand in the way of an expansion of multilateral trade and by an undertaking on the part of nations to seek full employment.

c. Cooperative action with respect to employment is indispensable to the success of such other measures as those dealing with monetary and exchange stability and the flow of investment capital. Effective action in regard to employment and to trade barriers and discriminations must therefore be taken or the whole program of international economic cooperation will fail and an economic environment conducive to the maintenance of peaceful international relations will not be created.

d. The Government of the United States has proposed that the United Nations should call such a conference in 1946 and has published a set of proposals for the expansion of world trade and employment for consideration by the peoples of the world and to serve as a basis for discussion in an international conference. In the belief that previous international conferences in the field of commercial policy have had but limited results because they were for the most part confined to policies in the abstract and not closely enough with arrangements for concrete action, the United States Government has further invited a number of governments to meet together for the negotiation of reduction of specific trade barriers and discriminations in advance of the general International Conference. Similar negotiations are to be proposed to all other countries of like mind as rapidly as possible.

e. These initiatives have been welcomed by a number of delegations in the opening debate of the General Assembly.³²

f. The Economic and Social Council has been authorized in general by Article 62 of the Charter³³ of the United Nations to call international conferences on matters falling within its competence and specifically by Supplementary Rule T of the provisional rules of procedure of the General Assembly to call a conference on international trade and employment.

The Economic and Social Council therefore

1. Agrees in conformity with Supplementary Rule T to sponsor and to convene an International Conference on Trade and Employment to meet in the latter part of 1946.

2. Proposes that the major chapters of the agenda of this conference be as follows:

a. International agreement relating to the achievement and maintenance of high and stable levels of employment and economic activity.

b. International agreement relating to regulations, restrictions and discriminations affecting international trade.

c. International agreement relating to restrictive business practices.

d. International agreement relating to intergovernmental commodity arrangements.

e. Establishment of an International Trade Organization to be a specialized agency of the United Nations having responsibilities in the field of (*b*), (*c*) and (*d*) above (responsibilities in the field of full employment transcend the field of any one specialized agency and should as recognized by the Charter of the United Nations be vested in the Economic and Social Council rather than in a specialized agency).

3. Hereby constitutes a Preparatory Committee of the Economic and Social Council to elaborate an annotated draft agenda taking into account suggestions which may be submitted to it by the Economic and Social Council or directly by members of the United Nations. This Preparatory Committee shall consist of the countries participating in the preliminary negotiations for the reduction of tariffs and other trade barriers referred to in paragraph *d* above with the addition of

³² This refers to the general discussion on the Report of the Preparatory Commission of the United Nations that began with a speech by Secretary of State Byrnes on January 14 and was terminated by a speech by the Representative of Syria on January 19; see United Nations, *Official Records of the General Assembly, First Session, First Part, Plenary Meetings*, pp. 111 ff. (hereafter cited as GA (I/1)). For specific references by the Representatives of Denmark and the Netherlands, welcoming the initiative taken by the United States "in tackling the question of freer trade and commerce", see *ibid.*, pp. 127 and 134, respectively.

³³ For text of the Charter of the United Nations, signed at San Francisco, June 26, 1945, see Department of State, *Treaties and Other International Acts Series (TIAS) No. 993*, or 59 Stat. (pt. 2) 1031.

two representatives designated by the Economic and Social Council and a representative of the Secretariat of the Council.³⁴

560.AL/10-746

Memorandum Prepared in the Division of Commercial Policy

CONFIDENTIAL

[WASHINGTON,] February 6, 1946.

PREPARATIONS FOR PRELIMINARY INTERNATIONAL MEETING ON TRADE
AND EMPLOYMENT

The Government of the United States published, on December 6, 1945, a document entitled "Proposals for Expansion of World Trade and Employment", copies of which were transmitted to other governments of the world for their consideration.

These Proposals urged the view that world security and well-being require the adoption by all countries of a code of commercial conduct embracing the fields of governmental barriers to trade, cartels, inter-governmental commodity agreements, and permanent international machinery to deal with these matters on a continuing basis. Recognizing the close relationship between levels of trade and conditions of employment, the Proposals also made clear the importance of domestic measures to maintain employment and the need for continuing international consultation on employment policies.

With a view to bringing about the implementation of the Proposals, the Government of the United States suggested that the United Nations Organization convene a general world conference for this purpose. At the same time, in order to assure adequate preparation for the world conference, the Government of the United States extended invitations to the governments of fifteen other countries to participate in a preliminary meeting on the subject.

The purpose of the present memorandum is to indicate the views of the Government of the United States regarding *a*) the objectives which should be sought at this preliminary meeting, *b*) the procedures which appear to be necessary before and at the meeting in order to achieve these objectives, and *c*) the methods whereby the results of the preliminary meeting can be broadened internationally at the gen-

³⁴ From January 23 to February 4 a steady exchange of ideas regarding the proposed draft resolution passed between the Department and the United States Delegation at London. In this exchange the Delegation also transmitted views and suggestions of the British Board of Trade. Documentation is found in the 501.BB file, Department of State central indexed files. The text of the United States draft resolution as submitted to the Economic and Social Council is found in ESC (I), p. 124, annex 1*a*. The draft resolution was submitted by the United States Representative on the Economic and Social Council (Winant) on February 11; for text of Ambassador Winant's remarks on this occasion, see ESC (I), pp. 64 ff.

eral world conference on trade and employment which it is hoped the United Nations Organization will convene later on.³⁵

Objectives of the Preliminary Meeting

It is considered that the best means of preparing for the general world conference would be to develop in advance a body of definite and concrete international commitments on the various aspects of the Proposals which a broadly representative group of nations, including the major trading nations, would be prepared to support and adopt.

Accordingly, it is believed that the objective of the preliminary meeting should be to negotiate, and reach substantial agreement upon, a detailed international instrument incorporating such commitments. It is suggested that this multilateral instrument should be called the Charter of the International Trade Organization of the United Nations. This Charter, like the Articles of Agreement of the International Monetary Fund, would contain not only provisions relating to the machinery of the Organization but also provisions embodying positive and substantive commitments as to the reduction of trade barriers of all kinds, as to the procedures to be followed in dealing with cartels, as to the principles and procedures which would govern the negotiation and operation of intergovernmental commodity arrangements, and as to the international aspects of domestic employment policies in the member countries. As explained below, the provisions of the Charter dealing with trade barriers would have a more definitive status (in respect of the countries participating in the preliminary meeting) than would the remainder of the Charter.

As an essential part of the undertakings for the reduction of trade barriers, provision must be made for the reduction of tariffs. However, in view of the thousands of tariff items involved, and the need for proceeding with tariff reduction on a selective, product-by-product basis, provisions effectuating actual tariff reductions cannot be incorporated in the Charter itself. It is proposed, therefore, that to the Charter there be appended a Protocol in which each country participating in the preliminary meeting (except, of course, countries having a complete state monopoly of foreign trade*) would agree to reduce individual import tariffs, or bind them against increase, in accordance with a schedule setting forth and describing the various products on

³⁵ Regarding the conveyance of copies of this document to the governments of the fifteen "nuclear" countries, see the Department's circular telegram of February 12, 6 p. m., *infra*.

*With regard to such countries, it is suggested that, in lieu of reducing its tariffs, the country having a complete or substantially complete state monopoly of foreign trade might agree to purchase annually from the other countries concerned products valued at not less than an agreed amount. This commitment would be the subject of negotiations at the preliminary meeting and would, like the tariff schedules, be provided for in the Protocol. [Footnote in the original.]

which that country would grant tariff concessions and the agreed maximum rate of duty for each such product.

It has been the past international practice, with few exceptions, to confine negotiations on tariffs to agreements between two countries. In these bilateral agreements, such as those heretofore concluded by the United States under the reciprocal trade-agreements program, each of the two countries parties to the agreement granted reductions or bindings of its import tariffs on products of which the other was a principal or important supplier. While these concessions were as a rule generalized to third countries, either by virtue of most-favored-nation obligations or as a matter of policy, third countries had no contractual right to them independently of the existence of the bilateral agreement in which they were embodied. In other words, tariff reductions have been effected in the past either unilaterally or by means of a network of bilateral instruments, each separate from the other and dependent for its existence and continuation in force upon the policies and decisions of the particular pair of countries concerned.

It is now suggested that the purely bilateral method of negotiating tariff concessions should be modified in connection with the proposed negotiations relating to the Charter of the International Trade Organization, and that a multilateral procedure be developed under which tariff reductions effected in conjunction with these negotiations may stand on all fours with the multilateral commitments relating to other trade barriers which would be incorporated in the Charter itself. In this way each country subscribing to the relaxation of trade barriers other than tariffs under a multilateral plan affecting many products and many countries, would also be assured that equally broad and precise action would be taken with regard to tariffs.

It is proposed, therefore, that the tariff schedules which it is envisaged would result from the negotiations at the preliminary meeting would be multilateral, both in scope and in legal application. Under this plan, there would result from the negotiations a total of 14 schedules of tariff concessions, each schedule setting forth a description of the products and of the concession rates of duty thereon which would be applicable in respect of the imports into a particular country. The products listed in the schedule pertaining to the imports into each country would include those of which the other countries are or are likely to become, principal suppliers, individually or in combination. Each country participating in the arrangement would be contractually entitled, in its own right and independently of the most-favored-nation clause, to the concessions in each of the schedules of the other countries.

It is clear from the foregoing that the negotiations contemplated with regard to tariffs represent an undertaking of considerable magni-

tude and will constitute a main task of the preliminary meeting. The tariff aspect of the negotiations will accordingly require particularly careful and extensive preparation in advance of the meeting. Suggestions as to certain preparatory steps which might be taken are set forth elsewhere in this memorandum.

The Government of the United States hopes that within the next six or eight weeks it will be able to transmit to the other governments intending to participate in the preliminary meeting, for their study and consideration, a detailed draft text of the proposed Charter of the International Trade Organization³⁶ and of the general provisions of the Protocol. Meanwhile, it may be noted that under the Protocol certain Articles of the Charter (e.g. those relating to most-favored-nation treatment, quantitative restrictions, national treatment in respect of internal taxes, et cetera) would be susceptible of being brought into force independently of the remainder of the Charter and in conjunction with the entry into force of the tariff schedules. The purpose of this arrangement is to assure that the tariff schedules, together with those related trade-barrier provisions of the Charter which are designed to safeguard the value of the tariff concessions and which have customarily been included in trade agreements in the past, can be made effective as a separate international instrument in the event of any delay in the general acceptance by the legislatures of the various countries of the Charter as a whole.

The procedures for conducting the tariff negotiations at the preliminary meeting should be such that failure of any pair of countries to reach satisfactory agreement on particular tariff rates would not obstruct the completion of a broad multilateral agreement. In such cases provision might be made for continuing or supplementary negotiations between the countries concerned.

³⁶ This optimistic prognostication fell far short of fulfillment in respect of the projected time-table. It was not until February 28 that first drafts of the proposed Charter (none of which have been found in the Department's central indexed files) were completed in the Department, and forwarded to the appropriate inter-departmental committee which in this case was the Executive Committee on Economic Foreign Policy (hereafter cited as ECEFP). The ECEFP about March 15 distributed the various chapters of the draft Charter, based on the Proposals of December 6, 1945, to the interested subcommittees of the ECEFP, for consideration and revision as required. For the progress of this item in the work of the ECEFP, see footnote 73, p. 1328.

The Executive Committee on Economic Foreign Policy was established on April 18, 1944 under authority of a letter from President Roosevelt to the Secretary of State dated April 5, 1944. Its terms of reference were to examine problems and developments affecting the economic foreign policy of the United States and to formulate recommendations in regard thereto for the consideration of the Secretary of State, and, in appropriate cases, of the President. Its membership included two members from the Department of State, at the Assistant Secretary or comparable level, to act as chairman and vice-chairman of the committee, one member each with an alternate from the Departments of the Treasury, Agriculture, Commerce, Labor and the United States Tariff Commission, and one observer each from the Bureau of the Budget and the Office of War Mobilization and Reconversion. The secretariat of the committee was drawn from the Department of State.

Preparatory Steps in Advance of the Meeting

The following suggestions are made as to the steps which it is believed should be taken to assure adequate preparations for the preliminary meeting:

1. Each Government should endeavor to formulate, with a view to definitive discussion at the meeting, its position and views as to the various principles set forth in the Proposals published by the United States and as to the provisions of the detailed draft Charter, referred to above, in which these principles would take concrete form. The Government of the United States would be glad to receive, in advance of the meeting, the views of any of the other Governments regarding any aspect of the Proposals or the draft Charter.

2. The Government of each country should transmit to the Government of each other country from which it wishes to receive tariff concessions a statement setting forth (1) a list of the products on which it will request concessions of that country, and (2) the actual reductions or bindings of tariff rates which it plans to request in respect of such products. This statement containing both types of information should be transmitted as soon as possible. However, since it is relatively easy to prepare a list of products alone, without an indication of the tariff concessions to be requested, and since even such a list would provide some assistance to the various countries in preparing for the negotiations, it is suggested that a list of this kind might well be sent in advance of the more complete statement containing detailed requests for tariff concessions. The work of all concerned would be facilitated if, in preparing the list of products and the concessions to be asked, use would be made of the statistical or tariff nomenclature of the country of which the concessions are requested.³⁷

3. In preparing requests for tariff concessions, it is suggested that the participating Governments may wish to apply the principles outlined in the Proposals relating to cases in which there is a state monopoly of the trade in an individual product (Chapter III, Section E, paragraph 2 of the Proposals). These principles suggest that, in the case of such monopolies, the protection afforded domestic producers by means of price disparities similar to those caused by import tariffs can be effectively reduced or bound against increase by negotiating a

³⁷ In a circular telegram of February 26, 4 p. m., to the fifteen missions concerned, the Department asked that the "need for treating as confidential requests made by one country of another for tariff concessions on specific items" be emphasized to the appropriate officials of the government to which they were accredited (560.AL/2-2646). On March 11 the Department transmitted under instruction to the interested missions copies of a publication entitled "Statistical Classification of Imports into the United States". It was requested that this document be handed informally to officials of the government concerned "stating that it may be found useful in identifying particular commodities upon which tariff concessions may be requested of the United States in connection with the preliminary trade meeting". (560.AL/3-1146)

maximum margin between the landed price at which the monopoly can buy the foreign product and the price at which the monopoly sells the product in the home market. Such negotiated margins would be set forth and provided for in the tariff schedules along with the negotiated rates of customs duty. These margins would, of course, be exclusive of transportation, distribution and other expenses incident to the sale of the imported product.

4. In addition to import tariffs, each Government should also examine the export tariffs or taxes which may be maintained by certain of the other governments participating in the meeting with a view to determining whether it wishes to request concessions on individual export tariffs affecting its sources of supply. As in the case of import tariffs, requests for concessions on export tariffs should be communicated to the appropriate government or governments in advance.

5. The requests for tariff concessions which each Government would have made of the others, and the requests which each Government would have received from the others, should make it possible for each Government to have formulated, by the time the meeting begins, a schedule of the offers which it would be prepared to make to all of the other governments as a group in the light of what it would expect to receive from each of them. It is suggested that, for convenient reference in transmitting requests for tariff concessions prior to the opening of the preliminary meeting, the Schedules which would pertain to the various countries might be numbered in alphabetical order, as follows:

<i>Name of Country</i>	<i>Schedule</i>
Australia	Schedule I
Belgo-Luxembourg Economic Union and Belgian Congo	Schedule II
Brazil	Schedule III
Canada	Schedule IV
China	Schedule V
Cuba	Schedule VI
Czechoslovakia	Schedule VII
France and French Empire	Schedule VIII
India	Schedule IX
Netherlands and Empire	Schedule X
New Zealand	Schedule XI
Union of South Africa	Schedule XII
Union of Soviet Socialist Republics	Schedule XIII†
United Kingdom, Newfoundland, Southern Rhodesia, Burma and colonial dependencies	Schedule XIV
United States	Schedule XV

† If the principles indicated in Chapter III, Section E, paragraph 3 of the Proposals should prove to be acceptable to the USSR and to the other participating countries, this Schedule would relate, not to tariff concessions, but to an undertaking to purchase annually products valued at not less than an aggregate amount to be agreed upon. [Footnote in the original.]

Procedures for Conducting Negotiations at the Preliminary Meeting

In order that the work of negotiating arrangements of the complexity and scope of those under consideration may proceed in an orderly and expeditious fashion, it is essential that the preliminary meeting be well organized. The following suggestions bearing upon the make-up of the delegations and the committee structure of the meeting are advanced for consideration:

1. *Make-up of the Delegations.* It is believed that the main considerations to be borne in mind with regard to the make-up of the delegations are that *a*) the meeting is intended to be preliminary to the world conference on trade and employment and would not therefore be of the same order of importance as the world conference, and *b*) the primary work of the meeting would be highly technical in character, requiring the services of persons competent in the various specialized fields embraced under the following headings:

- i) Employment policies;
- ii) Tariffs (including technical tariff policies in respect of individual products as well as technical tariff, tariff nomenclature, and customs administrative problems);
- iii) Exchange and international financial controls;
- iv) Agricultural policies bearing on international trade;
- v) Policies in respect of intergovernmental controls over the production of, or trade in, primary commodities;
- vi) Cartels;
- vii) Commercial policy in general (including broad questions of tariff policy such as most-favored-nation treatment, generalization of duties, et cetera); and
- viii) International organizational problems.

2. *Organization of the Meeting.* The first task of the meeting will be to agree upon the committees or other groups which will need to be established in order to conduct the negotiations on substantive matters. In the light of the various subjects to be discussed, and the need for proceeding more or less simultaneously over a broad field, it is suggested that committees consisting of representatives from each of the participating governments may need to be established to cover the areas indicated below. The outline which follows is intended to be tentative and suggestive only, and is merely put forward for the purpose of indicating the organizational problems involved.

A. *Committee on Employment Policies.* (This Committee would deal with provisions relating to the international aspects of domestic employment policies.)

B. *Committee on Tariffs.* (This Committee might deal with questions of most-favored-nation treatment and generalization of duties as well as with the broad aspects of the detailed negotiations for the

reduction of tariffs. Since the matter of a particular tariff concession, offered by one country in respect of a product of which another is the principal supplier, is not usually of primary interest to countries other than the two countries immediately concerned, it is probable that the detailed negotiations for tariff concessions would be very largely conducted in the groups representing pairs of countries. In other words, although the tariff schedules, as finally worked out, would be multi-lateral in scope and would be subject to general approval by the Committee on Tariffs, decisions as to the particular concessions on particular commodities would be taken in the small negotiating groups, which would usually be of a bilateral character.)

C. *Committee on Non-Tariff Trade Barriers.* (This Committee might deal with quantitative restrictions, exchange controls, and subsidies.)

D. *Committee on General Commercial Provisions.* (This Committee might deal with such questions as customs formalities, marks of origin, tariff valuation, freedom of transit, and miscellaneous commercial provisions.)

E. *Committee on Cartels.* (This Committee would deal with provisions relating to the curbing of restrictive business practices.)

F. *Committee on Commodity Policy.* (This Committee would deal with provisions relating to the principles and procedures which should govern the negotiation and operation of intergovernmental agreements which restrict the production of, or trade in, primary commodities.)

G. *Organization.* (This Committee would deal with provisions relating to the functions and structure of the International Trade Organization.)

In addition to the foregoing, there would appear to be need for 1) a legal and drafting committee, and 2) a general committee, consisting of the heads of delegations, to pass upon the work of the meeting as a whole.

Relation Between Preliminary Meeting and Proposed World Conference on Trade and Employment

If the negotiations at the preliminary meeting are successfully carried forward along the lines indicated above, there would emerge from the meeting the draft Charter of the ITO and the Protocol.

It is proposed that the draft Charter should be submitted to the world conference on trade and employment for its consideration and that the provisions of the Charter should be open to amendment at that conference in the light of the new considerations introduced as a result of the larger number of countries participating.

With regard to the tariff schedules provided for under the Protocol, however, it seems clear that these cannot practicably be reopened, as among the countries participating in the preliminary meeting, for

consideration and possibly renegotiation at the general world conference. Nor would such action seem to be required or appropriate on grounds of equity.

It is proposed, therefore, that the Protocol, consisting of the tariff schedules and of the non-tariff trade barrier provisions of the draft Charter which it may be agreed to incorporate in the Protocol by reference, should, at the close of the preliminary meeting, be signed and published by the countries participating in that meeting and should come into force, independently of the Charter, in accordance with provisions to be worked out. In order to make perfectly clear the relationship between the Protocol and the Charter, provision might be made whereby the Protocol could later be adapted to any changes in the provisions of the Charter relating to non-tariff trade barriers which might result from the action of the world conference.

The question will arise at the preliminary meeting, and later at the world conference, as to what treatment should be accorded to the commerce of countries which fail to adhere to the Charter of the ITO or which, having adhered, fail to carry through tariff reductions comparable in scope to those which it is expected the countries participating in the preliminary meeting will have effected as a result of the prior negotiations.

Related to the foregoing is the question as to what procedure should be followed in conducting tariff negotiations *a*) between those countries which have participated in the preliminary meeting (and which have, therefore, already agreed upon tariff concessions over a wide range of products) and newly adhering countries, and *b*) between the newly adhering countries themselves.

With regard to the first question, it is suggested that any final decision involving the concerted withholding from the trade of non-adhering countries of the benefits of the provisions of the charter relating to non-tariff trade barriers, or involving the denial of tariff concessions to the trade of countries which, having adhered to the Charter, fail to carry out adequate tariff reductions, can only be taken at the general world conference in the light of the views of all interested countries. It is clear, however, that the countries participating in the preliminary meeting should formulate and make recommendations to the world conference on this point. The following suggestions are put forward as to the policy which these recommendations might urge for adoption :

1. The members of the ITO, i.e. those countries which adhere to the Charter, should pursue a common policy regarding the generalization to the trade of non-members of the benefits of the trade provisions of

the Charter, including tariff concessions granted pursuant to the Charter.

2. In order to facilitate the foregoing, the countries participating in the world conference should agree, at the conference, that they will not invoke prior most-favored-nation obligations for the purpose of obtaining the benefits under reference.

3. Subject to exceptions authorized by the International Trade Organization, and to any temporary or conditional exceptions which the world conference may agree to make in respect of countries that may not have had an opportunity to participate in the formulation of the Charter, countries adhering to the Charter should, after a reasonable period, withhold the benefits of the Charter from the trade of countries which refuse to adhere to it. Similarly, and subject to exceptions authorized by the ITO, those countries adhering to the Charter which have completed adequate tariff negotiations might, after a reasonable period, become entitled to withhold the tariff concessions resulting from such negotiations from the trade of countries which, although having adhered to the Charter, fail to negotiate tariff reductions judged by the ITO to be in conformity with the spirit of the commitments to negotiate tariff reductions contained in the Charter.

4. The policy suggested in 2 and 3, above, should also apply, of course, in respect of member countries which withdraw from the ITO or which terminate the tariff concessions they have made.

With regard to the related question of the procedure for assuring, by negotiation, the reduction of tariffs on the part of adhering countries other than those which have reduced their tariffs in connection with the preliminary meeting, the following possibilities occur to the Government of the United States:

1. Countries which have completed tariff negotiations among themselves at the preliminary meeting would negotiate separate bilateral tariff-reduction agreements with adhering countries not present at that meeting, and the latter would negotiate such agreements between themselves. The requirement would be made that these negotiations must proceed as soon as practicable upon the request of either party.

2. It may be possible to establish within the ITO a mechanism whereby the multilateral tariff negotiations initiated at the preliminary meeting may be continued on a multilateral basis with adhering countries not present at that meeting. Under this procedure, each adhering country which had not yet undertaken tariff negotiations would offer to negotiate with those that had, a multilateral schedule of concessions similar in scope and legal application to the schedules emerging from the preliminary meeting; and the countries already having such multilateral schedules in effect would offer to amend them to the extent necessary to assure appropriate concessions on products of which the newcomer was a principal supplier.

Whatever procedure is adopted, due weight should be given in the negotiating process to concessions already made as a result of prior negotiations.

560.A.L./2-1246: Circular telegram

*The Secretary of State to Certain Diplomatic Officers*³⁸

CONFIDENTIAL

WASHINGTON, February 12, 1946—6 p. m.

Dept will transmit to you, within next few days, third person air mail instruction enclosing copies of a memorandum dated Feb 6 entitled "Preparations for Preliminary Meeting on Trade and Employment".³⁹

Please transmit copies of this memorandum to appropriate officials of Govt to which you are accredited, stating that it represents the ideas of the Govt of the US regarding a) the objectives of the meeting, b) the procedures which appear to be desirable before and at the meeting to achieve these objectives and c) the relation between the preliminary meeting and the proposed general world conference on trade and employment. You may also add that Govt of US would be glad to receive views of Govt to which you are accredited regarding any of suggestions put forward in memorandum.⁴⁰

Copies will also be made available informally to missions of nuclear countries in Washington.

In connection with foregoing, US delegation to UNO has introduced resolution in Economic and Social Council for calling of world conference on trade and employment which will be discussed by Council in next day or two. Text of resolution follows in subsequent circular telegram.⁴¹

BYRNES

501.BD/2-1746: Telegram

The United States Representative at the United Nations (Stettinius) to the Secretary of State

URGENT

LONDON, February 17, 1946.

[Received February 17—2:41 p. m.]

1998. For Wilcox. Delun 355. Drafting Committee on Trade Conference resolution reached quick agreement on Saturday on text quoted below. Practically all of preamble is omitted as having served

³⁸ Sent to the fifteen United States missions accredited to the governments invited by the United States to the preliminary conference.

³⁹ The memorandum was transmitted under cover of instructions dated February 15, none printed. On the same date, February 15, the Department sent a circular telegram to the same missions instructing them to withhold conveyance of the memorandum to the government concerned until informed by the Department that ECOSOC had acted on the proposed resolution on the trade and employment conference (560.A.L./2-1546).

⁴⁰ The Department authorized transmission of the memorandum to the appropriate governments in a circular telegram of February 20, 7 p. m. (560.A.L./2-1546).

⁴¹ The draft of this resolution is printed in telegram 797, January 22, p. 1277.

a useful purpose in initial stages but as being unnecessary for final recitation. Resolution comes before Council Monday afternoon. No discussion in full Council yet as to names of additional number of countries to be added to paragraph (f).

"The Economic and Social Council considering it essential that the cooperative economic measures already taken be supplemented by further international measures dealing directly with trade barriers and discriminations which stand in the way of an expansion of multi-lateral trade and by an undertaking on the part of nations to seek full employment, therefore

(a) Decides to call an international conference on trade and employment in the latter part of 1946, for the purpose of promoting the expansion of production, exchange and consumption of goods.

(b) Constitutes a Preparatory Committee to elaborate an annotated draft agenda including a draft convention for consideration by the conference, taking into account suggestions which may be submitted to it by the Economic and Social Council or by any member of the United Nations.

(c) Suggests, as a basis of discussion for the Preparatory Committee, that the agenda include the following topics:

(I) International agreement relating to the achievement and maintenance of high and stable levels of employment and economic activity.

(II) International agreement relating to regulations, restrictions and discriminations affecting international trade.

(III) International agreement relating to restrictive business practices.

(IV) International agreement relating to intergovernmental commodity arrangements.

(V) Establishment of an international trade organization, as a specialized agency of the United Nations, having responsibilities in the fields of (II), (III) and (IV) above.

(d) Requests the Preparatory Committee, when considering the foregoing items, to take into account the special conditions which prevail in countries whose manufacturing industry is still in its initial stages of development, and the questions that arise in connection with commodities which are subject to special problems of adjustment in international markets.

(e) Requests the Preparatory Committee to report to a subsequent session of the Council recommendations as to the date and place of the conference, the draft agenda including the draft convention, and as to what states, if any, not members of the United Nations, should be invited to the conference on trade and employment.

(f) Appoints as members of the Preparatory Committee the representatives of the governments of the following countries: Australia, Belgium-Luxembourg, Brazil, Canada, China, Cuba, Czechoslovakia, France, India, Netherlands, New Zealand, South Africa, USSR, the United States, the United Kingdom."

501.BD/2-1946: Telegram

*The Acting United States Representative at the United Nations
(Stevenson) to the Secretary of State*

LONDON, February 19, 1946.

[Received February 20—10:19 a. m.]

2076. Delun 360. At public portion of ECOSOC meeting on Monday afternoon action was taken as described below:

Report of drafting subcommittee on Trade Conference resolution (E/22) was adopted without discussion. This is revision of latter part of original US proposal (E/4) and contains formula concerning agenda as follows: "ECOSOC suggests as a basis of discussion for the Preparatory Committee that the agenda include the following topics". Agenda topics thus suggested are same as those in earlier paper. It also contains extra paragraph as follows:

"ECOSOC requests the Preparatory Committee when considering the foregoing items to take into account the special conditions which prevail in countries whose manufacturing industry is still in its initial stages of development and the questions that arise in connection with commodities which are subject to special problems of adjustment in international markets". It furthermore gives names of members of Preparatory Committee which are same as countries listed in earlier paper. To these were added names of Chile, Norway and Lebanon. First two had been suggested by US and when Lebanon, Yugoslavia and Greece all sought seats either by addition to existing list or by substitution, Chairman's suggestion that Lebanon should also be added was accepted by Council.⁴²

[Here follows discussion of other ECOSOC matters.]

STEVENSON

560.AL/2-2346: Telegram

*The Ambassador in the United Kingdom (Winant) to the Secretary
of State*

CONFIDENTIAL

LONDON, February 12 [23?], 1946—noon.

US URGENT

[Received 12:12 p. m.]

2233. For Wilcox and Brown from Hawkins and Catudal.

1. We had long talk with officials from Board of Trade, Ministry of Works and Conference Department of Foreign Office regarding site for preliminary trade meeting. Board Trade is very reluctant to consider London for site for several reasons particularly that if meeting

⁴² For the final text of the resolution as adopted by ECOSOC on February 18, see ESC (I), p. 173.

were held in London it would throw a double burden on their officials who would find it practically impossible to escape from their desks.

2. Accordingly British have diligently explored possibilities of holding meeting in a provincial town, but they would have a most serious problem of rehabilitating suitable hotels (which have in most cases been used for military purposes) in site chosen in view of acute shortage of labor and other difficulties. Oxford was abandoned because not available for more than two months. Thereupon, the possibilities of Brighton, Bournemouth, Blackpool and Southport were all investigated and for one reason or another each has been found impossible within time available. However, Ministry of Works people have heretofore been working on assumption meeting would take place around June 15.

3. Liesching indicated that the British would consider London as last resort if necessary rather than abandon idea of holding meeting in England but they would be most reluctant to do so. However, regardless of whether held in London or elsewhere, British feel it essential that a definite date be fixed immediately in order to give them time to make the necessary arrangements. If the meeting were delayed until August 1 or September 1 it would probably be possible to complete necessary rehabilitation work in one of provincial towns mentioned (probably Brighton or Southport) if they have notice at once.

4. British have asked us to get a decision from Washington on a definite date within a week in order to give them time to plan and make arrangements. Despite the desirability of holding preliminary trade conference at as early a date as possible, we are impelled, if we must fix on a definite date at this time, to suggest September 1 as perhaps the earliest date which we could feel reasonably certain would not have to be postponed. We consider that the British request for an immediate decision is a reasonable one in view of their manpower and other difficulties. The September 1 date would give sufficient leeway to permit delaying the issuance of public notices so as not to adversely complicate other current matters and would also give all countries available additional time for preliminary work. The Department will, of course be in a better position than we are to take into account all the factors involved. [Hawkins and Catudal.]

WINANT

560.AL/2-2346 : Telegram

*The Secretary of State to the Chargé in the United Kingdom
(Gallman)*

CONFIDENTIAL

WASHINGTON, February 26, 1946—6 p. m.

1806. For Hawkins. Reurtel 2233, Feb 23. 1. Dept agrees Sept 1 satisfactory date which can reasonably be held to barring unforeseen

developments re other current matters and you may so inform British.⁴³

2. Dept is considering desirability of holding a short session of Preparatory Committee to last not more than a few days sometime in June or July possibly immediately following second session of ECOSOC. Main purpose of meeting, which might be in New York, would be to exchange ideas on preparations for and procedural aspects of full meeting in September. Additional purposes would be to bring out general reactions to Proposals and to offset somewhat loss in sense of urgency and importance tending to result from postponement of definitive negotiations until September while retaining advantages of having tariff negotiations in progress at same time as discussion on other points. Please telegraph your reactions to this proposal.

BYRNES

560.AL/2-2846 : Telegram

The Chargé in the United Kingdom (Gallman) to the Secretary of State

SECRET

URGENT

LONDON, February 28, 1946—6 p. m.

[Received March 1—9:59 a. m.]

2439. For Wilcox, Stinebower and Brown from Hawkins. We transmitted Wednesday copies of February 6 memorandum on preparations of preliminary meeting to Shackle and Stirling, Board Trade, with covering note embodying substance of Paragraphs 3 and 4 of Department's circular telegram, February 12, 6 p. m. on which they will give us their comments soon; conveyed substance of Department's circular telegram, February 26, 4 p. m.;⁴⁴ informed them (Paragraph 1 urtel 1806, February 27) that Department considers September 1 satisfactory date for preliminary meeting barring unforeseen developments; and discussed the suggestion contained in Paragraph 2 urtel 1806, February 27 [26], concerning possible short session of Preparatory Committee to exchange ideas on preparations for full meeting in September and to bring out general reactions to our "proposals".

2. In light of informal discussion with Shackle and Stirling (Liesching being ill) and of previous consideration of subject Fowler, Catudal, and I have arrived at following conclusions; which represent only our own views.

a) Postponement of preliminary meeting to September 1 will give opportunity for more thorough preparatory work than would other-

⁴³ Other discussions between the Embassy and the Board of Trade followed in March. London was finally selected as the site for the conference.

⁴⁴ See footnote 37, p. 1284.

wise have been possible. The most important use to which this additional time could be put would be to get an agreement among the nuclear countries on our "proposals" with which only the British, Canadians and ourselves are thus far in agreement.

b) We question whether a brief meeting in New York in June after the ECOSOC meeting would be well suited to this purpose. Some adverse reactions to our proposals seem inevitable. Since we could not safely let the matter rest until September meeting with important issues unresolved, we would probably have rather protracted discussions. Putting off settlement of these issues would transfer time-consuming debates to a time when we would be overwhelmed with difficult and detailed tariff negotiations, and the September meeting would be unduly protracted. There is also the consideration that our negotiating position tends to be stronger if we consider the principles independently of their detailed implementation. Unless our schedule of offers embodies maximum reductions on all key items of interest to the countries concerned, they would be inclined, knowing our desire to have the general provisions accepted, to withhold their acceptance with the idea of putting pressure on US to make the maximum tariff reductions. However, whether or not this makes any real difference in negotiating position, this mixing of negotiations on general provisions and schedules at the September meeting would leave in a state of confusion the basis for the preparatory work of formulating the schedules. If there is doubt about the acceptability of essential principles on the part of important nuclear countries, there will be confusion and uncertainty in the preparations for the preliminary meeting. If, for example, important countries refuse to agree to the principle of general elimination of import restrictions, other countries will find it difficult to know how to formulate specific requests. Brazil might ask France for larger quotas whereas our requests of France might be based on assumption of a general prohibition against quantitative restrictions. For these reasons we believe June meeting as contemplated in your reference telegram could not and should not be a brief exploratory meeting but should seek to establish a solid basis for the negotiations in September by reaching firm agreement among all the nuclear countries on our "proposals". It is true that even if the principles were accepted they would not be binding until satisfactory schedules had been agreed to and they naturally will make the effectiveness of the general provisions contingent upon satisfactory schedules. But the important difference is that if the general principles of our "proposals" can be conditionally agreed to first, a solid basis for formulating requests and offers on items for the schedules would be established.

c) In view of above we feel that meeting should be held earlier than June. Also, if meeting held for purpose of accomplishing what we think should be accomplished started as late as June it could not be completed long enough before September meeting to give nuclear countries opportunity to complete their preparatory work on firm basis of general agreement on our "proposals". British consider it necessary to have meeting of Empire countries prior to September meeting and have previously talked in terms of holding such meeting some 6 weeks before the preliminary meeting. There might be insufficient time for this if meeting you have in mind started in June and were as protracted as we think it would be. Earlier meeting, held before Empire meeting, would enable us to help persuade any dissenting member of Empire to accept key points in our "proposals".

d) British raised manpower problem, with particular reference Empire countries, in connection with June or earlier meeting. While recognizing problem, we pointed out that only few people for each country required for such a meeting; that manpower requirements for preparatory work for September meeting would be reduced if it could be carried out on basis of solid commitments on essentials; and that meeting considerably earlier than June might be completed in time to permit Empire representatives to return, if necessary, to home bases to assist in preparatory work and then come to London for Empire meeting, which would be shorter than otherwise as result of prior meeting on principles, in advance of September meeting. Although bearing of timing and place of meeting on manpower problem not fully explored, there might be considerable saving for Empire countries and most of the others if meeting you have in mind could be held in London.

e) All the foregoing considerations seem to us to argue for holding the meeting in early April rather than June and in London rather than New York.

f) The draft charter referred to in the memorandum on preparations for and procedure at the conference should, we believe, be withheld from distribution until we have gotten further along with agreement on principles. The effect of distributing GA detailed draft in advance of general agreement on our "proposals" might be to make it more difficult to reach agreement on basic principles because countries not yet committed in principle would be inclined to study the details of the draft charter, and argue about them, before agreeing to the underlying principles.

g) As to the participants in the June or April meeting, we feel that all the countries on the ECOSOC Preparatory Committee should participate. The meeting would be called as a meeting of the ECOSOC

Preparatory Committee for the purpose of beginning to carry out the task assigned by the Council. The Committee might, at this meeting agree on an annotated draft agenda in line with our "proposals", leaving the draft convention for a later meeting. Prior to such later meeting the draft charter could be circulated to all members on the Committee. We should warn the nuclear countries prior to the first meeting of the Committee, that we intend to seek agreement at the meeting on our proposals so that delegates from those countries can come properly prepared.

h) There may be a by-product of considerable importance from an early meeting of the Preparatory Committee called for the purpose we have in mind. Although USSR has not to our knowledge accepted US invitation to preliminary meeting of nuclear countries, Soviet representative participated in ECOSOC discussion of resolution on trade conference and voted for resolution. USSR, being one of the countries designated to compose Preparatory Committee, would probably find it difficult to decline to participate in discussion of principles if this is handled by Preparatory Committee in carrying out its task rather than by a preliminary meeting called by the US. [Hawkins.]

GALLMAN

560.AL/3-446: Telegram

The Chargé in the United Kingdom (Gallman) to the Secretary of State

SECRET

US URGENT

LONDON, March 4, 1946—6 p. m.

[Received 7:22 p. m.]

2573. Embtel 2561, March 4, 4 p. m.⁴⁵ For Wilcox, Stinebower and Brown from Hawkins. In further discussions with Liesching and Shackle, they gave reasons for objecting both to the meeting in June, as suggested in urtel 1806 of Feb 27 [26] and to the earlier meeting for getting agreement on our proposals as suggested in Embtel 2439, of Feb 28, 6 p. m.

A specific objection to the June meeting is that the delegates attending the meeting of ECOSOC would not be those best qualified to consider and give their reactions to our proposals. They point out that only three Empire countries are represented on the Council and that if those not represented were to send representatives, they might be only officials designated for the purpose from diplomatic missions in Washington rather than qualified people who would be preoccupied at home with preparing for the September meeting.

⁴⁵ Not printed.

They think our memorandum on procedure,⁴⁶ supplemented as may be required, should be sufficient to cover the preparatory steps and that it would be preferable to seek agreement on substance through bilateral discussions with the countries concerned. They say that countries which have accepted invitations to the September meeting have implicitly agreed to our proposals as the basis for discussion and that this affords sufficient basis for the preparation of schedules.

The British also object that the Preparatory Committee, if it should meet in April or June, would take over the direction of procedural and other preparations for the September negotiations among the nuclear countries.

They also object to any meeting for the purpose of seeking agreement on principles, because they feel that the countries concerned will be more interested in the tariff schedules than in the general principles and will be much more inclined to accept the latter if the two are considered at the same time. They believe that there will be much greater pressure on countries to come to agreement at a more formal and more publicized meeting such as the one in September than would be the case in a meeting on principles alone. A further consideration is that they feel committed to have a meeting among the Empire countries before they participate in any broader international meeting on this subject, and they feel that it would be impracticable to hold the Empire meeting earlier than about 6 weeks in advance of the September meeting.

2. We are inclined to think that the underlying reason for the Board Trade attitude is that by getting a solid Empire front regarding US tariff rates of interest to the Empire before all of the Empire countries have agreed to the general provisions, they would enter the September negotiations with the strongest possible bargaining position to obtain maximum US tariff reductions. There was no indication that Liesching had consulted British officials concerned with ECOSOC matters. [Hawkins.]

GALLMAN

560.AL/3-446: Telegram

*The Secretary of State to the Chargé in the United Kingdom
(Gallman)*

CONFIDENTIAL

WASHINGTON, March 13, 1946—8 p. m.

2268. For Hawkins. 1. We have been giving careful thought to viewpoints expressed in urtels 2439, Feb. 28, and 2573, Mar. 4, re April or June meeting on Proposals as such.

⁴⁶ i.e., the February 6 memorandum, p. 1280.

2. While we recognize advantages you cite of having wider agreement on principles before proceeding to definitive negotiations, general reactions from various Govts thus far lead us to belief that such agreement, which would have to be sought in absence of use of our tariff bargaining power, might be extremely difficult to get. Failure to get it might put us in worse position than before. We also feel that meeting to discuss Proposals in full detail could not well be superficial affair but would require fairly large preparations. This might slow down preparatory work for detailed negotiations in September. On balance, therefore, we are inclined to agree with Liesching that meeting to discuss Proposals as such should not be held.

3. Re meeting to discuss procedures only, we have consulted Canadians who thought this would be desirable. We do not feel strongly about it, however, and in view of British opposition are inclined to drop idea unless you think it should be explored further with British.

4. An alternative to foregoing might be to begin definitive discussions on or before August 1 instead of September 1 and to use first month or six weeks to negotiate, and get out of the way if possible, those parts of Proposals dealing with surplus commodities, cartels, employment measures and structure of the international organization, leaving until last the general provisions relating to tariffs, quotas and closely related matters and the detailed tariff negotiations. Advantages of this would be 1) discussions could begin earlier even though preparations for tariff negotiations were not completed here, 2) manpower and housing situation would be eased to extent Govts used different people for different subjects, and 3) procedurally, meeting might be easier to handle by eliminating need for simultaneous discussion of all matters including detailed tariff negotiations. At same time, discussion of nontrade-barrier provisions would not be so far removed in time from tariff negotiations as in your proposals.

Please discuss this with British if you think desirable and in any event give us your own reaction.

BYRNES

560.AL/3-2046 : Telegram

The Chargé in the United Kingdom (Gallman) to the Secretary of State

SECRET US URGENT

LONDON, March 20, 1946—3 p. m.

[Received March 21—2:40 p. m.]

3237. From Hawkins to Clayton, Wilcox, Stinebower, and Brown. Following are our reactions to ideas in urtel 2268, March 13, 8 p. m.:

1. With regard to your point that it would be difficult to get wide

agreement on principles in absence of use of our tariff bargaining power, we recognize that negotiated tariff schedules embodying not only our own offers but the aggregate offers of other nuclear countries, would undoubtedly exert a favorable psychological influence on countries otherwise reluctant to accept certain of our "proposals", e.g., general abolition of quantitative restrictions. However, we think that a separate meeting on the "proposals" in advance of tariff negotiations which afforded opportunity for thorough elucidation and discussion would result in a very large measure of, although probably not complete, agreement. The "proposals" on first study seem complicated and the flexibility provided to meet varying situations in which countries find themselves may easily be overlooked. A good deal of explanation and discussion will be necessary before general acceptance can be expected and we doubt whether this could be done effectively through bilateral discussions which would involve uneconomical use of our manpower and which probably would not be taken seriously enough by the other parties. Much of this time-consuming work could be disposed of and a large measure of agreement could be reached through round-table discussions before the nuclear negotiating meeting takes up its heavy load. Under this procedure the bargaining power of tariff schedules would not be wasted on matters concerning which wide agreement is possible in absence of tariff schedules; it would be conserved for the few precise issues still unresolved.

2. A further consideration to which neither we nor the Brit may have given sufficient attention is the need for carrying out the ECOSOC resolution establishing the preparatory committee to prepare an annotated draft agenda and draft convention as it seems to us that when the preparatory committee meets it must necessarily discuss and attempt to obtain at least tentative agreement on bases and principles if it is to carry out its assigned task. The first meeting of this committee, called to work out the annotated draft agenda, would naturally afford what seems to us an ideal opportunity to seek to obtain a large measure of, although probably not complete, agreement on our "proposals" in advance of tariff negotiations.

3. In the light of the foregoing, the following procedural steps, in chronological order, are suggested :

(a) Meeting of ECOSOC preparatory committee to prepare annotated agenda. In this meeting we would seek to get the largest possible measure of agreement of our "proposals" without, however, setting up complete agreement as our goal (this reflects a change in our thinking, in the light of urtel 2268, from that expressed in our tel 2439, 28th, 6 p. m.). Any unsettled points of substance would be put over for further consideration, particularly in the nuclear meeting, when they could be considered in relation to the overall results attained in those negotiations. Even though agreement was not reached on all

points at the initial meeting of the preparatory committee we would make the point that on preparing schedules for the nuclear negotiating meeting, tariff rates only should be considered; that non-tariff trade controls should be dealt with in the general provisions to be embodied in the convention;

(b) At or near the end of the preparatory committee meeting the US would distribute its draft convention or "charter" for consideration first at the nuclear meeting and later by the preparatory committee. The draft convention would, of course, deal with any unresolved points in accordance with our own views.

(c) Nuclear meeting to negotiate tariff schedules and convention would meet after sufficient lapse of time to permit adequate preparatory work. Non-nuclear members of the preparatory committee could attend nuclear meeting and participate in consideration of the convention, but since the nuclear meeting may last for 3 or 4 months, these members might prefer to await the outcome of the nuclear negotiations before attending another meeting of the preparatory committee at which the text of the convention worked out by the nuclear group would be gone over by the full committee.

4. If the Dept should view favorably program along the above lines our first task would be to try to convince Brit of desirability of separating negotiations on schedules from those on the principles to the extent above suggested. This might be possible since we feel a very strong case can be made for it. Even if Board of Trade should continue to object it seems unlikely that Brit Govt as a whole would oppose earlier meeting of ECOSOC committee for above purpose if a considerable number of the countries concerned should advocate it with or without a lead from us.

5. There would remain the question timing. If the nuclear meeting is to be held in September the Brit would raise objections to prior consideration of our "proposals" on the ground that it would take the time of people in many countries who are busily engaged in preparing for the Sept negotiations. They might be persuaded to drop this objection if we could convince them of the desirability of trying to get the maximum possible agreement on the "proposals" prior to the nuclear negotiations, but in that event they might take the view that interruption resulting from meeting on principles would require more time for preparatory work for nuclear meeting and consequently suggest that the Sept meeting be postponed in order to allow for this. However, this would provide a better reason for postponement than domestic considerations (our 2907, Mar 12)⁴⁷ in the event the Dept should consider a few months delay desirable on the latter grounds.

6. The foregoing suggestions differ from your ideas for an August 1st meeting in that we would not deliberately hold over until

⁴⁷ Not printed.

the nuclear meeting the difficult and important section on non-tariff trade barriers but would try beforehand to narrow down to precise points the issues arising in that section, or even to resolve them. They resolve them. They differ also in that the formal setting of the discussions we contemplate would be the first meeting of the preparatory committee called to work out a draft annotated agenda. This distinction seems important to us for the reason that it should be relatively easy to postpone the attempt to resolve any matters of critical importance to the nuclear meeting. If the first meeting of the preparatory committee did not result in agreement on a draft annotated agenda satisfactory to us it should be relatively easy also to get the meeting adjourned until sufficient progress had been made in the nuclear negotiations to insure satisfactory results at second meeting of the preparatory committee. On the assumption of a Sept negotiating meeting we think the timing of your August meeting would come too late to lay the basis for the preparatory work on schedules.

7. In general the consideration that dominates our thinking on these matters is the need for thorough and careful preparation for an undertaking of such great complexity and difficulty as the nuclear meeting most certainly will prove to be. In our minds this consideration outweighs even the objections to postponing the nuclear meeting if this should prove to be necessary.

8. We have not discussed the foregoing with the Brit. Nor have we as yet advised the Brit of your acceptance of London as a site as authorized in your 2291, Mar 14⁴⁸ as this would cause steps to be taken and commitments to be made on the basis of Sept as the definite and final time for the nuclear meeting. We cannot, however, delay advising the Brit very long and it is therefore important that decisions be reached as soon as possible. [Hawkins.]

GALLMAN

560.AL/3-2146: Telegram

The Chargé in the United Kingdom (Gallman) to the Secretary of State

SECRET

US URGENT

LONDON, March 21, 1946—6 p. m.

[Received March 21—5:30 p. m.]

3259. For Wilcox, Stinebower, and Brown from Hawkins. Peterson, Fowler and Hawkins attended a meeting held in Board of Trade today on invitation of Liesching to discuss various matters relating to Trade and Employment Conference and preliminary meeting as follows:

⁴⁸ Not printed.

(1) Your procedural memorandum February 6 is considered by the British to be satisfactory. They have been advised by the Government of India that latter has not yet received it and ask that prompt steps be taken to provide the Indian Government with copies. We have sent copy of Dept's instruction and memorandum open airmail in event Dept's instruction to New Delhi was delayed.

(2) They showed us the text of a tentative draft statement intended to be made in the House of Commons probably during the first week in April describing the preliminary meeting and what is expected to be accomplished by it and at the trade and employment conference and inviting interested parties including organizations such as the Federation of British Industries, National Union of Manufacturers and Trades Union Congress to make known their views re concessions to be sought and offered. This procedural step corresponds roughly to our public notice of intention to negotiate.

(3) It should be noted that the statement is based upon the assumption that the preliminary meeting will begin in September and that our public notice and list of products will be published about the middle of May. We made a few suggestions particularly in a sentence calling for views concerning preferences now accorded to British products in Commonwealth and Empire markets having in mind possible reactions in the US and in the other countries which they indicated would be adopted.

(4) They said that in making the above statement they must be able to state the time and place for the meeting. Having in mind the considerations set forth in our 3237, March 21 we said that we had already indicated our agreement to September as the date of the preliminary meeting and felt sure that there would be definite agreement on London as a site but that in order to make assurance doubly sure we would communicate our final position to them on these points before the statement is to be made in the House.

[Here follows discussion of other subjects.]

[Hawkins]
GALLMAN

560.AL/3-2046 : Telegram

*The Secretary of State to the Chargé in the United Kingdom
(Gallman)*

SECRET U.S. URGENT WASHINGTON, March 27, 1946—6 p. m.

2713. For Hawkins from Wilcox, Stinebower and Brown. Will discuss with Clayton ideas urtel 3237 Mar 20 and their relation to points your letter Mar 6.⁴⁹ Meanwhile, following represents our own thinking:

⁴⁹ Letter of March 6 not found in Department files.

1. Success our plans will ultimately depend extent US tariff reduction and no amount preparation for meeting will compensate for inadequate contribution by us. This outweighs every other consideration.

2. Therefore, until beginning definitive negotiations first care must be on home front, and neither Clayton, Wilcox, Brown or key people in other agencies can afford long absence from Washington, or divert attention to other issues, during critical period between public notice and close hearings. Present timetable May 1-Aug 1.

3. International gathering on Proposals before end of hearings would be misconstrued by domestic opponents. While we would not be discussing tariff concessions, this could not easily be proved, and pressures would mount for commitments against action on specific items. If effective such pressures could prove fatal.

4. We think meeting on Proposals as such would be crucial since it would inevitably influence and possibly determine fate of subsequent negotiations. We must therefore assess its negotiating risks as well as advantages. We doubt that we could postpone real issues to later negotiations and fear we would be forced to compromise principles for which we could possibly have obtained general approval with adequate tariff inducements. Public reaction to inconclusive adjournment should also be considered. Moreover, to seek wide agreement on principles, postponing until some later date any real demonstration of our concrete tariff contributions would, we fear, deepen skepticism our intentions undoubtedly existing some quarters.

5. Suggested procedure whereby Preparatory Committee refers matters to nuclear group and vice versa tends sharpen and preserve distinction between two groups, which we hope can be eliminated later (see last para Undel 133, Jan 28 and first para Undel 137, Jan 29).⁵⁰

6. Meeting on Proposals would delay preparation tariff requests and offers. Natural tendency would be to await outcome of meeting.

7. Believe meeting Preparatory Committee on principles, followed after interval by meeting nuclear group to conduct negotiations, followed by another meeting Preparatory Committee, would distract and confuse and fail to achieve momentum which should develop from single meeting.

8. We fully agree need for thorough preparation to avoid breakdown in extremely difficult and complicated negotiating task ahead. However, believe this can best be done bilaterally, which may sometimes (e.g., current French discussions) offer possibility major results because of financial tie-in.

⁵⁰ Telegram Undel 133 not found in Department files; telegram Undel 137 not printed.

9. Whatever course is decided upon should be decided soon and adhered to thereafter. We suggest following:

a. All members Preparatory Committee, which by then might be identical nuclear group, should meet London August 1 to agree text Charter and negotiate Protocol Trade Barriers referred to memo Feb 6. Discussions trade barriers probably would not start until Sept 1.

b. We would advance preparations for meeting by all practicable means, including bilateral discussions and advance transmittal draft Charter other countries.

10. We hope discuss with you Mar 29, by teletype, all these matters in more detail.⁵¹ [Wilcox, Stinebower and Brown.]

BYRNES

560.AL/4-246

*The Director of the Office of International Trade Policy (Wilcox) to the Assistant Secretary of State for Economic Affairs (Clayton)*⁵²

SECRET

[WASHINGTON,] April 2, 1946.

We have reached the point in our trade program where a definite date (subject to change only if the British loan fails or is unduly delayed)⁵³ must be set for the preliminary trade meeting. Physical and other preparations for the meeting require this, and the British have asked us for an immediate answer.

When a date is agreed upon, the British plan to announce it in Parliament together with an invitation to industry and trade (in general terms without mention of specific products) to express their views on concessions to be asked and offered.

I recommend that we set September 1 as the definite date for the opening of the meeting. This would mean that our public notice of intention to negotiate should be issued not later than June 1. A detailed time-table is set out in the attached memorandum.

Before we commit ourselves to this time-table, however, I think we should take precautions to be sure we can carry through notwithstanding the pressures which are certain to develop when our public notice is issued.

You have read Harry Hawkins' letter to you on this subject. Two

⁵¹ The teletype conference took place on March 30, but no record of it has been found.

⁵² Marginal notation by John M. Leddy, Adviser on general commercial policy, Division of Commercial Policy: "Read to Mr. Clayton by Mr. Wilcox, Apr. 3, '46".

⁵³ For documentation on this subject, see *Foreign Relations, 1945*, vol. vi, pp. 1 ff.

points stand out. 1) We must be sure that, once we have agreed to September 1, we are not going to let the fear of political pressures result in postponement of the public notice until after the elections. 2) We must be sure that such pressures in the months following public notice will not be permitted to hamper the operation of the trade-agreements organization and thus defeat our objectives.

With this in mind, I have prepared the attached memorandum to the President⁵⁴ which I feel should be discussed personally with him by the Secretary or the Acting Secretary and yourself. Only in this way, I believe, can we be reasonably certain that we will not be saddled with commitments that could wreck the whole program.

The British have asked us for a reply by April 4.⁵⁵

[Annex]

CONFIDENTIAL

[WASHINGTON,] April 2, 1946.

TIME-TABLE OF PREPARATIONS FOR PRELIMINARY MEETING ON TRADE AND EMPLOYMENT

The following is a tentative time-table for completion of the various stages of preparation for the preliminary meeting on trade and employment.

March 15	Transmittal of draft Charter of ITO to TAC and subcommittees of ECEFP. This has been done.
April 15	TAC and subcommittees of ECEFP to complete consideration of draft Charter.
April 22	Transmittal of revised draft Charter to ECEFP.
April 23–May 7	ECEFP action on draft Charter.
May 15–30	Issuance of public notice of intention to negotiate.
May 22	Transmittal of Charter recommended by ECEFP to countries members of ECOSOC Preparatory Committee (prior clearance with President).
July 1–15	Closing date for submission of briefs and applications to be heard.
July 15–30	Public hearings to begin.
Sept. 1	Preparatory Committee to begin consideration of non-trade barrier provisions of Charter.
Aug. 15–30	Public hearings to close.
Sept. 1–15	Final recommendations to President as a result of public hearings.
Sept. 15–Oct. 1	Trade-barrier negotiations to begin.

⁵⁴ Draft not printed; see memorandum of April 4, p. 1307.

⁵⁵ Reported by the London Embassy in telegram 3635, April 1, not printed; subsequently the Embassy reported that the British Government had agreed to postpone the proposed announcement in Parliament until April 15.

560.AL/5-446

Memorandum by the Department of State to President Truman

SECRET

[WASHINGTON,] April 4, 1946.

Last December the United States invited fifteen countries to negotiate reciprocal reductions of tariffs and other trade barriers under the Trade Agreements Act.

This invitation was an essential part of the broad trade arrangements in our *Proposals for Expansion of World Trade and Employment*, for which we obtained British support during the negotiation of the Financial Agreement.

We have now reached the point in our discussions and preparations where a definite date must be set for the opening of the international meeting at which trade-agreement negotiations will be conducted.

It is proposed that this meeting be held at London and that it begin on September 15. This date would be subject to change only if Congress fails to approve the Financial Agreement or unduly delays action on the agreement.

When Congress has approved the Financial Agreement, we would issue formal public notice of intention to conduct trade-agreement negotiations with the countries concerned. This notice, which is required under the Trade Agreements Act, should be issued not later than June 15 in order that there will be ample time to complete our preparations for the September meeting.

The notice would be accompanied by a list of products on which tariff concessions would be considered and the usual public hearings held. This list will be submitted to you for consideration before publication.

Experience has shown that once this list is published, minority interests will put strong pressure on the Administration for commitments that particular tariff rates will not be cut.

The dangers in this situation are very real. Commitments not to reduce the tariff on particular items, on which concessions are considered essential by the other countries concerned, might easily defeat the objectives of the Trade Agreements Act, wreck the pending negotiations, and bring to nothing our *Proposals for Expansion of World Trade and Employment*.

These dangers can be guarded against if all those concerned are prepared to meet them. It is suggested, therefore, that you may wish to warn all interested members of the Cabinet and to indicate to them the only safe procedure to be followed in dealing with representations of the kind described. The main points are as follows :

1. Because of the number of countries involved, the list of products will necessarily be long and will include many items likely to arouse vigorous opposition by special interests. Cabinet members are there-

fore likely to be approached by persons seeking commitments against action on particular rates of duty. It is of vital importance that no such commitments be given.

2. Under trade-agreements procedures, no decisions can be made until after all interested parties have had an opportunity to present views at the public hearings and until the interested agencies of the Government have been fully consulted as provided by law. The mechanism for this consultation is the Interdepartmental Trade Agreements Committee.

3. It should be explained to persons protesting possible tariff cuts that the Administration must consider all United States interests before reaching a decision on a particular rate of duty, and must so weigh the various interests as to serve the national interest as a whole. Such persons can be assured that their interests will be given the most careful consideration.

4. Whatever the concessions eventually made, the United States will insist upon including in the prospective trade arrangements an adequate "escape clause" which will permit this country to take prompt and effective action in any emergency. This should go far to allay reasonable fears of injury to established industries.

In this connection it may be useful to refer to your letter of May 25, 1945 to Speaker Rayburn, in which you said "I have had drawn to my attention statements to the effect that this increased authority [under the Trade Agreements Act] might be used in such a way as to endanger or 'trade out' segments of American industry, American agriculture, or American labor. No such action was taken under President Roosevelt and Cordell Hull, and no such action will take place under my presidency."

5. The actual concessions to be granted and received will not become known until the negotiations are completed and the resulting agreement published. This will probably not be until the end of this year and possibly not until early next year.

If you approve, it is proposed to inform the other interested governments that September 15 is a satisfactory date for the opening of the trade meeting, it being understood that our formal public notice and accompanying list of products will be issued not later than June 15, barring unforeseen developments in connection with the Financial Agreement.⁵⁶

560.AL/4-546

Memorandum by the Director of the Office of International Trade Policy (Wilcox) to the Assistant Secretary of State (Clayton)

[WASHINGTON,] April 5, 1946.

The attached telegram⁵⁷ indicates that British Cabinet members are finding it increasingly difficult to delay some public announce-

⁵⁶ It cannot be determined precisely when this memorandum was sent to President Truman; it occurred in the week between April 5 and April 12.

⁵⁷ Refers apparently to London's telegram 3635, April 1, 7 p. m.; see footnote 55, p. 1306.

ment about the date of our preparatory trade negotiations. Yesterday morning Mr. Fowler telephoned to me from London to say that the Government wanted to make an announcement in the House of Commons next Monday, April 8. On the basis of the discussion which we had in your office the night before, I asked him to try and get a postponement. As the attached telegram relates,⁵⁸ the Embassy was able to get a postponement for a week but the British are insistent on making an announcement on April 15, and the Embassy needs word from us not later than Thursday morning April 11. That means that it is important for us to make every effort to get the President's approval for September 15 in time for us to send a telegram on Wednesday, April 10.

560.AL/4-146 : Telegram

*The Secretary of State to the Ambassador in the United Kingdom
(Winant)*

SECRET

WASHINGTON, April 9, 1946—6 p. m.

NIACT

US URGENT

3060. For Hawkins. Urtel 3635, Apr 1.⁵⁹ Please inform Brit that they can make no statement on our authority at this time regarding approx date preliminary trade meeting, that we will give them a definite answer by Apr 16 or 17 and that decision will probably be to postpone negotiating meeting until early 1947.

BYRNES

560.AL/4-1046

*Memorandum of Transatlantic Telephone Conversation, by the Chief
of the Division of Commercial Policy (Brown)*

SECRET

[WASHINGTON,] April 10, 1946.

Participants: Mr. Harry C. Hawkins, Counselor for Economic Affairs, American Embassy, London
Mr. Brown, CP

I explained to Mr. Hawkins that the last sentence of our telegram no. 3060, dated April 9, to the effect that the decision was likely to be for postponement of the trade-agreement negotiations, was purely for his information. He said that he had to tell the British this in any event. I explained that the motive behind any postponement would be the desire, at the highest level in the Department, to put us in the position to make the best offers we could when the time came.

⁵⁸ The drafting is not clear here. Apparently "as the attached telegram relates" refers to a marginal notation on London's telegram 3635; see footnote 55, p. 1306.

⁵⁹ Not printed.

Mr. Hawkins said that point of view would be helpful to him. He also said he understood that the way was still open to a preliminary conference on the *Proposals*.

Mr. Hawkins said the British were pretty upset at the news and that he was working out alternative time-tables with them which he would cable promptly. He would like an early decision on whether a preliminary meeting on the *Proposals* should be held and when.

560.AL/4-1046: Telegram

The Ambassador in the United Kingdom (Winant) to the Secretary of State

SECRET
 NIACF

US URGENT

LONDON, April 10, 1946—9 p. m.
 [Received April 10—5:10 p. m.]

4000. For Wilcox and Brown. 1. Helmore BOT given close paraphrase Deptel 3060, April 9. Liesching absent on leave.

2. Helmore was somewhat disturbed. He pointed out that in good faith BOT had gone some distance in sending out official letters to elicit points of industry and trade interest in nuclear meeting heretofore contemplated for September.

3. Despite possibility that nuclear meeting may be delayed several months, he felt that Ministers would consider it necessary to proceed with Parliamentary statement.

Reference to Paragraph 2 Embtel 3259, March 21 and statement discussed in our teletype conversation March 30. Accordingly draft of statement was revised leaving out dates of either Empire or nuclear meeting and indicating that in view of large amount of preparatory work to be done it should proceed expeditiously particularly with respect to Empire meeting. Revised British statement is pointed primarily toward Empire meeting which is to precede nuclear meeting. Plan is that revised statement will be made in Parliament April 15. It would fit either the eventuality of a September meeting or deferring meeting for several months.

4. Helmore pointed out that if they postpone making of statement until they have our final decision next opportunity for making it would be April 29 because of Parliamentary procedure and Easter Holiday. If decision were to hold meeting in September, Empire meeting would be held July 1 and statement made as late as April 29 would seriously cut down time available to prepare for Empire meeting. British originally contemplated that preparatory work would be for both Empire and nuclear meeting and would have to be completed be-

fore Empire meeting convenes as there would be very little time left if negotiating meeting held in September.

5. In suggesting revisions to Parliamentary statement we sought to avoid any basis for an impression in US that British in initiating consultations with the trade were obtaining a head start over American interests. If American interests should press for opportunities to be heard because British trade interests are being consulted, it can be pointed out that British procedure has to take account of Empire meeting which will precede nuclear meeting.

6. Helmore thought that if our decision should be to defer nuclear meeting Empire meeting would be correspondingly deferred but Parliamentary statement would do no harm.

7. Helmore urges strongly that whatever decision is reached on time for nuclear meeting, presentation of lists of concessions desired by each country should not be deferred as these are needed for preparatory work on schedules of offers. He felt that whatever decision is reached on the time for the nuclear meeting the preparatory work should be pushed steadily ahead to greatest extent possible. In our recent meetings with British there has been evident concern over possibilities of [loss of?] momentum in this whole program. We indicated that we saw no objection to going forward immediately with preparation and presentation of tentative request lists on understanding that changes and additions could be made after we had held our hearings.⁶⁰

WINANT

611.0031/4-1146

Memorandum by the Assistant Secretary of State (Clayton) to the Secretary of State

[WASHINGTON,] April 11, 1946.

In your foreword to the Trade Proposals last December you urged all countries to prepare immediately for a World Conference to meet "not later than the summer of 1946." On that schedule, we said that trade agreement negotiations would start in March 1946. They have now been postponed to September. The considerations *for* holding to *this* date are:

⁶⁰ The Embassy at London cabled the Department in telegram 4018, April 11, 11 a. m., that "BOT informed us Herbert Morrison (supplementing Embtel 4000, April 10) Lord President of Council, decided to make in Parliament revised statement as described reference telegram. Text will be cabled April 15 when released." (560.AL/4-1146)

1. Public opinion is prepared for action. We have enlisted the enthusiastic support of business, farm, labor, church, peace, and women's organizations for the Trade Agreements renewal, the British loan, and the Trade Proposals mainly on the ground that we planned to expand world trade. If we delay further, our friends will be discouraged and even resentful and we may lose their strong backing.

2. We have delivered our Proposals to all other governments. We have persuaded Britain, France, and Belgium publicly to endorse them. On our urging, the Economic and Social Council has voted unanimously to call the World Conference to meet "in the latter part of 1946." Fourteen countries have accepted our invitation to meet for tariff negotiations and, in accordance with our suggestions, are actively preparing for them. If we delay now, this momentum will be lost, other countries will question our intentions, they will doubt that they can depend on us to carry through, and we may forfeit our leadership in trade policy.

3. The enlarged trade agreements authority will be a year old in June. If we put off announcement of negotiations until November, we cannot meet to negotiate until March 1947, a full year from the date we first suggested and almost two years after the renewal of the Act. That meeting will take several months. The new agreements, the World Conference, and the submission of the resulting World Trade Charter for ratification will therefore come dangerously close to the next renewal of the Trade Agreements Act and to the election of 1948.

4. Other countries are now deciding on trade policy. Pressures for increased barriers to American trade are strong. Our active sponsorship of the Proposals has temporarily restrained a new flood of trade restrictions abroad. If we delay further, the dam may break. We run the risk of losing all of the concessions we have sought.

611.0031/4-1246

Memorandum by President Truman to the Secretary of State

WASHINGTON, April 12, 1946.

I read your memorandum of the fourth in regard to Trade-agreement Negotiations with a lot of interest and I approve your suggestions on informing the other Governments.

Have you any objection to my reading your whole memorandum to the Big Four next Monday.⁶¹

H[ARRY] S. T[RUMAN]

⁶¹ April 15.

560.AL/4-1446

Memorandum of Transatlantic Telephone Conversation, by the Director of the Office of International Trade Policy (Wilcox)

[WASHINGTON,] April 14, 1946—11 a. m.

Participants: Harry C. Hawkins, American Embassy, London
Clair Wilcox, ITP

Harry Hawkins reported that American correspondents in London said that the President and the Secretary of State had decided to postpone tariff announcements and negotiations until after the election. Herbert Morrison was planning to make a statement in Parliament Monday, April 15,⁶² leaving all dates indefinite. Hawkins said it would be embarrassing to the British Government if a decision had been made and announced in Washington and they were not informed.

I assured Mr. Hawkins that no decision would be made until Monday, April 15, and that we would cable him the results on Tuesday, April 16.

Hawkins urged that no statement be made here until the British are informed so that the release in both countries can be simultaneous.

560.AL/4-1846: Telegram

The Secretary of State to the Ambassador in the United Kingdom (Winant)

SECRET U.S. URGENT

WASHINGTON, April 18, 1946—7 p. m.

3329. For Hawkins from Wilcox. Decision has been made to postpone negotiating meeting until next year. No announcement being made by Department. Will send you recommended program as soon as possible. [Wilcox.]

BYRNES

560.AL/4-2346

The Ambassador in the Soviet Union (Harriman) to the Secretary of State

SECRET

Moscow, April 23, 1946.

No. 51

The Ambassador has the honor to refer to the Department's secret instruction no. 969 of January 17⁶³ transmitting documents prepared for inter-Departmental use concerning items for consideration in con-

⁶² *Parliamentary Debates*, House of Commons, 5th Series, vol. 421, col. 2330.⁶³ Not printed.

nection with possible concessions in a trade agreement with the Soviet Union.

In this instruction, the Department invited the Mission's comments and suggestions on the documents in question and listed the following specific points in this connection :

(1) Is it likely that the U.S.S.R. will not be interested in tariff reductions or bindings on some of the items to be listed ?

(2) Are there any other items for which the U.S.S.R. might desire tariff concessions from the United States ?

(3) Are there any other forms which might be used to obtain a *quid pro quo* from the U.S.S.R. in return for tariff reductions ?

1. The answer to the first of these questions is as follows : In general we do not believe that the Soviet Union is much interested in American tariff rates. Not only have a large portion of its exports to the United States always been duty free, but its entire relationship to foreign tariffs is different from that of capitalist countries. From the Soviet standpoint, exports to other countries are not desirable. They represent a sacrifice to the Soviet State. Their purpose, in the case of exports to the advanced western nations, is only to bring in foreign exchange. Wherever tariff duties can be passed on to the consumer (in other words, wherever Soviet goods dominate the market), the Soviet Government is not interested in them. Their interest arises only in cases in which they are forced to take a lower compensation in foreign exchange than would have been the case had there been no duties or had the duties been lower. Just what such price differences could conceivably amount to in case of trade with America, the Department will be able to calculate. According to our estimate, however, they could not amount to more than a few hundred thousand dollars in the very utmost. Compared to questions of credit, this is an item of almost negligible significance. The amount of credit we propose to give to Russia merely in connection with the sale of surplus property alone would probably compensate for all Russia might suffer financially over several decades from American tariff duties. In these circumstances Soviet interest in our tariff rates is naturally minor, compared to their interest in credits.

The answer to the Department's first question can thus be broken down as follows :

A. With respect to a number of the items listed for tariff reductions or bindings, these items are now deficit in the U.S.S.R. and the Russians will have only a remote interest in them.

B. With respect to other items, the Russians will not be interested, because the duty can be passed on to the consumer.

C. With respect to the remaining items, the Russians will have a

financial interest, but this interest will be so insignificant that it is not likely to play any appreciable part in Soviet policies on international economic matters.

2. In answer to the second of the Department's questions, this Mission knows of no other items for which the U.S.S.R. is likely to desire tariff concessions from the United States at present.

3. The third of the Department's questions raises again the problem of what *quid pro quo* the Soviet Union could give for tariff concessions on our part. The Embassy has now given careful thought to this question and wishes to advance the following views:

A. We reject the global purchase commitment as a satisfactory approach to this question. It is against the policy of the Soviet Government to publish either its foreign trade plans or the statistics of the actual trade conducted. To accept a global purchase commitment would be in effect to publish the main outlines of the annual import plan. We do not believe that in reality the Russians would ever engage themselves internationally to any import program which they had not already decided unilaterally to carry out. Furthermore, in the absence of adequate Soviet statistics, it would be a major job for a research institute to ascertain from the statistics of other countries to what extent such a commitment had actually been carried out. All in all, we consider the global purchase commitment impractical, unlikely to find Soviet agreement, and unlikely to bring about any appreciable increase in the volume or stability of Russian import trade.

B. We do not believe that there is any alternative *quid pro quo* which Russia could offer in the form of a treaty obligation which would be satisfactory as a means of fitting Russia into an international lowering of trade barriers. It can not be emphasized too often that the Soviet system is not a system of law as we know it. Public affairs in the Soviet Union are not conducted on the basis of binding norms laid down for given periods in the form of laws or regulations. Soviet authority is 98 per cent administrative, and the central power in Moscow insists on retaining effective freedom of administrative action in all matters of any importance to the State. The Soviet leaders will never consent to have their administrative freedom of action limited by any effective provisions of law or treaty. Just as their power over the individual is unlimited and subject to no restraints of law or usage, so in all other matters, including economic, they always assure to themselves freedom to treat every individual question, if they like, on its merits according to the political exigences of the moment. It is the experience of this Mission that the Soviet Government is profoundly reluctant to accept any treaty obligations which could possibly bind it to act in hypothetical questions in ways which might run con-

trary to the interests of the Soviet State. In other words, they will generally obligate themselves to do only those things which they know they would otherwise have done anyway in their own interests; and even these obligations they will undertake only when they can see substantial concessions to be gained thereby. For these reasons, we do not feel that there are any concessions which the Soviet Government could and would make by way of treaty obligations which could essentially alter existing Soviet practice in a way which would be beneficial to other countries. This judgment finds support in the entire history of the foreign economic relations of the Soviet State. We could point to no instance in which general obligations assumed by the Soviet Government with respect to the treatment of the goods or nationals of foreign countries have ever been of appreciable value to the foreign nation concerned.

C. Since the character of Russia's activities in the field of foreign trade is going to be determined in any case on day by day administrative actions of the Soviet authorities, the motives of which will never be discussed with foreign countries, it is our belief that each country must remain the judge of the degree to which Soviet trade practices meet its requirements in the line of international economic collaboration. We would therefore recommend that the question of tariff concessions to the Soviet Union be left as a question to be settled individually between the U.S.S.R. and each of the countries with which Russia may conduct trade.

D. In the case of the United States we feel that the following procedure should be adopted. If, as we assume to be the case, the Trade Agreements Act does not permit us to extend our minimum tariff concessions to the Soviet Union except in pursuance to treaty obligations, then we should recognize frankly that the Act as it stands does not fit the case of a country which has a complete government monopoly of foreign trade. We should then initiate legislation which would give the executive branch of our Government the authority to extend or withhold tariff concessions (within the limits of the Trade Agreements Act) at its own discretion in the case of countries having a complete governmental monopoly of foreign trade—such concessions to be granted or withheld in accordance with the degree of helpfulness and willingness to collaborate which we meet at the hands of the country in question. Such legislation would enable us to make the initial gesture of extending our lowest tariff concessions to the Soviet Union, and we feel that this *should* be done. It would also enable us to withdraw these concessions in the event that Soviet trade practices might not, in our opinion, justify their retention or that Russia should decline to cooperate with an international trade organization. It would leave our Government the judge of whether or not Soviet collabora-

tion in international economic matters was satisfactory and would obviate all wrangling with the Russians over the question of whether treaty provisions had been fulfilled.

E. We wish to reiterate, however, that this a matter of small importance to the Russians; and it is by no means certain that any action on our part either in the granting or withholding of tariff concessions would have any appreciable influence on Russian economic policies. The main points in our trade with Russia are Russian need for our products, our willingness to grant credit and our willingness to accept gold as a medium of exchange. Of these, the first two are of far the greater importance.

560.AL/4-2446: Telegram

The Chargé in the United Kingdom (Gallman) to the Secretary of State

SECRET

LONDON, April 24, 1946—5 p. m.

[Received April 25—12:18 p. m.]

4423. For Wilcox and Brown from Hawkins. 1. We advised Liesching and his colleagues Tuesday morning of the decision to postpone negotiating meeting. Re Dept's 3329, April 18, 7 p.m.

2. Liesching read from a long telegram from Magowan⁶⁴ giving the story as he had obtained it from you and therefore knew in some detail the reasons for postponement, including the fact that the unexpected delay in getting congressional approval of the loan had affected the time-table.⁶⁵ Liesching assumed public statement would sooner or later have to be made and thought best reason to give for delay would be need for more preparation. He felt, however, that it would be necessary to tell Dominion Government officials in conference [*confidence*] the considerations as outlined by you to Magowan, on which decision to postpone was based. We told him we expected to hear from you shortly on the question of when and in what terms a public statement should be made.

⁶⁴ Sir John Magowan, British Minister in the United States.

⁶⁵ The Administration at this time viewed the loan as the economic fuel necessary to revitalize trade, to secure British acquiescence in American views on commercial policy, and to secure a more favorable position for the United States vis-à-vis the sterling bloc's trade preference system. Despite Administration pressure, however, Congress appeared reluctant to move on the issue. A number of factors besides traditional national attitudes were involved in Congressional resistance to the proposed loan, some Congressmen feeling that the interest rates were too low, others believing that the Bretton Woods institutions should be called on rather than the United States, and still others preferring the multilateral rather than the bilateral approach to the whole loan question. For a detailed analysis, see Gardner, *Sterling-Dollar Diplomacy*, pp. 236-254. For documentation regarding the Bretton Woods institutions, see pp. 1384 ff.

3. The British then raised the question of what our program should be between now and the negotiating meeting next year. We said your telegram indicated that a recommended program would be sent to us as soon as possible. They then commented on ideas regarding the program which apparently had come up in your discussion with Magowan. They thought that perhaps the questions of organization and commodity policy, which you apparently had mentioned to Magowan as the subject matter for interim discussion, would not be very hearty fare for the ECOSOC Preparatory Committee.

4. Liesching seemed to take it for granted that the next step of a formal character would be the convening of the ECOSOC Preparatory Committee; that this would assist in maintaining momentum of program. He inquired who would take the initiative in convening the committee. We surmised that US would. The British also raised the question whether it would not be possible to accomplish a good deal in getting understanding and acceptance of our "proposals" by continuing bilateral discussions with the various countries that will participate in the nuclear meeting.

5. The British strongly urged that there be no let-up in the preparation of request lists by the US and all other countries. They wanted to know whether you could give them a date when the US request lists will be sent out stating that it is essential for the British Empire countries to have them prior to the Empire meeting.

6. The British are not clear now when the Empire meeting will be held but ask us to remember in considering the timing of any other meetings that an Empire meeting has to be worked in somewhere. They mentioned January 1 as a possible date.

7. The British asked the status of the draft convention [*charter*]. We told them it was far advanced. In accordance with your instruction 6534, March 20, we have not, of course, transmitted the draft or indicated that we have it.

8. Please cable comment on initiative paragraph 4 and date for US lists paragraph 5. [Hawkins.]

GALLMAN

560.AL/4-2546 : Telegram

*The Acting Secretary of State to the Chargé in the United Kingdom
(Gallman)*

SECRET US URGENT WASHINGTON, April 25, 1946—4 p. m.

3496. For Hawkins. Deptel 3329, Apr 18. In view postponement negotiating meeting Dept proposes following plan of action designed to maintain momentum and interest both here and in other countries:

1. Meeting ECOSOC Preparatory Committee would be held about July 1, in New York, as tentatively announced by Mudaliar at London meeting.⁶⁶ Purpose of meeting would be to organize Committee, to begin consideration of work assigned to it by ECOSOC, to discuss Proposals on general exploratory basis, and to establish drafting subcommittee of five or six countries (e.g. US, UK, USSR, Canada, France, Cuba) to draft detailed Charter of ITO on basis of Proposal discussions and drafts submitted by various countries (e.g. our draft of Charter⁶⁷). We would not set agreement on Proposals as avowed goal of this meeting but would hope that substantial measure of agreement on main lines of Proposals might emerge. Toward close of meeting we would transmit our draft Charter to all members Preparatory Committee and ask that it be considered by drafting subcommittee.

2. Drafting subcommittee would begin to meet shortly (say Aug 15) after close of Preparatory Committee meeting and would continue in session until drafting job had been completed and formally transmitted to all members of Preparatory Committee for study (say Oct 15).

3. After sufficient interval for such study, the length of which we could probably control, second meeting of Preparatory Committee would be called for thorough review and revision of draft Charter. This meeting could and probably should coincide with negotiating meeting on trade barriers (see 4, below).

4. Our public notice intention to negotiate would be issued about Nov 15, and negotiating meeting would be held about Mar 15.

5. During entire period covered by above points, and beginning as soon as technical preparations completed here, we would push program of transmitting other countries our preliminary and tentative requests for concessions on US exports and would continue urge other countries transmit their corresponding requests to us. We would also press forward with program of bilateral discussions on Proposals and our draft of Charter.

Foregoing is very similar plan urtel 3237, Mar 20 except for drafting subcommittee. Advantage of this device is that participation in drafting subcommittee commits no country definitively yet will in fact reveal extent of agreement among countries concerned and thus forward preparations. Essential therefore that countries selected for drafting subcommittee be important and representative, although all other members of Preparatory Committee would be free to make their views re Charter known to drafting subcommittee.

⁶⁶This refers to the first meeting of the Economic and Social Council, London, January 23–February 18, 1946. Sir Ramaswami Mudaliar of India was President of the Council.

⁶⁷For the progress in the formulation of the draft of a charter within the United States Government, see footnote 73, p. 1328.

Please discuss foregoing with Brit (in your discretion) and cable us urgently their views and your own. In discussing with Brit suggest you may wish emphasize point that agreement on Proposals will not be main object of July meeting (thus possibly forestalling demand for prior meeting of Empire countries) and that we envisage this meeting as relatively small, with not more than a few persons from each country attending.

ACHESON

560.AL/4-2946 : Telegram

The Chargé in the United Kingdom (Gallman) to the Secretary of State

SECRET

LONDON, April 29, 1946—8 p. m.
[Received April 29—5:41 p. m.]

4581. For Wilcox and Brown from Hawkins. 1. Discussed with Liesching and colleagues this morning plan outlined your 3496, April 25, 4 p. m. Their tentative reaction was generally that you had done a good job of thinking out the problem but they did not want to commit themselves in any way until they had opportunity for full consideration and for consultation with Ministers. Liesching pointed out that uncertainty regarding the loan legislation makes it difficult for them to make plans; that since British participation probably depends on getting the loan, Ministers may hesitate to commit themselves to a program which seems to disregard this. We suggested that the only course to pursue would be to make plans on the assumption of passage of the loan; that otherwise no definite plans could be made for weeks or months and the whole program would be delayed. Liesching remarked that if they proceed on this assumption, Ministers might feel that it would be necessary to make suitable reservations.

2. Other tentative British comments on the plan were as follows: Shackle suggested that decision on membership of drafting sub-committee be deferred until near the end of the July meeting when it will be possible to see what positions are being taken and the membership can be determined accordingly; Liesching pointed out that since the ECOSOC resolution calls for holding the formal conference in the latter part of 1946, the Council sooner or later will have to change this; Liesching also raised question whether the meeting of the Preparatory Committee would be convened without further reference to the Council but presumed it could; referring to your suggestion that each country be represented at the July meeting by only a few persons, Liesching thought that in view of the subjects to be covered the British would need a delegation of 8 to 10 people; Liesching had some

doubt about holding the initial meeting in New York and questioned whether representatives attending the ECOSOC meeting would in many cases be the same as those attending the Preparatory Committee meeting; Geneva was mentioned as a possibility and as Liesching seemed inclined toward that location it is possible British will propose this.

3. Liesching said the plan would be studied carefully and British position regarding it would be formulated promptly, but he probably could not give us a final view before next week. We stressed urgency.

4. Our own views are that the plan outlined in your reftel is satisfactory. We think Shackle has a point in suggesting deferring selection drafting sub-committee until late in initial meeting of Preparatory Committee; that New York is satisfactory location but that Geneva is worth considering.

5. Geneva would probably appeal to European members of UNO who tend to feel that UNO work is being concentrated too much in US or UK. It offers good physical facilities, good mid-summer climate and quick travel facilities for UK and continental countries which is important in view of staff shortages. With improvement in recent months in Soviet-Swiss relations, former might be agreeable to Geneva. On the whole, would provide good environment for extended and arduous work of Preparatory Committee and drafting sub-committee. Translation and secretarial facilities will be available in New York but may exist or might be provided in Geneva.

6. Regarding your paragraph 5, we suggest that other countries also be urged to exchange request lists among themselves.

7. We assume that in giving us discretion to consult British, you did not imply possibility of concluding arrangements with ECOSOC without advance British concurrence in program, as this would jeopardize full British cooperation which is indispensable. [Hawkins.]

GALLMAN

560.AL/4-2946: Telegram

*The Acting Secretary of State to the Chargé in the United Kingdom
(Gallman)*

SECRET US URGENT WASHINGTON, April 30, 1946—6 p. m.

3636. For Hawkins from Wilcox and Brown. Urtel 4581 Apr 29.

1. Appreciate need for consultation with Ministers and as you stated, must assume loan passage.

2. Re tentative British comments our plan, we agree decision membership drafting subcommittee could well be deferred until near end of Preparatory Committee meeting; if plan goes through, it should

be relatively easy to arrange for postponement formal conference until 1947 in view of additional preparatory time needed; we assume Preparatory Committee already has sufficient authority to convene without further reference to Council; our representatives at Preparatory Committee meeting would generally be not same as those attending ECOSOC; we will consider change from New York to Geneva or other site if British and others so desire.

3. Re your paragraph 6 we would of course urge a general exchange of request lists.

4. Re your paragraph 7 your assumption is correct, but we need definitive British reaction soon.

5. Urtel 4423 Apr 24, paragraph 4, we would expect to take initiative, assuming British and other support. Re preparation of request lists by US, we are continuing to push committee work as rapidly as possible. Cannot yet estimate date of completion UK list.

6. Brown has visited Ottawa to explain decision to Canadians and sound out their reaction to new plan. Mixed reaction with some disappointment at postponement and some doubt as to desirability discussion of Proposals in advance of tariff talks.⁶⁸ More definite Canadian opinion expected next week. Will call you. [Wilcox and Brown.]

ACHESON

560.AL/5-946 : Telegram

The Acting Secretary of State to the Ambassador in the United Kingdom (Harriman)

SECRET

US URGENT

WASHINGTON, May 9, 1946—noon.

3850. For Hawkins from Brown. Deptel 3636, Apr 30. Canadians have expressed general concurrence with program outlined.⁶⁹ They suggested addition shipping problems, i.e. discrimination and subsidies, to Preparatory Committee agenda and integration of work of cotton study groups and Wheat Committee with work of Preparatory Committee. Robertson expressed surprise Brit had not insisted inclusion shipping problems in conference agenda. I explained we

⁶⁸ A memorandum by Mr. Brown of his discussion with Canadian Government officials at Ottawa on April 29, 1946 may be found in the Department's central indexed files (File No. 560.AL/4-2946).

⁶⁹ A lengthy discussion at Ottawa on May 6 included on the Canadian side Mr. Norman Robertson, Under Secretary of State for External Affairs; Mr. Max Mckenzie, Deputy Minister of Trade and Commerce; Mr. Hector McKinnon, Chairman, Tariff Board, Mr. Sydney Pierce, Member of Economic Division, Department of External Affairs; Mr. David Sim, Deputy Minister of National Revenue; and Mr. Hubert Kemp, Director, Commercial Relations, Department of Trade and Commerce. Mr. Brown's memorandum of this meeting, dated May 6, is found under File No. 560.AL/5-646.

had left these matters for separate discussion as part of later over-all shipping conversations. Believe, however, Canadians will press this point.

Canadians also considering bilateral tariff negotiations with other nuclear countries in advance of nuclear negotiation but believe they will abandon this idea if we and others get request lists to them soon. They feel strongly that they do not want to receive requests for actual concessions until very shortly before March meeting. They would be embarrassed to receive these requests and feel it would be impossible to keep them confidential.

We hope advise French this week of change in program but are waiting for official Brit reaction.

Dutch advise they and Belgians will not have customs union rates until Nov or Dec and therefore cannot negotiate tariffs until early next year. [Brown.]

ACHESON

560.AL/5-1646 : Telegram

The Ambassador in the United Kingdom (Harriman) to the Secretary of State

SECRET

LONDON, May 16, 1946—8 p. m.
[Received May 16—5:34 p. m.]

5202. For Wilcox and Brown from Hawkins. The following memorandum handed us by Liesching this afternoon is official British reply, approved by Ministers, to our proposed plan for trade meetings:

“(a) We fully appreciate the circumstances in which the US Government have proposed this new programme and accept the necessity to postpone the detailed discussions on tariffs until March 1947. We share their desire to keep interest alive and make some progress in the meantime. But, having undertaken to use our best endeavours to bring the discussions to a successful conclusion, we feel bound to say that, in our view the new programme in its entirety would not serve to further this object.

“(b) We see considerable advantage in a meeting of the Preparatory Committee (lasting preferably not more than 4, and certainly not more than 6 weeks) for the purpose of (I) exchanging views and removing any doubts about the intentions of the American proposals, (II) of expounding the considerations which led up to the joint statement by the US and the UK which was issued on their publication on the 6th December, and (III) of enlisting support of the principle of a worldwide reduction of trade barriers.

“(c) On the other hand, we see no merit in the proposed drafting sub-committee. We do not see how such a sub-committee could do any

useful work. Either there would be constant reservations which would thwart hopes of positive progress or some degree of commitment would be involved for which governments would not be ready until commitments on actual tariff reductions were also under negotiation, that is to say until the 'drafting' countries meet in March. Indeed, if for such reasons governments were led to take firm positions on points of difficulty, we feel that the establishment of a drafting sub-committee might positively impede the successful outcome of the later conference.

“(d) Moreover, we consider that July is too soon for the meeting of the Preparatory Committee. Owing to the close connection between the published proposals on commercial policy and the financial position we, for our part, could not attend a meeting of the Preparatory Committee appointed by the Economic and Social Council of the United Nations until Congress has acted on the financial agreement, and we consider that 6 weeks' notice should be given, in order that members of the Preparatory Committee may have time to make the necessary arrangements to attend.

“(e) Our view is, therefore, that a decision on the date of the meeting of the Preparatory Committee should be deferred. Provided Congress has acted on the financial agreement in time, the aim should be to hold a meeting early in the autumn. We should have been inclined to suggest September, but as meetings in the United States of the General Assembly of the United Nations and of the Economic and Social Council have already been arranged for the 1st September, the 1st October appears to us to be the earliest practicable date.

“(f) We consider it extremely desirable, for reasons which we feel sure are appreciated by the US Government, that the proposed meeting should be held in Europe (preferably in London or Geneva).

“(g) Meanwhile, we welcome their proposal that we and they should continue to have informal exchanges of views with other countries such as have already served to remove misunderstandings and to promote the ideas which both countries share.”

[Hawkins]
HARRIMAN

560.AL/5-1646

The Acting Secretary of State to the Ambassador to the United Kingdom (Harriman)

SECRET

WASHINGTON, May 17, 1946—7 p. m.

4119. For Hawkins from Wilcox and Brown. Urtel 5202, May 16. Our reactions to British counter-proposals follow:

1. We accept idea July may be too soon for Preparatory Committee meeting, and suggest Oct 15 but in no case later.

2. We feel strongly that announcement of Oct date should be made in near future, to maintain momentum and public interest and to answer many inquiries developing following Lie's statement (unauthorized) few days ago that Preparatory Committee would meet soon after ECOSOC session.⁷⁰ Also, announcement preferable before or early in forthcoming meeting of ECOSOC to help forestall any ECOSOC action such as feared by Liesching. Announcement should not await loan outcome in Congress.

3. We concur in duration and scope of Preparatory Committee agenda suggested and will defer until later question of drafting committee and its functions.

4. We agree to European site for Preparatory Committee meeting but would prefer London to Geneva.

5. Please convey foregoing to British and attempt to obtain their approval promptly, with a view to having British Emb join with us in asking ECOSOC secretariat to convene and announce Oct meeting if there is general agreement.⁷¹ We will consult with Canadians, French and possibly others. [Wilcox and Brown.]

ACHESON

560.A.L./6-2446: Telegram

The Acting Secretary of State to the Ambassador in the United Kingdom (Harriman)

SECRET US URGENT WASHINGTON, June 24, 1946—7 p. m.

4935. For Hawkins from Wilcox. Field reports indicate danger let-down preparations trade meeting as result postponement. We therefore plan send all nuclear missions message summarizing major developments to date and setting forth plan future action to be urged on nuclear govts. Message would emphasize that procedure memo Feb 6 still holds except for fact that first meeting of Preparatory Committee will be held some months in advance of nuclear negotiations and that

⁷⁰ The second session of ECOSOC was to convene at New York on May 21. On May 14, speaking before the International Chamber of Commerce, Mr. Trygve Lie, Secretary-General of the United Nations, had announced that the Council, as one of its first actions at this session, would summon the projected international conference on trade and employment.

⁷¹ In telegram 5268, May 20, 6 p. m., from London, Mr. Hawkins cabled: "Plan outlined urtel 4119, May 17, approved by British who will immediately instruct Embassy in Washington to cooperate." (560.AL/5-2046) On May 28 announcement was made at the United Nations that the general conference on trade and employment was postponed until 1947 because of the scope and complexity of necessary preparatory work, and that the Preparatory Committee meeting would be held at London on October 15.

of greatest importance is transmittal between all countries, and not merely with US, preliminary list request items and preliminary list request concessions, deadlines to be next few months for former and end of year for latter. We convinced this essential if meeting to go forward Mar 1947. Delay beyond Mar clearly undesirable because Trade Agreements Act other developments 1948. Message will also refer early transmittal and possible publication US draft of Charter and our plan bilateral discussions between US and each other nuclear country (urtel 6130 June 20 ⁷²) during July, Aug and Sep on Charter and details procedure memo Feb 6.

Pls discuss main points foregoing with Brit and give us their and your views, particularly as to essentiality exchange well in advance of Mar meeting of preliminary lists actual concession requests. We should like Brit, and will in light your reply also seek Canadian and French support in stimulating through their missions nuclear countries action by other Govts re exchange lists. However Canadians have thus far opposed idea transmittal lists concession request on grounds possible embarrassment, argument which we will try overcome.

Dept will afford you opportunity consult Brit prior publication or general transmittal US draft Charter. [Wilcox.]

ACHESON

560.AL/7-246 : Telegram

The Ambassador in the United Kingdom (Harriman) to the Secretary of State

SECRET

LONDON, July 2, 1946—5 p. m.

[Received July 2—4 : 07 p. m.]

6432. Discussed plan outlined urtel 4935, June 24 with Helmore and colleagues (Liesching absent) on June 26. Helmore said matter would be given careful consideration in consultation with other appropriate British officials and definite reply would be given us as soon as possible. Following were his offhand reactions:

In general, he favored an approach along the lines indicated. However, he doubted whether the end of this year would be soon enough for completing distribution of list with rates because the UK plans to have an Empire meeting 6 weeks prior to negotiating meeting and would need more time prior to Empire meeting for consolidation of request lists for Empire discussion. He suggested December 1 as latest

⁷² Not printed.

date for list with rates with perhaps September 15 as latest date for list without rates.

He was very doubtful about early publication of charter. He felt that if this were done too soon it would result in crystallization of fixed negative positions by governments of participating countries and would give too much opportunity for vested interests to generate pressure on government. Also publication prior to October meeting would divert attention from principles and cause confusion and time-consuming discussion of details. There was also a feeling that publication prior to the October meeting would create antagonism by seeming to presume agreement on principles which the meeting is called to consider. It would be more appropriate and less provocative if issuance of draft were postponed until some time after the October meeting which would permit amount [*account*] to be taken of the discussions at the meeting.

He agreed that it would be desirable to distribute to participating governments and perhaps to publish the charter in advance of the spring negotiating meeting, but not very far in advance. Arguments are similar to those previously expressed regarding setting up of Drafting Committee at Preparatory committee meeting. (See Embtel 5202, May 16 and 5058, May 11.^{72a})

Helmore wanted a little time for clearance within the UK Government before giving us definitive reply. This clearance we learn is in progress. Helmore told us today that he hoped to give us definitive views by July 8.

In general, we think British will coordinate with us in educational work through their Missions in nuclear countries.

Helmore told us that the British are working on the charter, not with the idea of producing a complete text, but to develop their thinking on the manner in which the principles agreed to with us will be implemented. However, on certain sections of the charter we understand British are doing some actual drafting and that this is fairly well advanced.

Department will want to consider whether latest version of our draft should not be given to the British in order to get their ideas on points on which they have been working. If this were done before the draft is distributed, the possibility of disagreement by them on portions of our text would be avoided. Presumably we would not want to go into a wider international meeting in complete agreement with

^{72a} Telegram 5058 is not printed.

the British on all details, but if we have their views on main points we might modify our draft so as to avoid any wide divergence.⁷³

HARRIMAN

560.AL/7-646: Telegram

The Ambassador in the United Kingdom (Harriman) to the Secretary of State

SECRET

LONDON, July 6, 1946—4 p. m.

[Received July 6—12: 46 p. m.]

6507. Embtel 6432, July 2. Helmore today gave us following memorandum on plan outlined urtel 4935, June 24.

"1. Timetable for transmittal of requests for tariff concessions. Our preliminary view was that the end of December was too late a date for the receipt of specific requests if the drafting countries meeting was to be held in March, especially in view of the need for Empire talks of about 6 weeks' duration before the meeting. On consideration we feel that it will be necessary to have these requests in by 15th November if there is to be time for adequate preparation and that the drafting countries should be asked where possible to transmit requests by instalments before this date. We, for our part, would be greatly helped if requests on the Dominions, and those on ourselves affecting the Dominions, particularly by the USA, could be transmitted as early as possible. An early deadline for the specific requests is thought to be more important than for the lists of items on which concessions will

⁷³ For the earliest consideration by ECEFP of a preparatory draft charter formulated in the Department in February, see footnote 36, p. 1283. From mid-March five subcommittees of ECEFP were engaged in an intensive effort in the study and revision of the chapters of the preparatory draft that were of special concern to each (the subcommittees engaged were those on Private Monopolies and Cartels, International Commodity Problems, International Cooperation with respect to Employment, Specialized International Economic Organizations, and Trade Agreements; the general chapter headings of the preparatory draft were entitled "Purposes", "Membership", "Employment Provisions", "General Commercial Policy", "Restrictive Business Practices", "Intergovernmental Commodity Agreements", and "Organization"). On May 27 the subcommittees submitted to ECEFP itself a new and carefully drawn draft entitled "Draft Charter of the International Trade Organization" (ECEFP document D-45/46, May 27, 1946), along with other related documents. Consideration of the May 27 draft by the plenary committee began on June 5, and continued on June 7, June 12, June 14, June 19, June 21, June 26, and June 28. By this date the work was substantially done, and there were to be only two more meetings, on July 12 and July 19. At the latter ECEFP effected final revisions and approval to a new draft, entitled "Suggested Draft of a Charter for International Trade Organization of the United Nations" (ECEFP document D-70/46, July 25, 1946).

Relevant documentation is found in the Department of State's unindexed lot files, Lot 122 (Executive Secretariat of the Department of State Files: Inter-Departmental and Departmental Committees). The minutes of the plenary committee for the period during which it considered the draft charter are found in Box 20. The documents cited are found in Box 22.

be asked, since it is really only the specific requests that will lead to any constructive preparation. It is nevertheless desirable that countries should be asked to transmit their lists of items as soon as possible, without, however, any deadline being laid down.

"2. Transmittal of US draft charter. Our preliminary view was that (a) publication at any time was undesirable since it might lead govts to take up positions which they could not later retract, (b) it might be better not to circulate a draft before the meeting of preparatory committee in October but rather to circulate one soon afterwards embodying any conclusions arising out of that meeting—and agreed between the USA and the UK—so as to provide a basis for discussion at the drafting countries' meeting. Further consideration strengthens both (a) and (b). It is not part of the plan that the meeting in October should do any drafting; the existence of an American draft circulated before the meeting would undoubtedly encourage the tendency to embark on detailed drafting. We feel that the clarification and elaboration of the proposals which will be necessary at that meeting should be achieved by an exchange of general views rather than by the study of drafts. Even more important, in view of what happened at the Economic and Social Council in February, is to avoid any suggestion of an Anglo-American "ganging up" vis-à-vis the other countries at the meeting in October of its preparatory committee.

"We agree, of course, that a draft charter for discussion at the drafting countries meeting would be most valuable, and the fact that we would prefer it not to be circulated before the October meeting does not of course affect the suggestion that the UK and the USA might usefully exchange views on the spelling out of the main heads of the proposals before that meeting if, as seemed likely, the work in both countries progressed sufficiently to allow for this.

"We should, of course, as we indicated earlier, instruct our missions abroad to collaborate with the representatives of the USA in any of the hastening action that is now envisaged."

Regarding last paragraph, Helmore explained how British would collaborate. He said that in the case of Canada British representative there would see Hector McKinnon and say that British do not see how nuclear meeting can succeed without proposed prior exchange of lists. British representatives in other nuclear Empire countries would be informed of discussions with US and instructed to tell govts concerned of British agreement on need for action. This would pave the way for an approach by US. In the case of non-Empire nuclear countries British representatives would also be informed and documented but would not take initiative in approaching govts concerned. They would be instructed to keep in touch with our representatives

and to back up position taken by latter in any appropriate way, which would not include joint or formal representations as this would have appearance of ganging up. British assume that any request to French to support our procedural ideas through French diplomatic representatives in other nuclear countries will come from US alone.

With reference to British view that publication of draft charter at any time is undesirable we pointed out that publication has advantage of giving supporters a tangible worthwhile proposition to advocate and would tend to overcome any impression that may develop that original comprehensive plans for trade organization and code are being prosecuted with diminishing zeal. British replied that their position regarding publication not fixed and that they would be glad to reconsider it later in light of developments.

Correcting statement Emtel 6432, British are not preparing actual legal text of any part of charter but are developing ideas in form of headings on which drafting officers could later fill in details.

HARRIMAN

560.AL/7-746: Telegram

*The Secretary of State to the Ambassador in the United Kingdom
(Harriman)*

SECRET

US URGENT

WASHINGTON, July 16, 1946—6 p. m.

5419. For Hawkins from Brown. 1. Have discussed early publication ITO Charter (say Aug) with Clayton (urtel 6507 July 7[6]) who agrees this should by all means be done. Please endeavor persuade Brit wisdom this course which we think desirable to keep momentum as well as remove doubts and criticisms arising from misunderstanding of condensed language of Proposals. Also we have already promised in procedural memo Feb 6 to distribute US version of Charter to nuclear govts. You may assure Brit we would explain other govts our draft Charter does not represent inflexible position but is merely put forward as elucidation and basis for discussion.

2. Final ECEFP action on Charter expected by end this week. Will cable changes basis draft recently given you by Ross⁷⁴ so you may consult Brit on details main issues prior publication without, however, seeking firm agreement on such details.

3. Re timetable transmission rate requests, Dept unwilling urge

⁷⁴James A. Ross, Jr., formerly Assistant Chief of the Division of Commercial Policy, and appointed Economic Adviser to the United States mission at New Delhi. Mr. Ross, passing through London on his way to India, presumably had carried with him to London one of the drafts of the "Suggested Charter" which had been formulated in the final stages of ECEFP's work on the matter.

nuclear govts complete transmission by Nov 15 in view doubts our ability meet this deadline in all cases. We prefer set general deadline at end this year but you may inform Brit we will make every effort complete our preliminary rate requests of Empire countries by Nov 15 in view their special needs. We agree urge transmission lists of items, without rates, as soon as possible and avoid setting deadline for these lists.

4. Dept considers action now necessary regularize relations between nuclear group and Preparatory Committee by asking Chile, Lebanon and Norway join trade-barrier negotiations on same basis as others. Dept therefore proposes cirtel to nuclear missions instructing them advise nuclear govts our proposal and request reactions within week or ten days. Please consult Brit, pointing out awkwardness and confusion resulting from continuation of present status and fact that addition of these three would not add greatly to negotiating burden. Particularly difficult for US defend present status in view US initiative on trade-barrier aspects.

5. We are informing UN secretariat US will strongly oppose any move postpone Oct meeting (urtel 6636 July 11⁷⁵) and are pressing them issue invitations immediately. [Brown.]

BYRNES

560.AL/7-1846 : Telegram

The Ambassador in the United Kingdom (Harriman) to the Secretary of State

SECRET

LONDON, July 18, 1946—6 p. m.

[Received 9:24 p. m.]

6799. For Brown from Hawkins. (1) Discussed urtel 5419, July 16, with BOT. Their initial reaction unfavorable but agreed to take under consideration and give us definitive reaction after consulting Ministers.

(2) Initial view on publication of charter was same as heretofore. They agreed to reconsider but felt they could not intelligently take a position without seeing the text of the covering memorandum explaining the nature of draft and the reason for distributing it. Presumably

⁷⁵ Not printed. The Board of Trade had discussed with the London Embassy reports from the United Nations that the UN Secretariat was delaying issuance of invitations to the October meeting of the Preparatory Committee because of "doubt as to effect" of the postponement of the date of the convening of the General Assembly (this date had been moved from September 3 to September 23). The Embassy reported that "Liesching feels strongly and we agree that invitations for mtg London Oct should be issued at once. That if later found necessary to delay mtg countries will meantime have been stimulated to get on with preparatory work and less harm will be done." (560.AL/7-1146) See footnote 88, p. 1345.

same explanation would be sent to governments and made public. Please cable text.

(3) British think your schedule for transmitting request lists means delay in holding negotiating meeting until say April 1. They would like as soon as possible to have the date fixed for that meeting so that preparatory work can be scheduled and staff allocations can be made.

(4) British dubious about the inclusion of Chile, Lebanon and Norway in trade barrier negotiations on same basis as others. They said this raised in acute form question of inviting Argentina to which we replied that Norway, Chile and Lebanon were added by ECOSOC; that while this complicates negotiations it is still more confusing to continue to differentiate these countries; and that since they were added by ECOSOC latter has main responsibility for limiting participants to 18. In view of this we said it seemed unnecessary for either US or UK to complicate matter still further by suggesting any additional country. They recognize complications and will take under consideration.

(5) We think some progress made toward getting British acquiescence and final position may be favorable. [Hawkins.]

HARRIMAN

Lot 54-D361E, Box 328

*Excerpt From Department of State "Current Economic
Developments"* ⁷⁶

SECRET

[Here follows discussion of subjects not related to the "Suggested Charter".]

Draft of ITO Charter Approved by ECEFP. The Executive Committee on Economic Foreign Policy has approved a suggested draft of a Charter for an International Trade Organization of the United Nations. This draft represents an elaboration of our recommendations contained in the trade proposals (see page 1, July 23, 1945 issue and page 2, December 10, 1945 issue of *Current Economic Developments*) and is to be transmitted to the other governments members of the Preparatory Committee to serve as a basis for discussion. Present plans call for publication of the Charter, together with an analysis, in September.

Purposes. The purposes of the ITO are stated to be: (1) to promote

⁷⁶ "Current Economic Developments" was a classified weekly publication prepared by the Policy Information Committee, Department of State, for the information of the Foreign Service of the United States. It was designed to highlight developments in the economic divisions of the Department and to indicate the economic problems that were receiving attention in the Department at any given time. This extract is taken from Issue No. 58, July 29, 1946, and is being printed here for purposes of convenience.

solution of problems in international commercial policies and relations through consultation and collaboration; (2) to enable members to avoid measures destructive of world commerce by providing expanding opportunities for their trade and economic development; (3) to assist the industrial and general economic development of member countries, especially those in the early stages of industrial development; (4) in general, to promote national and international action for the expansion of the production, exchange and consumption of goods, for the reduction of tariffs and other trade barriers, and for the elimination of all forms of discriminatory treatment in international commerce; thus contributing to an expanding world economy, to the establishment and maintenance in all countries of high levels of employment and real income, and to the creation of economic conditions conducive to the maintenance of world peace; and (5) to provide a centralized agency for the coordination of the work of members to the above ends. The original members will be those agreeing to the charter at the world trade conference, membership also being open to other countries accepting the provisions of the charter, subject to the approval of the conference.

Employment Provisions. Recognizing that maintenance of useful employment opportunities for those able, willing and seeking to work is essential to full realization of the purposes of ITO, each member agrees to take action to achieve and maintain full employment within its own jurisdiction, and in doing so will refrain from adopting measures which would create unemployment in other countries. ECOSOC will supervise the exchange of information and consultation on employment problems.

General Commercial Provisions. With respect to customs duties and internal taxation, general most-favored-nation treatment is called for among all members of ITO, except that this shall not require automatic elimination of any preference in customs duties which does not exceed that in force on July 1, 1939, and which falls into one of the two categories: (a) preferences in force exclusively between territories having on July 1, 1939 a common sovereignty, or (b) preferences in force exclusively between the US and Cuba. No preferences shall be increased above their level on July 1, 1946 and all shall be subject to processes of elimination. National treatment on taxation, and freedom of transit for products of any member country in any other member country are called for and limits are placed on anti-dumping and countervailing duties.

The members undertake to work toward the standardization of valuation of products for tariff purposes and accept certain general principles with regard thereto. Members agree that subsidiary fees and

charges in connection with importing and exporting should be limited to the approximate cost of services rendered and not represent indirect protection; most-favored-nation treatment with regard to marks of origin is called for; and certain products will be exempt from marking requirements. Members agree to make available promptly to ITO such statistics relating to their foreign trade as the Organization deems necessary, and to discourage boycotts of products of other member countries.

Tariffs and Tariff Preferences. Any member at the request of another will enter into mutually advantageous negotiations for the reduction of tariffs and the elimination of tariff preferences. Prior international commitments shall not be permitted to stand in the way of action on tariff preferences. All negotiated reductions in most-favored-nation import tariffs shall operate automatically to reduce or eliminate margins of preference, so that, in respect of any product on which the most-favored-nation rate of duty is reduced, or bound against increase, the margin of preference which may apply to such product may not exceed the margin by which the most-favored-nation rate exceeds the preferential rate as of July 1, 1939.

Quantitative Restrictions. Prohibitions and restrictions on imports or exports are abolished except for (a) restrictions imposed during the early post-war transitional period to provide equitable international distribution of short supply items or the orderly liquidation of temporary government-controlled stocks; (b) export restrictions temporarily imposed because of severe shortages of foodstuffs or other essentials; (c) restrictions necessary to the application of standards for the classification and grading of commodities in international commerce; (d) quotas imposed under inter-governmental commodity agreements provided for in the Charter; (e) import restrictions on agricultural products necessary to enforce governmental measures to (i) restrict the quantities of the like domestic product permitted to be marketed, or (ii) remove a temporary surplus of the like domestic product by making the surplus available free or at prices below the market level to certain groups of domestic consumers. Subject to certain conditions, however, any member confronted with an adverse balance of international payments may impose import restrictions. With certain exceptions, quantitative restrictions so imposed must be non-discriminatory.

Exchange Control. To avoid imposition of trade restrictions through exchange techniques, members agree not to impose exchange control on commodity transactions with other members, except where this is permitted in the Articles of Agreement of the International Monetary Fund. However, members agree to relinquish their freedom of

action to impose exchange restrictions on commodity transactions under Article XIV of the Fund (post-war transitional period).

Subsidies. Members undertake to notify the ITO of any subsidy to domestic producers of any product and to discuss with other members the possibility of limiting such subsidization if it is found seriously injurious to the trade of any member. Export subsidies would in general be prohibited after a transitional period.

State Trading. State trading enterprises shall accord to the trade of all members nondiscriminatory treatment, as compared with the treatment accorded to the commerce of any country other than that in which the enterprise is located. Such enterprises shall be influenced solely by commercial considerations in making external sales or purchases. State monopolies of individual products shall undertake to reduce margins of protection accorded to domestic producers and complete state monopolies of foreign trade shall negotiate with the other members an arrangement by which, in return for tariff concessions, the state monopoly will undertake to import over a period products of other members to an agreed value.

Emergency Provisions. An escape clause permits withdrawal or modification of any tariff or other trade-barrier concession which proves to threaten serious injury to domestic producers for such time as may be necessary to prevent this injury. However, previous notice in writing must be given the ITO and penalties are provided in cases of abuse.

Restrictive Business Practices. Members agree to take appropriate individual and collective measures to prevent business practices among commercial enterprises which restrain competition, restrict access to markets, or foster monopolistic control in international trade. The ITO will receive and consider written complaints from any member, persons or organizations that a particular practice has this effect. If the complaint is found justified, the ITO will recommend appropriate remedial measures. The ITO may request information from members and conduct studies relating to restrictive business practices and where appropriate make recommendations for action by the members.

Intergovernmental Commodity Arrangements. When special difficulties exist or are expected to arise concerning a particular commodity, members and possibly non-members substantially interested in the commodity shall be entitled to appoint representatives to a Study Group to make a study of the commodity and recommend to the ITO how to deal with such difficulties. The ITO may call an intergovernmental conference to frame an intergovernmental commodity agreement in accordance with certain principles: (a) any member with a substantial interest in the production, consumption or trade of the

commodity may participate in the consideration of the proposed agreement and non-member countries may be invited to do so; (b) members agree not to enter into intergovernmental commodity agreements except after investigation by the Study Group of causes of the problem and determination that a burdensome surplus exists which would cause widespread distress to small producers accounting for a substantial portion of the total output, or that widespread unemployment, unrelated to general business conditions, is developing in the industry concerned and cannot be corrected by the normal play of competitive forces. Members must also first adopt a program of economic adjustment to insure progress toward solution of the problem within the time limits of the agreement; and (c) agreements relating to other than primary products shall not be resorted to except in exceptional circumstances. Agreements are not to remain initially in effect for more than five years and renewal will be subject to the principles governing new agreements. A Commodity Council is to be established under each agreement with equal voting power to be given to importing and exporting countries.

Organization. The organization, as was called for in the *Proposals*, will have a Conference, an Executive Board, a Commission on Commercial Policy, a Commission on Business Practices, a Commodity Commission and a Secretariat. An Interim Tariff Committee is also provided for to act temporarily on behalf of the ITO in investigating a complaint of a member that another member has failed to fulfill its obligations to conduct tariff negotiations. The Charter provides in detail for membership in these groups and the duties of members.

560.AL/7-1846: Telegram

*The Secretary of State to the Chargé in the United Kingdom
(Gallman)*

CONFIDENTIAL US URGENT WASHINGTON, July 19, 1946—8 p. m.

5515. For Hawkins. Draft Charter ITO (version sent you by Ross) approved today by ECEFP subject following major substantive changes plus other primarily technical changes:

[Here follows listing of specific changes made in Articles 8, 18, 26, 32, 49, and 76.]

Corrected copies Charter probably will not arrive London until week or ten days. Therefore please consult Brit basis copy you have with changes indicated above. Dept will hold for few days transmittal Charter other nuclear govts against possibility Brit objections. However please explain to Brit US position flexible on draft as whole and that Dept therefore hopes Brit will not urge changes in draft prior

transmittal other govts or prior publication. Dept will cable you soonest outline text covering memorandum (urtel 6799 July 18) explaining nature of draft.

BYRNES

560.AL/7-2346: Circular telegram

*The Secretary of State to Certain Diplomatic Officers*⁷⁷

SECRET

WASHINGTON, July 23, 1946—11 a. m.

Following is summary major developments to date:

1. US invited 15 countries preliminary trade meeting in spring 1946 (see appropriate instruction or Depcirtel cited in Depcirtel Dec 13⁷⁸) for purpose negotiating trade-barrier reductions and preparing for world conference trade employment.

2. US transmitted same 15 countries memo dated Feb 6 entitled "Preparations for Preliminary International Meeting on Trade and Employment" (see Depcirtel Feb 12, 6 p. m.) which set forth US ideas re purpose of meeting, preparations for meeting and relation of meeting to general world conference.

3. At US initiative, UN ECOSOC passed resolution Feb 18 which a) called world conference in latter part of 1946, b) named 19 governments to serve as Preparatory Committee to elaborate for Conference an "annotated draft agenda, including a draft convention" and c) suggested that this agenda include 5 main topics taken from US Proposals (i.e. high employment, trade barriers, cartels, commodity policy and machinery of ITO). Govts named by ECOSOC were US, 15 countries referred to in 1, above, and Chile, Lebanon and Norway.

4. Secretary-General of UN announced May 28 that Prep Committee would hold first meeting London Oct 15 and that world conference would not be held until 1947. It is hoped UN will issue invitations this meeting within next few days. (Substantive discussion this meeting probably largely exploratory, but meeting might also deal with organizational and procedural problems involved in subsequent trade-barrier negotiations and in developing agreed draft of Charter of ITO contemplated by US Proposals.)

5. Status US public notice intention negotiate under Trade Agreements Act is that notice and accompanying list of products to be considered for granting concessions will not be issued prior Oct meeting. This means that, in view time required for public hearings, actual

⁷⁷ Sent to the 15 United States missions accredited to the "nuclear" governments that had been invited by the United States in December, 1945 to send representatives to a trade meeting preparatory to the proposed general conference on trade and employment.

⁷⁸ Not printed.

negotiating meeting at which trade barriers would be reduced, referred to in original US invitation and in memo of Feb 6 (see 2, above), cannot take place until spring 1947. It is now hoped Mar or Apr 1947 can be set for this meeting.

Reports from field indicate that postponement negotiating meeting has in case of some countries already resulted in letdown preparations and is likely to do so in case of others. This extremely dangerous since review preparatory work accomplished to date, particularly in complex tariff field, makes clear need for all of time remaining between now and spring 1947 when actual negotiations begin. Dept therefore proposes following plan designed intensify preparations and urges you make every effort stimulate preparations by Govt to which you are accredited. Plans follows:

1. US views re purpose of negotiating (spring 1947) meeting, preparations needed for meeting and procedures to be followed at meeting remain as stated in memo Feb 6.

2. As indicated in memo Feb. 6, US will transmit other nuclear countries US draft text Charter of ITO covering all aspects Proposals. Transmittal will probably take place early Aug and may be followed by publication of Charter.

3. During Aug and Sep, US plans bilateral discussions at expert level of Proposals, draft Charter and Feb 6 memo with each other nuclear country. You will be informed precise arrangements.⁷⁹

4. Foregoing will advance preparations general provisions Charter and general aspects negotiations. Most difficult and complex aspect of spring meeting, however, will be tariff negotiations which require far more detailed preparations than other aspects. Dept convinced tariff negotiations on multilateral basis contemplated in Feb 6 memo likely break down unless each country knows well in advance of meeting a) what tariff concessions it will request from each other country and b) what tariff concessions each other country will request of it. This would be achieved by transmitting preliminary lists of a) request items and b) request rates referred to page four Feb 6 memo. Such transmittal cannot be left to last few weeks or even months before meeting but must we feel be completed before end this year if meeting is to go forward in spring.

5. Dept believes preliminary lists US request rates can be transmitted all nuclear countries by end this year. Please urge similar time schedule on Govt to which you are accredited, pointing out need for

⁷⁹ Detailed arrangements were worked out soon thereafter. These bilateral discussions began with a round of visits to several European capitals about mid-August and subsequently extended around the world. For a summary of these visits and results stemming therefrom, see p. 1345.

transmittal request lists not only to US but also to each other nuclear country from which it desires tariff concessions.

6. Please report earliest possible date what you can learn as to progress thus far made by Govt to which you are accredited in preparing for tariff negotiations, as to its reactions to Feb 6 memo and as to its willingness to proceed as suggested in 5, above.

7. UK Govt has agreed stimulate action on foregoing plan through UK missions in nuclear countries.

BYRNES

560.AL/7-1846 : Telegram

*The Secretary of State to the Ambassador in the United Kingdom
(Harriman)*

US URGENT

WASHINGTON, July 23, 1946.

5569. Urtel 6799 July 18. Following is the proposed text of covering memo to accompany transmittal other Govts draft Charter :

“In December of last year the Government of the United States published and transmitted to other governments for their consideration a document entitled Proposals for Expansion of World Trade and Employment.

These Proposals put forward the idea that there should be established an International Trade Organization of the United Nations, the members of which would undertake to maintain employment by appropriate measures and to conduct their commercial policies and relations in accordance with rules to be set forth in the Charter of the Organization. The Proposals contained suggestions as to what these rules might be in the fields of trade barriers, intergovernmental commodity agreements, and restrictive trade practices on the part of private business, and outlined a suggested structure for the machinery of the International Trade Organization itself.

The Government of the United States has now prepared an elaboration of its Proposals in the form of a suggested draft Charter for an International Trade Organization, copies of which are transmitted herewith for the confidential use and information of the Government of _____.

Copies of the suggested draft Charter are also being transmitted to the Secretariat of the United Nations and to the other governments named by the Economic and Social Council of the United Nations to serve as a Preparatory Committee for the projected international conference on trade and employment called by the Council in February of this year.

The Government of the United States wishes to emphasize the exploratory nature of the enclosed draft Charter, which is put forward by the United States solely as a possible basis for international discussion and not as a document expressing final or fixed views of the Government of the United States. Also, it is hoped the draft will

clarify obscurities and remove doubts or misunderstandings to which the condensed language of the Proposals may have given rise.

The Government of the United States proposed [*proposes?*] to publish the draft Charter at an early date in order to stimulate public discussion and consideration of the many points involved. The Government of _____ will be notified before publication takes place.”

Substance of foregoing would also accompany subsequent public release of Charter.

Dept hopes that in light this statement Brit will raise no further objections transmittal or publication text prior Oct.

BYRNES

560.AL/7-2446: Circular telegram

*The Secretary of State to Certain Diplomatic Officers*⁵⁰

CONFIDENTIAL

WASHINGTON, July 24, 1946—8 a. m.

You will shortly receive third person air mail instruction⁵¹ enclosing copies Draft Charter of International Trade Organization and explanatory covering memo. After clearance from Dept, which you will receive by telegraph, please hand copies Draft Charter to Fonoff together with statement along lines of covering memo.

BYRNES

560.AL/8-246

Memorandum of Transatlantic Telephone Conversation, by the Chief of the Division of Commercial Policy (Brown)

[WASHINGTON,] August 2, 1946.

Mr. Peterson⁵² called to say that the British would not give any decision as to the inclusion of Norway, Chile and Lebanon before August 7 and as to the distribution of the Charter before August 9. He said he thought so far as the first was concerned the decision would be favorable, but with regard to the second he thought the British would decide it was an unwise thing to do at this time.

I told Mr. Peterson I would consult with Mr. Wilcox and cable him our reaction immediately but that I thought we would probably decide

⁵⁰ Cabled to the other governments named in the February ECOSOC resolution as members of the Preparatory Committee for the trade and employment conference.

⁵¹ Fourteen of the instructions were sent out under date of July 25 (560.AL/7-2546). Four of the instructions, despatched to United States missions in the Western Pacific and South African areas, were sent out under date of July 26 (560.AL/7-2646). These documents necessarily were received by the different missions and so transmitted to the different governments at varying times. See footnote 85, p. 1342.

⁵² Mr. Avery Peterson, First Secretary of the American Embassy at London.

to go ahead with the distribution. We had made our plans for discussion of the Charter with a number of countries and wanted them to have time to consider it before the talks; we also planned to hold a meeting in Washington, before the October 15 meeting, of all the Government officials who had participated in the talks. In view of this, I did not think we would want to delay any longer.

Mr. Peterson said he would convey this reaction (after receiving our telegram) to Mr. Helmore whom he planned to see on August 3.

With regard to the October 15 meeting, Mr. Peterson said he was continuing to press for provision of personnel by the British and exploring other possible sources. He felt the meeting should certainly take place sometime in October. I said that we, too, were doing all we could to provide a staff.

I called Mr. Peterson back and told him we were sending him the attached cable⁸³ immediately, and summarized its contents for him in case he met with Mr. Helmore before August 3.

560.AL/8-246 : Telegram

*The Acting Secretary of State to the Chargé in the United Kingdom
(Gallman)*

U.S. URGENT

WASHINGTON, August 2, 1946.

5803. For Peterson from Wilcox and Brown. 1. Confirming telephone call re distribution Charter. You are authorized talk British as follows. In view our plan for bilateral discussions August, we much regret we cannot delay plans any longer by withholding distribution, since essential other countries have time to consider Charter before talks. British have already held such talks. Charter merely suggested elaboration of *Proposals*. We feel Charter will help clear up possible doubts and fears on part other governments and clarify technical points. Accordingly, we plan instruct missions on Aug 5 to transmit Charter immediately unless before Aug 5 we receive from British reasons against transmittal which we consider persuasive. You may assure British we will advance Charter on own responsibility without implying in any way commitment on part of U.K.

2. We plan telegraph same day to all nuclear governments explaining procedural reasons why we think inclusion Chile, Norway and Lebanon in trade-barrier negotiations desirable, that we plan to invite them in 10 days, and stating we assume no objection. [Wilcox and Brown.]

ACHESON

⁸³ *Infra.*

560.AL/8-346 : Telegram

*The Chargé in the United Kingdom (Gallman) to the Secretary of State*SECRET
NIACT

URGENT

LONDON, August 3, 1946—4 p. m.

Received August 3—11 : 52 a. m.

7243. For Wilcox and Brown from Peterson. Memo based your 5803, August 2 left with Helmore BOT.

British position is as follows: (a) If US Charter published British would say they were not consulted and were not in accord with certain American interpretations of ITO proposals as expressed in Charter; (b) British could not at present undertake joint redrafting on these points of different understandings and do not wish to engage in that sort of negotiation now; (c) British still have objection as to wisdom of publication of Charter. They believe it a mistake in tactics.

On question of Norway, Chile, Lebanon, British observe that paragraph 2 reftel gives them to August 15 to comment.

British stated informally that there were main points wherein they think US Charter interpretation of ITO is contrary to their interpretation, as follows:

[Here follows simple listing of British points of difference, relating to Articles 18, 27, 21, 23, 26, 30, 31, and the section relating to cartels.]

British have much less objection to confidential circulation of Charter to nuclear countries and say this would be less embarrassing. [Peterson.]

GALLMAN

560.AL/8-546 : Circular telegram

*The Acting Secretary of State to Certain Diplomatic Officers*⁸⁴

CONFIDENTIAL

WASHINGTON, August 5, 1946—9 p. m.

Depcirtel July 24 8 a. m. You are hereby authorized transmit ITO Charter with explanatory memo as soon as copies arrive.⁸⁵

ACHESON

⁸⁴ Sent to the United States missions accredited to the eighteen governments named along with the United States in the ECOSOC resolution of February 18, 1946 as members of the Preparatory Committee for the International Conference on Trade and Employment.

⁸⁵ In a circular telegram of August 5, 10 p. m., the Department informed the missions at Canberra, Wellington, and Pretoria that "in addition to eight copies by regular air mail, three copies of ITO Charter have been sent you by special route . . . and should arrive by Aug. 9." In the same telegram the Department cabled the text of the explanatory memorandum that was to accompany the draft Charter upon its transmittal to other governments; (see circular telegram, July 23, p. 1337).

The eighteen missions accredited to the governments members of the Prepara-

560.A.L./8-546: Circular telegram

*The Acting Secretary of State to Certain Diplomatic Officers*⁸⁶

CONFIDENTIAL

WASHINGTON, August 5, 1946—noon.

Depcirtel July 23 11 a.m. and previous. Dept considers present favorable time to add Chile, Lebanon and Norway to nuclear group originally invited by US to participate in trade-barrier negotiations. Addition these three will place all members of Preparatory Committee named by ECOSOC on same footing and thus avoid confusion and invidious distinctions created by continued exclusion three members of Prep Committee from major aspect of preparations for world trade conference.

tory Committee were informed in circular telegrams on dates varying from August 5 to August 9 that the Department planned to conduct bilateral discussions on the draft Charter with all the concerned governments. This set in motion the sequence of events related to the diplomatic discussions projected in the Department's July planning.

The Embassy at London was instructed on August 6 to inform the British Government of the Department's final position on the matter of the circulation of the draft Charter. The Department cabled: "Please inform British (urtel 7243, Aug. 3) we are proceeding transmit Charter other members Preparatory Committee on confidential basis but will not publish in immediate future. Also, in bilateral talks with these countries we will point out British have not been consulted in preparation of Charter and have for example criticized several provisions which we will mention. On whole we think this far better procedure than presentation to other countries of joint draft. . . ." (Telegram 5845, to London, August 6, 3 p. m., (560.AL/8-346)).

Copies of the draft Charter were on August 12 transmitted for information to the diplomatic missions in Washington of the concerned governments (memorandum notes dated August 12, 1946, (560.AL/8-1246)).

On September 12 the Department in a circular telegram informed all United States diplomatic missions except Madrid that this Government was releasing the draft "Suggested Charter" for publication on September 20, and that copies of the printed text were being forwarded by air mail for transmission to the government concerned. It was explained that the draft Charter represented an elaboration of the *Proposals* prepared in December, 1945 and contained detailed provisions for implementing the principles of the *Proposals* regarding international aspects of employment measures, reduction of trade barriers, elimination of restrictive business practices, commodity agreements and the creation of an international trade organization. The missions were to bring the foregoing to the attention of the Foreign Minister concerned on September 18, "stating that suggested Charter . . . is being put forward as a basis for discussion and not as document expressing final or fixed views of US Govt." Copies of the Charter were to be given to the Foreign Ministries "upon arrival but not prior Sept 18." (circular telegram, September 12, 1946, 10 a. m. (560.AL/9-1246)). The diplomatic missions in Washington were informed of these events and handed copies of the draft Charter for purposes of information on September 16. Copies had been sent to the Secretary-General of the United Nations on September 14.

For text of the "Suggested Charter for an International Trade Organization of the United Nations," released by the Department of State on September 20, see Department of State Publication 2598. For the summary of provisions issued by the Department at the same time, see Department of State *Bulletin*, September 29, 1946, pp. 535 ff. See also, *ibid.*, p. 585, for text of Department's press release issued at this time, and text of a statement by the Under Secretary of State for Economic Affairs (Clayton).

⁸⁶ Sent to the 15 United States missions accredited to the "nuclear" governments invited by the United States in December, 1945 to attend a preliminary conference in preparation for the general conference on trade and employment.

While US responsible for issuance original invitations and must therefore also take responsibility for inviting three new members, US cannot properly proceed wholly on own initiative since, in view multilateral nature of agreement contemplated, invitation and acceptance thereof necessarily involve trade-barrier negotiations not only between three new members and US but also between former and each other nuclear country.

In order pave way for US action, please inform Govt to which you are accredited that in accordance with spirit of ECOSOC resolution adding Chile, Lebanon and Norway to original group, US now proposes extension these countries invitation negotiate trade barriers on same basis as nuclear group, that it is proposed issue such invitations on or about Aug 15, and that it is assumed Govt to which you are accredited would have no objection proposed invitations in view earlier action of ECOSOC.

Please inform Dept by Aug 13 of any reaction to foregoing.⁸⁷

Dept aware that invitation to Lebanon will entail negotiation with Lebanese-Syrian Customs Union which may affect form of invitation in this case.

ACHESON

560.AL/8-2846

The United Nations Assistant Secretary General for Economic Affairs (Owen) to the Under Secretary of State (Clayton)

NEW YORK, August 28, 1946.

MY DEAR MR. CLAYTON: I am in receipt of your note dated August 16, concerning the meeting of the Preparatory Committee of the International Conference on Trade and Employment. I have taken very good note of your remarks and I wish to thank you for your extremely

⁸⁷ A generally favorable reaction was contained in replies a majority of which had been received by August 15. (These are found in the 560.AL File.) The London Embassy reported in telegram 7426, August 13, that "Embassy informed today by Foreign Office that British Government agreeable to adding Norway, Chile and Lebanon to nuclear group (Depcirtel August 5, Noon). While agreeing to this action Foreign Office notes that it has certain objections to enlarging nuclear group. These objections relate principally to original understanding that nuclear group should consist of countries having major share in world trade." (560.AL/8-1346)

Telegraphic instructions were sent to the United States missions at Oslo, Beirut, and Santiago on August 19 authorizing them to transmit invitations to the governments to which they were accredited. Chile accepted the extended invitation on August 27, Norway on September 11, and Lebanon on October 2.

The Department of State announced on October 14 that the invitations had been extended and accepted; for text of release, see Department of State *Bulletin*, October 27, 1946, p. 754. The missions at the three concerned capitals were sent advance texts of the announcement in a circular telegram of October 9, 5 p.m. (560.AL/10-946).

generous offer to supply staff who will assist in servicing the meeting.

I am pleased to be able to inform you that your offer has greatly facilitated the task of the Conference and General Services Department and—subject to certain other staffing requirements being satisfactorily dealt with in the next few days—it will in fact be possible for the meeting to take place on October 15 as originally planned.⁸⁸ We will confirm the date of the meeting at the earliest possible opportunity.⁸⁹

Sincerely yours,

DAVID OWEN

560.AL/S-446^{89a}

The Ambassador in the United Kingdom (Harriman) to the Secretary of State

CONFIDENTIAL

LONDON, September 4, 1946.

No. 1632

SIR: I have the honor to refer to the Department's telegram No. 5848, August 6,⁹⁰ instructing Mr. Hawkins and Mr. Peterson to visit Praha, Oslo, Brussels, The Hague and Paris to conduct discussions with Government officials regarding the United States proposals and Draft Charter for an International Trade Organization.

The discussions took place in Praha August 12-13, in Oslo August 15-19, in Brussels August 21-22 (where Mr. Robert Terrell of the Department joined the party), in The Hague August 23-24, and in Paris August 26-28. In passing through Copenhagen occasion was taken to call on the Danish Foreign Minister and his principal assistant to bring them up to date in developments relating to ITO.

The principal points of value of the trip may be summarized as follows:

(a) It brought to light several points in the United States Draft Charter regarding which there was common misunderstanding and criticism.

⁸⁸ The Department had reacted strongly to an alarm raised by the Secretariat of the United Nations, that the London meeting of the Preparatory Committee would have to be postponed because of the absorption of available technical conference personnel by the session of the General Assembly of the United Nations planned for the autumn months in New York. This problem arose late in July, and the Department made the most strenuous efforts throughout August to maintain the projected October 15 date. Approaches had been made especially to the Governments of Canada, the United Kingdom, and France in this effort. Documentation regarding these matters is found in the 560.AL file.

⁸⁹ The national missions at the seat of the United Nations were informed officially of the October 15 date by the Secretary-General on August 31; the Department was so informed in telegram 532, August 31, from New York, not printed.

^{89a} Presumably the date enclosure number should be 9-446; it is however filed as indicated here.

⁹⁰ Not printed.

(b) As a result the Department, guided also by the results of conversations with non-European nuclear countries, will be to a certain extent briefed regarding attitudes likely to arise in the Preparatory Meeting in October, which thus permits a prior consideration of the position which the Department will take at the Preparatory Meeting.

(c) It served to emphasize to European nuclear countries the importance which the United States attaches to the proposed International Trade Organization, and the sincerity of the American intention to modify our own trade restrictions as well as to effect the renewal [*removal?*] or reduction of trade restrictions in other countries.

(d) It should speed up the study work of European nuclear countries, add importance to the status of their committees appointed to recommend a governmental position regarding the International Trade Organization, and should hasten both the preparation of request lists and the formulation of new post-war tariffs.

(e) It should bring about a greater appreciation of the importance of the relationships and conflicts between temporary trade arrangements of European nuclear countries and the long-term arrangements proposed for ITO.

(f) It should assist in clarifying the relationship of the Preparatory Meeting, the Negotiating Meeting, and the World Trade Conference, and indicate the type of personnel required from nuclear countries at the first two meetings.

(g) Finally, the trip provided additional personal knowledge of the views of individual government officials who are to participate in the Preparatory Meeting.

Outline of Report.

In order to provide maximum usefulness to the Division of International Trade Policy and the country committees concerned with ITO, this report will be divided into three main segments:

(a) Main conclusions of the London conferees regarding the outlook of the five countries toward the ITO.

(b) A chronological summary of the persons seen in the five countries and general indications given by them of the position of each country relative to the ITO.

(c) A serial review of the United States Draft Charter with comments on individual paragraphs reflecting the attitude of governmental officials in the five countries.

MAIN CONCLUSIONS

1. The five countries visited exhibited a sincere and wholehearted interest in the International Trade Organization, and the code of conduct for international trade appears to be considered by all five countries as an alternative greatly to be preferred to the nationalistic trade practices prevalent in the inter-war years. The United States proposals are in every case regarded as being in consonance with the basic economic interests of the countries visited.

The ultimate position which Czechoslovakia will take is more doubtful than that of the other four countries because of its political relationship with the U.S.S.R. and the disruption of its industrial structure because of enemy occupation and the resultant nationalization program. Czechoslovakia, geographically and politically, is on the fence between eastward and westward orientation in the economic and political spheres and has not yet made the basic decision between east or west. For that reason its position regarding the International Trade Organization is likely for a time to be equivocal.

A somewhat similar but less fundamental doubt must also be expressed for France because of conflicting political elements in the country, and the wartime dislocation in French industries which raises doubts as to what position France will be able to hold in a competitive post-war world and as to what position it should take regarding proposals envisaging greater competition in international trade. If the U.S.S.R. should not participate in ITO a conflict might easily arise between the political and economic interests of France which would be difficult to resolve.

As for the Netherlands, support for the kind of Trade Organization and commitments proposed by the United States seems likely to be qualified in a number of important respects because of Dutch concern for the welfare of the Dutch East Indies and Dutch political interests in that area.

The support for our ITO proposals by Norway and Belgium seems likely to be unqualified in every important respect.

2. In all five countries there seems to be general agreement regarding the elimination of quantitative restrictions for *protective* purposes. This is in sharp contrast from the position adopted in the inter-war years and most encouraging to the hope for a basis for tariff action that would have meaning.

3. The main objections from the five countries to the United States Draft Charter arise from their concern over a possible inadequacy of provisions relating to the transitional period. Their objections are not as yet very specific but it is to be expected that their concern over problems facing them will cause them to examine very critically any provisions which in any way limit their freedom of action for as long a period as there is any chance of these problems still existing.

4. Objections were expressed by several of the five countries to provisions in the Draft Charter regarding cartels and inter-governmental commodity arrangements. These objections in large degree arise from an ideological bias in favor of cartels and commodity agreements. This gives rise to a reaction against the anti-cartel and commodity agreements bias which seems implicit in the text of Chapters V and VI. In particular they object to the presumption that the specified

practices of cartels are bad and are inclined to feel that the burden of proof should be on the organizations to prove them so. Regarding commodity agreements they feel that the machinery is so cumbersome as to prevent or delay unduly the taking of needed action.

5. A general question was raised in several of the countries regarding the relationship of shipping problems to the proposed International Trade Organization.

6. A feeling was evident in several countries that regional tariff groups should not be prohibited within the ITO membership if the objectives of the regional group were truly toward freedom in international trade and provided the agreements were actually and effectively open to other ITO members. It was argued that certain members of ITO with common economic problems might be able to reduce trade barriers among themselves to a greater degree than would be possible among all members of ITO; that under these conditions if a regional group gave special mutual concessions such arrangements should not be prohibited provided the offer was effectively open to all members of ITO.

7. Questions frequently arose, without taking the form of concrete suggestions, regarding the coordination of the work of Economic and Social Council, ITO, and other agencies, particularly the Food and Agricultural Organization.

8. In several of the five nuclear governments there was some fear of trade recession in the United States which raised the question whether the United States Draft Charter made adequate provision whereby a country might insulate itself from business recessions in other countries.

[Here follows balance of the report.⁹¹]

Respectfully yours,

For the Ambassador:
HARRY C. HAWKINS
*Minister-Counselor for
Economic Affairs*

⁹¹ Additionally officers from the Department proceeded from Washington at varying intervals to Ottawa, Havana, Rio de Janeiro, Santiago, Wellington, Canberra, Pretoria, New Delhi, and Nanking, for similar consultations, during the period from mid-August to early October; and further discussions were held with the French at London on September 14 and at Washington on September 24 and October 1 (documentation found in 560.AL/file).

On October 7 the Department in its weekly "Current Economic Developments" described the foreign reactions to this Government's trade program in general fashion as follows:

"Since the issuance of our Proposals and draft Charter, Department officers have discussed in detail the points contained therein with officials in the other countries of the Preparatory Committee group and have found that while there is considerable unanimity on some aspects of our program, the US delegation faces a difficult task of persuasion on others. Canada perhaps comes the closest to supporting our program as a whole. UK officials gave their approval to the

560.AL/10-746

*Memorandum by the Chief of the Division of Commercial Policy
(Brown)*⁹²

SECRET

[WASHINGTON,] October 7, 1946.

Mr. Acheson's memorandum submitting the *Proposals for Expansion of World Trade and Employment* to the President for his approval summarized the trade program which they envisaged and set forth the main obligations which would have to be assumed by the United States.

The memorandum stated:

"The tariff provisions (of the *Proposals*) would involve at an early stage the broad and substantial use of the authority under the Trade Agreements Act. The specific tariff concessions which we would offer to other countries would, of course, be submitted to you for prior consideration and would be subject to appropriate safeguarding provisions."

The President approved this memorandum on September 11, 1945.

On December 6, 1945, the United States invited 15 nations, accounting for over two-thirds of our trade, to negotiate trade agreements. Three smaller countries have since been added. The negotiations are to begin in April 1947.

The Interdepartmental Trade Agreements Committee has now com-

Proposals before they were issued, and have criticized the draft Charter only where it differs substantially from the *Proposals*.

A definitely different opinion is to be found in the less-developed countries (Australia, New Zealand, India, China, Cuba, Brazil, and Chile) with regard to the reduction of trade barriers. These countries, deeply concerned with the problem of industrialization and full employment, want to use restrictive measures to protect their infant industries. In general, they remain unimpressed with our contention that subsidies offer the least objectionable method for this purpose. They point out that, while tariffs and subsidies both amount to charges on their economies, the very real difficulties in raising the revenue to pay subsidies make the latter impractical for them. The Cubans are reluctant to give up their preferential position in the US market, as are the New Zealanders in the UK. The British, however, are willing to negotiate on preferences if convinced of the sincerity of the US intention to lower substantially our tariff wall, as a defense against which the Empire preferential system was developed.

A major point of difficulty will be faced in connection with our cartel provisions. The Dutch, the Czechs and the Belgians are not willing to concede that all cartels are bad. They would be willing to have the Charter state that certain practices may have undesirable effects, but they object to having the burden of proof put on those engaging in cartel arrangements, as our draft Charter now provides."

⁹² Addressed to the Director of the Office of International Trade Policy (Wilcox) and the Under Secretary of State for Economic Affairs (Clayton). A marginal notation by Mr. Brown reads: "Not read by Mr. Clayton, but substance given him orally by C[lair] W[ilcox] and W[inthrop] G. B[rown], specifically marked portions." The latter comprised four paragraphs, beginning respectively, "Because of the number of countries involved. . .", "Most important of all. . .", "The list is bulky. . ." and "In order to meet the time schedule. . ."

pleted its list of items on which tariff concessions will be considered (but not necessarily granted) by the United States at the April meeting. In accordance with standard trade-agreement procedure, this list includes the items of which the "nuclear" countries are, or are likely to be, principal suppliers. Public hearings on this list will be held in January.

The Trade Agreements Committee has also substantially completed a list, compiled on the same basis, of items on which it will request tariff concessions or bindings from the other nuclear countries.

If we are to obtain the commitments which we seek in the *Charter* from other countries with respect to the use of quantitative restrictions, exchange controls, preferences and other discriminations, and adequate tariff concessions on our export items, it is essential that we grant tariff concessions to them which are substantial in extent and cover a wide range of items. The list prepared by the Trade Agreements Committee (a copy of which is attached)⁹³ has been developed in accordance with established trade-agreement procedure and should be a satisfactory basis for the nuclear negotiations.

Because of the number of countries involved, and their importance in our trade, the list is very extensive. The list includes at least one item, often many, from 450 paragraphs out of the 503 in the dutiable section of the Tariff Act and 150 paragraphs out of the 211 paragraphs in the free list. If concessions were granted on all or a substantial part of this list, it would, in effect, amount to a revision of the Tariff Act.

Most important of all, the list includes key items, such as wool, butter, meat, pottery, woolen and cotton textiles, sugar, copper, glassware and shoes, without which the negotiations would fail.

Therefore, the list has high political significance. Its publication will evoke vociferous protest from vested interests, from pressure groups and opponents of the trade-agreements program. The inclusion of the key items referred to will be the principal cause of this protest.

On the other hand, the list should evoke commendation from supporters of our program for expanding trade and substantial satisfaction from the nuclear governments.

The list is bulky. This is deliberate. We have made no effort to conceal the magnitude of the project. On the contrary, we have presented the list in two forms, one in the legal language of the Tariff Act, the other in the layman's language of Commerce Department statistics, with useful supplementary data, so as to ensure that the public has the fullest knowledge of what we are doing. One of the great strengths of the trade-agreements program has been the integrity of its proce-

⁹³ Not found attached to file copy. See memorandum to the President, about November 5, p. 1352.

dures and administration. This list is designed to maintain that integrity.

It is highly important that these negotiations be clearly related in the public mind to the rest of our economic program, e.g. Article VII, Bretton Woods, the International Trade Organization. I suggest, therefore, that the President be asked to make a statement showing this relationship at the time the list is published and the importance of the negotiations. The list would also be accompanied by a Department press release, substantially in the form attached, giving background information about the tariff negotiations and relating them to our overall trade program.

In order to meet the time schedule, this list will have to be published on November 9. To get it printed, we should have Presidential approval by October 11. A suggested Memorandum for the President is attached, together with a suggested statement for him to make.⁹⁴

WINTHROP G. BROWN

Editorial Note

On October 2 President Truman approved the Department's recommendations for the composition of the United States Delegation to the First Meeting of the United Nations Preparatory Committee for the International Conference on Trade and Employment, which was to convene in London on October 15. Mr. Clair Wilcox, Director of the Office of International Trade Policy, was appointed Chairman of the Delegation, and Mr. Harry C. Hawkins, Minister-Counselor of Embassy for Economic Affairs at London, was appointed Vice-Chairman. Other members of the 13-man delegation were drawn from the Departments of State, Labor, Commerce, and Agriculture, the Treasury Department, and the United States Tariff Commission. For the official Delegation list, see Department of State *Bulletin*, October 13, 1946, page 664.

The Conference extended from October 15 to November 26. There is a public documentation of the Conference published by the Economic and Social Council in the United Nations document series E/PC/T. This includes verbatim reports of plenary and committee meetings. For the official report of the Conference, see U.N. Doc. E/PC/T/33. A set of these records is found in Department of State Lot File 57D284, Box 90. For statements made at the opening and final plenary sessions of the conference by the Chairman of the United States Delegation (Wilcox), see Department of State

⁹⁴ See memorandum to the President, about November 5, p. 1352.

Bulletin, October 27, 1946, page 757, and December 8, 1946, page 1056. For a comparison of the articles of the draft charter prepared by the conference with the articles originally presented by the United States Delegation, see Department of State Publication 2728, Commercial Policy Series 98, *Preliminary Draft, Charter for the International Trade Organization of the United Nations* (Washington, 1946).

There is an extensive unpublished documentary collection in the Department of State's unindexed office lot files, Lot 57-D284, relating to the subject of the proposed International Trade Organization and the General Agreement on Tariffs and Trade and consisting of 124 boxes. This collection includes the official documentation of the United States Delegation to the London meeting of the Preparatory Committee, in five boxes containing background and preparatory material, the working papers of the Conference, and the working papers of the United States Delegation (including a complete file of incoming and outgoing telegrams). An inventory of the entire lot is found in the Research Section of the Department of State's central files.

560.AL/11-946

*Memorandum by the Department of State to President Truman*⁹⁵

SECRET

WASHINGTON, [undated].

On September 11, 1945, the Acting Secretary of State submitted to you the United States *Proposals for Expansion of World Trade and Employment*, together with a memorandum summarizing the trade program which these *Proposals* envisaged and the main obligations which they would involve for the United States.

This memorandum stated in part:

"The tariff provisions (*of the Proposals*) would involve at an early stage the broad and substantial use of the authority under the Trade Agreements Act. The specific tariff concessions which we would offer to other countries would, of course, be submitted to you for prior consideration and would be subject to appropriate safeguarding provisions."

You approved the memorandum.

On December 6, 1945, these *Proposals*, somewhat revised after consultation with the British, were published for the consideration of the world, and the United States invited fifteen nations, accounting for over two-thirds of our trade, to negotiate trade agreements. Three

⁹⁵ Although the memorandum, which is undated, carries the notation "Approved Nov. 9, '46, Harry S. Truman", the President had signified his approval, apparently orally, by November 5; see footnote 97, p. 1354.

smaller countries have since been added. The negotiations are to begin in April 1947.

In accordance with the procedures which have been followed for the twelve years of the administration of the Trade Agreements Act, a list will be published setting forth the items on which tariff concessions will be considered by the United States in these trade-agreement negotiations. Public hearings will be held on this list which has now been completed (subject to such minor modification in form as the lawyers may advise) by the Interdepartmental Trade Agreements Committee. A copy of the list is attached for your approval.⁹⁶

Because of the number of countries involved, and their importance in our trade, the list is extensive. It also includes certain items, such as wool, butter, meat, pottery, woolen and cotton textiles, sugar, copper, glassware and shoes, which are of great concern to important and highly vocal domestic interests, but consideration of each of which is essential in order even to initiate negotiations with one or more of the countries involved.

Inclusion of an item in this list does not necessarily mean that a concession will be granted on that item. That decision will depend on what develops in the public hearings and whether adequate concessions can be obtained from other countries in return.

Before any concessions are actually offered or granted, they will be submitted to you for approval.

We are seeking heavy commitments from other countries with respect to their use of quantitative restrictions, exchange controls, preferences and other discriminations which have operated to the detriment of the United States. We are asking them for tariff concessions on a very wide range of our export items which, if granted, would have great value for American exports and the American economy generally. This is particularly important in view of the prospect of large surpluses of many of our important agricultural products and the fact that heavy industries essential to our national security have been greatly expanded during the war and will require export markets. If we are to achieve these important objectives for the United States, we must be prepared to make tariff concessions which are substantial in extent and cover a wide range of items.

The list attached has been developed in accordance with established trade-agreement procedure. Because of the wide scope of the negotiations, a special effort has been made to present it in a form which

⁹⁶ Not attached to file copy. The list is printed in Department of State publication 2672, Commercial Policy Series 96. Reference should be made also to *Schedule A—Statistical Classification of Imports Into the United States*, U.S. Department of Commerce, September 1, 1946.

can be most easily used and understood by the American interests concerned.

This list is an essential basis for the forthcoming negotiations. These negotiations must succeed, or the whole program for international economic cooperation will collapse.

If you approve, this list will be made public on or about November 8, 1946.⁹⁷

In view of the significance of these negotiations, it would be highly desirable if, when the list is issued, you could make a brief statement emphasizing the importance of the negotiations and their relationship to the other parts of this country's economic program. A suggested statement⁹⁸ is attached for your approval.

560.AL/10-3146: Telegram

*The Acting Secretary of State to the Ambassador in the Soviet Union
(Smith)*

SECRET

WASHINGTON, November 7, 1946—7 p. m.

1962. To comply legal requirements for trade agreement negotiations next spring it is necessary publish legal notice of intention to negotiate. Although Soviets have not replied our invitation, Dept has decided include them in notice. This publication is not to be interpreted as renewed importunity to Soviets, but legal step necessary leave us free negotiate next spring. Following exchange cables with ITO delegation London is relevant.

(Deptel 7418, Oct 29 to London) "Dept considering omitting Soviets from public notice intention to negotiate trade agreements in view (a) their failure after 11 months to answer our invitation, (b) extreme unlikelihood any substantial Soviet interest in tariff concessions. Dept does not wish to be in position announcing intent negotiate with nation which has ignored our invitation. This omission would preclude tariff negotiations with Soviets in April but would not interfere general commercial-policy agreement. Please give your reactions

⁹⁷ The Department on November 5 informed Mr. Clair Wilcox, Chairman of the United States Delegation to the London Preparatory Committee meeting, that "President has approved statement which will be issued with list for release Sunday papers Nov. 10. . . ." (telegram 7554, to London, November 5, 6 p. m., (560.AL/11-546)). This was confirmed in a "Memorandum for Files" made by the Acting Secretary of State on November 6, not printed. The U.S. missions accredited to the other 18 "nuclear" governments had been briefed on the projected schedule and texts in a circular telegram of November 7, 5 p. m., not printed.

⁹⁸ For the Statement by the President, released to the press by the White House on November 9, see Department of State *Bulletin*, November 17, 1946, p. 909. For related statements and information released at the same time, see *ibid.*, pp. 907-910.

soonest in view proposal urtel 902 Oct 24⁹⁹ for Prep Com sponsorship tariff negotiations.”

(Embtel 9163, Oct 31 from London) “Re your telegram 7418 discussed exclusion Russia from published list full delegation meeting. Opinion of delegation unanimous Russia should not be removed for following reasons: 1. Klentsov, Soviet trade delegate in London has made overtures to me expressing interest in conference, excusing Soviet absence solely by manpower shortage, and indicating Soviets may wish to participate at later stage. [2.] We should always be in position to say we have kept door wide open to Russian participation and not give slightest basis for propaganda charge that US unilaterally precluded such participation. Withdrawal Russia’s name now might be interpreted as US conclusion that complete final break in economic relations between east and west inevitable. Would be undesirable permit this impression at this stage. 3. Removal Russia might seriously weaken support of France and Czechoslovakia here. 4. Russia still a member of Preparatory Commission may attend spring meeting devoted predominantly tariff negotiations. 5. Cannot see that embarrassment retaining Russia on list would be serious. Delegation judgment concurred in by Hawkins and Winant.”

ACHESON

560.AL/11-2346: Telegram

The Ambassador in the Soviet Union (Smith) to the Secretary of State

SECRET

Moscow, November 23, 1946—noon.

[Received 7:30 p. m.]

4211. We have noted with interest several recent reports from London of conversations with Soviet officials giving various explanations why Soviet Government does not participate in many international meetings, particularly ITO. Reasons given for nonparticipation range from lack of personnel to Soviet preoccupation with questions of security.

While there may be some modicum of truth in these arguments, we believe that in regard to such institutions as the International Bank, ITO and PICAQ, the principal, if not the only, reason the Russians do not join is that they do not wish to. Kremlin insistence on keeping its independence of action in world affairs has even on occasion been frankly expressed by certain responsible Soviet officials, and, in any event, is self-evident in every aspect of Soviet policy in action. Russians want to be able to act unilaterally as they have done in Balkans and will try to do in all areas where it is at all possible. Their attempts at exclusive aviation agreements is but one of many concrete examples

⁹⁹ Not printed.

of this phenomenon. Another factor is that to join any organization which would require them to give statistics on national income, international trade, balance of payments and gold production, would imply a complete reversal of a basic and scrupulously maintained Soviet policy of state secrecy in such matters.

On the other hand, whenever they stand to gain something concrete by participation in an international organ or run the risk of losing something important by failure so to do, they appear to find no difficulty in effecting such participation (UNRRA, telecommunications, whaling).

It would appear unreal, therefore, in the absence of concrete evidence to the contrary, to base any policy on the belief that Russians actually desire to join such organs as ITO but are precluded because of personnel or other administrative considerations. It is difficult to understand how a nation of some 180,000,000 inhabitants and pretensions to world leadership cannot achieve the same degree of participation in international organs as a small country such as Belgium, with its population of 8,000,000. When one considers the magnitude of many Soviet diplomatic and consular missions and the personnel it employs in other open and undercover international operations, it would appear that the distribution of this personnel was one of conscious administrative decision.

Finally, it should be pointed out that by neither joining nor clearly refusing to join an organ, and by holding out hope that if certain changes are made, they might join, the Russians achieve a bargaining position which they often use to undermine and emasculate the organ, irrespective of whether they eventually do or do not join it (Bretton Woods and ECITO).

Repeated London 418; Paris 431; Berlin 264.

SMITH

560.AL/11-2746: Circular telegram

*The Acting Secretary of State to Certain Diplomatic Officers*¹

CONFIDENTIAL

WASHINGTON, November 27, 1946—9 a. m.

Multilateral tariff negotiations, scheduled open Geneva April 8, will be greatly facilitated by bilateral exchange, earliest possible date, lists tariff concessions to be requested by each participating Govt. Trade-agreements organization now expects have US tentative rate

¹ Sent to London, Canberra, New Delhi, Pretoria, Ottawa, and Wellington.

request lists ready transmittal British countries not later Dec. 20. These requests will of course be subject modification in light views submitted by interested persons pursuant US public notice issued Nov 10 (Depcirtel Nov 7²). Conversely, we would like have rate requests lists from these countries soonest and in no event later Jan 13 opening date US public hearings.

Communicate foregoing FonOff emphasizing importance keeping these preliminary exchanges strictly confidential even though tentative and subject later modification. You may also state we are giving priority to lists for British countries because their previously expressed desire consultation among themselves prior spring meeting.

ACHESON

560.AL/12-546

Memorandum by the Deputy Director of the Office of International Trade Policy (Nitze) to the Under Secretary of State for Economic Affairs (Clayton)

[WASHINGTON,] December 5, 1946.

I attach two short memoranda in response to the following questions which you asked :

1. What does Charter of International Trade Organization cover?
2. Give short statement on results of London ITO Conference, indicating what points were not fully settled.

[Annex 1]

THE ITO CHARTER

The draft *Charter* for an International Trade Organization calls for the creation of an international agency, concerned with trade, within the framework of the United Nations. The *Charter* also embodies a code of rules governing the principal aspects of trade policy. The maintenance of employment and a high level of effective demand by all countries is recognized as a condition for the fullest promotion of trade. Equal treatment of the trade of all countries belonging to the ITO is a fundamental principle of the code. Quotas, exchange controls, and export subsidies are to be used only in specified exceptional circumstances. Countries engaged in state trading are to adhere to

² Not printed, but see footnote 97, p. 1354.

commercial principles and treat the trade of all countries equally. Restrictive practices in international trade by private business are to be curbed by international action. Intergovernmental commodity agreements that regulate prices, production or trade are to be entered into only when a burdensome surplus or widespread unemployment have developed or are expected to develop in the commodity in question. Such agreements should be governed by a set of rules including the equal representation of consuming and producing countries. In a chapter added at London, the economic development of all countries is recognized as of major importance to world trade and procedures are established whereby the ITO may grant a limited release from *Charter* obligations to countries wishing to take measures to protect infant industries.

The United States would give up no sovereignty in joining the ITO. Our status under the *Charter* would be exactly the same as it under any other international agreement.

Under the proposed ITO Charter, the United States, along with other members of the ITO, would assume certain definite obligations specified in the *Charter*. The *Charter* does, however, contemplate situations arising under which members would be justified in taking action contrary to those obligations, and provision is made for release from these obligations if the contemplated circumstances arise. In the event, however, that the United States should at any time decide to take action contrary to the obligations which it has assumed under the *Charter* and not provided for by the escape clauses, the only sanction which would apply would be a release of other members from certain of their obligations to us under the *Charter*.

[Annex 2]

RESULTS OF THE LONDON CONFERENCE

In six weeks of work, representatives of 18 countries meeting in London as the Preparatory Committee for an International Conference on Trade and Employment, reached agreement on the greater part of a draft charter for an International Trade Organization. This agreement among the delegations is not finally binding on their governments. A drafting committee will meet in New York in January to smooth out the document prepared in London and to prepare alternative drafts for some of the articles left unsettled at London. Next April the Preparatory Committee will hold its second meeting in

Geneva. At the same time, the countries represented on it will negotiate an agreement reducing tariffs and other trade barriers and moving toward the elimination of preferences, in accordance with the Charter. The group in London agreed on procedures covering these negotiations.

The agreement reached at London covered the following points:

A chapter on the need for each country to take domestic action appropriate to its own system to maintain high levels of employment and effective demand as essential to the maintenance of a large volume of international trade;

A chapter on commercial policy limiting the use of quantitative restrictions, exchange controls and export subsidies, except in specified circumstances, and prescribing rules for the conduct of state trading, and the principles according to which tariff reductions are to be negotiated by member countries;

A chapter recognizing the importance of fostering economic development throughout the world and providing means by which countries desiring to use protective measures to encourage the development of industries may secure from the ITO a limited release from their obligations under the Charter for that purpose;

A chapter providing means by which international action can be taken to curb restrictive trade practices of private business harmful to the purposes of the Charter;

A chapter prescribing rules to govern all intergovernmental commodity agreements undertaken to overcome difficulties of production and trade in primary products;

A chapter dealing with the structure of the organization of the ITO.

The following questions were left unsettled at London:

The relation between member and non-member countries;

Rules governing the conduct of complete state monopolies of foreign trade;

Articles dealing with certain technical trade matters, for instance tariff valuation, freedom of transit, etc.

The drafting committee will prepare alternative drafts embodying minority viewpoints for some matters, such as weighted voting and permanent seats on the Executive Board.

The *Suggested Charter for an International Trade Organization* prepared by experts in the United States Government was a basic working document of the Conference. The new draft charter that has emerged is a truly international document to which all delegates at the conference have contributed. It embodies the essential principles of the American position as well as the contributions of other countries and is a better balanced and more complete document than the original American draft.

560.AL/12-3046

*The Director of the Office of International Trade Policy (Wilcox) to the Secretary of State*³

[WASHINGTON,] December 27, 1946.

CONFIDENTIAL REPORT TO THE SECRETARY OF STATE FROM THE CHAIRMAN OF THE UNITED STATES DELEGATION TO THE FIRST MEETING OF THE PREPARATORY COMMITTEE FOR AN INTERNATIONAL CONFERENCE ON TRADE AND EMPLOYMENT

London, England, October 15–November 26, 1946

This Confidential Report is supplementary to the formal Report⁴ of the United States Delegation to the First Meeting of the Preparatory Committee for an International Conference on Trade and Employment. It sets forth (1) the principal issues considered at the meeting, (2) the attitudes of other countries toward the American proposals, (3) the strategy adopted by the United States delegation, (4) the outcome of the negotiations, and (5) the prospects of the program for international trade.

It should be emphasized that the work of the meeting was carried on at the expert level, that the negotiations were preparatory rather than conclusive, and that the positions taken involve no final commitments. It is nonetheless true that the Committee has carried the work of drafting a world trade charter to a stage that should make possible its approval without major changes in form or substance.

(1) *The Principal Issues*

The major objective of the United States was the adoption of a rule that would outlaw the use of *import quotas* and other quantitative restrictions as a matter of principle, permitting them only with international approval in exceptional cases and requiring that they be administered, in such cases, without discrimination. In the absence of such a rule, it is virtually certain that all other nations will impose quotas on imports and that many nations will so administer these quotas as to discriminate against American goods.

A second objective was an agreement to reduce *tariffs* and a rule that such reductions would operate automatically to reduce or eliminate *margins of preference*.

Other nations would like to require us to purchase larger import quotas and narrower margins of preference by reducing our tariffs. We insisted that import quotas be outlawed by rule and preferences

³ Transmitted to the Secretary under a covering memorandum dated December 30.

⁴ Not printed.

be cut automatically so that we could use our tariff concessions to purchase equivalent tariff concessions abroad. On both of these points, we were successful.

The Australians argued that our *Proposals* were negative rather than affirmative, consisting of prohibitions rather than positive measures to expand trade. They and the British emphasized the importance of *employment policy*. Superficially this appeared to be a major issue. Actually no delegation proposed any positive international measures to expand or maintain employment. The opposition on this point was satisfied with recognition of the fact that a persistent export surplus in the United States or a sudden, sharp decline in our demand for their foods would put them in balance-of-payment difficulties and with a provision permitting countries in such difficulties to use quantitative restrictions to protect their monetary reserves. Such a provision had been included in our original proposals. On this point, we made no concession of substance.

The Australians, with the support of the Indians, Chinese, Lebanese, Brazilians, and Chileans, urged that affirmative provision be made for the *industrialization* of undeveloped areas. It was the real purpose of this drive to obtain freedom to promote industrialization by using import quotas. Initially this appeared to be the most difficult problem before the Committee. It was resolved, however, when the United States delegation drafted and introduced a new chapter on economic development. In the course of this chapter a procedure is provided whereby the International Trade Organization can grant an undeveloped country, in a particular case, permission to make a limited use of import quotas. This was the only important concession made by the United States during the meeting and it was this that brought about the virtually unanimous acceptance of the charter as a whole.

On *cartel policy*, our whole position was opposed by the Belgians and the Dutch and the formulation set forth in our Suggested Charter was opposed by the British. Our only real support came from the Canadians. With their help, however, we obtained a revised chapter that is stronger than our original proposals and far stronger than we had thought was possible.

On *commodity policy* the Committee was confronted with the effort of the FAO to separate agricultural commodities from other commodities and to separate agricultural commodity policy from trade policy by setting up a comprehensive buffer-stock, surplus-disposal, and relief operation under a World Food Board. The U.S. delegation insisted that a common policy apply to agricultural and non-agricultural commodities and that commodity policy be kept in relation

with commercial policy under the International Trade Organization. We succeeded in obtaining general support for this position. We defeated a British drive to obtain specific endorsement for buffer stocks as a preferred device. And we came out with a revised chapter that retains all of the safeguards contained in our original proposals.

With respect to *organization*, the only important issues relating to weighted voting and to the membership of the Executive Board of the ITO. These issues were not resolved.

(2) *Attitudes of Other Countries*

The *Russians* did not attend. They consistently attributed their absence to a shortage of trained personnel. This would indicate, at least, that they are not ready to oppose the program. Their absence was fortunate, since it made it possible for us to organize the meeting promptly and to devote our attention almost exclusively to issues with which they would have had little concern. Klentzov, head of the U.S.S.R. trade mission in London, had Kunoci, vice-chairman of the Czech delegation, invite me to lunch and then suggested a subsequent lunch where I outlined the American program and the progress of the London meeting. He said that the U.S.S.R. would have to study the program carefully and determine whether it was in their interest to participate.

The *Czechs* were the only eastern Europeans at the meeting. They were well represented, entirely cooperative, and gave every evidence of a sympathetic interest in the American program and a desire to see the negotiations succeed. We avoided embarrassment for them and others, in their relations with Russia, by postponing consideration of the articles of the Charter dealing with complete state monopoly of foreign trade and with relations with non-members. They were plainly grateful.

The most striking development at the meeting was the unexpected vigor of the support given us by the countries of western Europe: *Norway*, *The Netherlands*, *Belgium*, and *France*. They appear to be motivated by a strong desire to follow the U. S. line on trade policy. Aside from these countries, our most helpful support came from *Canada* and *Cuba*.

Our strongest opposition came from India and Australia. These countries had two of the most effective delegations at the meeting. The *Indians* came with a chip on their shoulder. They regarded the *Proposals* as a document prepared by the U. S. and the U. K. to serve the interest of the highly industrialized countries by keeping the backward countries in a position of economic dependence. They left the meeting in a much better frame of mind. But it is clear that they

feel themselves under pressure to push their industrialization by all possible means and with the utmost possible speed.

The *Australians* were able, intelligent, and reasonable. The head of their delegation, Dr. Coombs, displayed a real capacity for economic statesmanship. The differences between us were more a matter of emphasis than of substance and we succeeded in meeting their political necessities without surrendering anything that we regarded as a matter of fundamental principle. We were fortunate that the nominal leadership of the opposition was in such good hands.

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The *United Kingdom* lived up to the letter of its commitments to us and was scrupulously correct in its public statements of formal support. In the closed negotiations, however, it did not assume a role of leadership in support of our program, but took a fairly independent line, supporting us on some issues, opposing us on others, and acting as a mediator between us and our opponents on still others. It had an able delegation and made a major contribution to the outcome of the meeting. One gets the impression that the commitments which the United Kingdom has made to us are highly unpalatable to important segments of British opinion and that the Government, in living up to these commitments, is having to swim against a strong current of public sentiment.

(3) *Delegation Strategy*

It was the purpose of the United States to advance as far as possible the project of drafting a charter for an international trade organization and promoting definitive negotiations for the reduction of barriers to trade. To this end we had prepared a *Suggested Charter* elaborating our original *Proposals*, circulated it to the other members of the Committee, discussed it with all of them (except the Russians), and published it on September 20, 1946. In the meeting our *procedural objectives* were: (1) acceptance of the American draft as the basis of the Committee's deliberations, (2) completion and publication of as large a part as possible of a revised draft, (3) appointment of an interim drafting committee to carry the drafting work forward between the first and second meetings of the Preparatory Committee, and (4) sponsorship by the Preparatory Committee of the reciprocal trade agreement negotiations projected in December 1945 by the United States.

The British and French had strongly opposed the publication of our Charter. The Australians took the position that it was too early to draft detailed provisions for a charter; that the first meeting of the Committee should produce a more tentative document, similar in char-

acter to our original *Proposals*. We made it clear at the outset that we would not insist upon our particular formulation of the articles in the Charter and that we were prepared sympathetically to consider the proposals made by other countries. The Norwegians and the Dutch then urged the adoption of our Charter as the basis for the Committee's work and the Committee accepted their proposal, set up a series of subcommittees, one to deal with each of our chapters, and took the articles of the relevant chapter as the agenda of each subcommittee.

From then on all of the work of the Committee was directed toward our document. This gave us a great advantage in the negotiations. We had stated the problems, suggested the solutions, established the general pattern of the charter, and provided large sections of text that have not been and will not be altered in any way. Our careful preparation had built up a momentum that carried through the meeting. Our open-minded attitude in the opening sessions allayed the fears of our opponents. The willingness of sixteen other nations to accept a purely American draft as the basis of their work indicates their confidence in our fairness and objectivity and is a tribute that could scarcely have been paid to any other power.

There was considerable reluctance among other delegations concerning the publication of revised texts, the appointment of an interim drafting group, and Committee sponsorship of the tariff negotiations. In each of these cases we waited until the progress of the negotiations had reached a point sufficiently encouraging to indicate a favorable outcome and then proposed the procedure we desired. In each case we obtained unanimous support.

The key to general *agreement on substance* was an understanding between the heads of the U. S. delegation and the Australian delegation. It became clear that some expansion of the Employment Chapter and the insertion of an Economic Development Chapter would suffice to satisfy Dr. Coombs and that the other members of the undeveloped-nations bloc, with the possible exception of India, would follow his leadership. Coombs finally accepted a radically modified version of his proposals on employment and industrialization and, in return, acquiesced to our insistence on the general rule against import quotas and the automatic reduction of margins of preference. This was the basic bargain in the meeting. The other agreements were collateral.

(4) *The Outcome of the Negotiations*

Among the 89 articles for the trade charter proposed and discussed, the Committee reached general agreement on 74. These included all substantive issues of major importance. Reservations as to eleven of these articles were recorded by one, two, or three delegations. Each

of the present articles thus has the approval, at the expert level, of 14, 15, 16, or 17 countries. The Committee divided on only two articles—those relating to voting and to membership on the Executive Board of the ITO. It failed to complete its work on 11 articles, dealing mainly with customs administration and formal matters, and referred them to the Interim Drafting Committee. It took no action on two articles—state monopoly of foreign trade and relations with non-members—postponing consideration of these issues until its second meeting.

The Committee approved some 200 pages of subcommittee reports reviewing the questions discussed, outlining the positions taken, and explaining the agreements reached. It also approved a memorandum setting forth in elaborate detail the procedures to be followed in the forthcoming reciprocal trade agreement negotiations. And it adopted a series of resolutions relating to the future phases of its work.

It should be recorded that the Committee carried the project of writing a world trade charter much farther than any of its members had believed possible when it met. It completed its work within the six weeks originally assigned to it. And it carried on its deliberations throughout in an atmosphere of cordial cooperation without a bitter exchange or a major division on any matter of substance.

The resulting draft is, in many respects, an improvement on the Charter suggested by the United States. But it closely follows the pattern of that document, making no important concessions on any matter of fundamental principle.

(5) *The Prospects of the Program*

The success of this project will depend (1) upon the attitude of the U.S.S.R., and (2) upon the future attitude of the other countries on the Preparatory Committee, but, most importantly, (3) upon the support that it receives within the United States.

If the Russians stay away from the second meeting of the Committee, or if they attend the meeting and fight the program, it will be difficult if not impossible to persuade many neighboring states both in Europe and in Asia to go along with plans establishing an effective ITO. It is therefore desirable that they be persuaded to attend the next meeting and that the substantive matters covered in the first meeting be explained to them in detail. The ITO could function effectively without Russian participation. But an ITO opposed by the U.S.S.R. might draw an economic line farther to the west than would otherwise be necessary.

The other nations on the Committee have their fingers crossed. They will go along with our program if we give evidence that we are prepared to practice what we preach. They will abandon it if we don't.

The outcome of the whole enterprise will depend upon the sort of offers that we make at the trade agreement negotiations beginning in Geneva in April 1947. If they are adequate, the rest of the world will follow our leadership. If they are not, our program will be lost.

The success or failure of our international trade policy thus depends less upon the attitude of other countries than it does upon the sort of support that is forthcoming within the United States. If that support is to be effective, it must be vigorous, widespread, and bipartisan. To this end, the Department must be prepared, during the coming months, to devote a considerable part of its time and energy to a program of public information and Congressional relations.

The program to which sixteen other nations have now tentatively agreed is an American program. It was at our insistence that a commitment with respect to trade policy was written into the Atlantic Charter in 1941 and that Article VII was written into the lend-lease agreements in 1942. It was the United States that published the *Proposals for Expansion of World Trade and Employment* in December 1945 and persuaded the Governments of the United Kingdom and France to go on record in support of these *Proposals*. It was the United States that invited seventeen [15] other nations, in December 1945, to enter into definitive negotiations for the reduction of tariffs and other barriers to trade. It was at our initiative that the Economic and Social Council of the United Nations set up the Preparatory Committee and agreed to call an International Conference on Trade and Employment. It was our Government that published and circulated *The Suggested Charter*, sent its representatives to sell the *Charter* to fifteen other nations in the summer of 1946, and urged the adoption of its provisions upon the Preparatory Committee in the fall of that year. If we do not now go through with the program that we have proposed, we cannot again, in this generation, expect any other proposal that we may make to be considered seriously by the other nations of the world.

Respectfully submitted,

CLAIR WILCOX

UNITED STATES POLICY TO MODERNIZE AND EXTEND
THE COMMERCIAL TREATY STRUCTURE OF THE
UNITED STATES BY THE NEGOTIATION OF NEW TREA-
TIES OF FRIENDSHIP, COMMERCE, AND NAVIGATION

711.002/11-546

*Memorandum Prepared in the Division of Commercial Policy*¹

CONFIDENTIAL

[WASHINGTON,] November 5, 1946.

STATUS OF COMMERCIAL TREATY PROGRAM

CP has well under way a major program for the negotiation of treaties of friendship, commerce and navigation. The program is designed to modernize and extend the coverage of existing treaties, some of which are more than a century old.² These instruments determine the basic treaty rights of American nationals, corporations, goods and vessels in foreign countries. In most respects they are completely mutual, assuring the other country the same rights as are obtained by the United States. They complement the provisions of the draft ITO Charter with respect to trade barriers.³

Treaties with more than twenty countries, including some of the most important trading nations, are under consideration.⁴ Negotiations

¹ Forwarded on November 5 by the Chief of the Division of Commercial Policy (Brown) to the Under Secretary of State for Economic Affairs (Clayton).

² The planning for the modernization and extension of the commercial treaty structure of the United States began in the Department of State in 1944. The impetus for the program lay in the fact that as of the 1940's there were in force fewer than 30 "reasonably comprehensive" commercial treaties, more than half concluded in the 19th century, and of these "a considerable number" in the period 1800-1850. Additionally, there were in effect some 40 treaties and executive agreements, exclusive of reciprocal trade agreements under the Act of 1934, which dealt in some measure with subjects "appropriate for inclusion in such general treaties". (Department of State Classified Weekly Report, *Current Economic Developments*, Issue No. 31, January 21, 1946, p. 9)

³ For documentation on this matter see *ante*, pp. 1263 ff.

⁴ In December 1944 the top-echelon interdepartmental Executive Committee for Economic Foreign Policy (regarding this committee, see footnote 36, p. 1283) recommended that the Department of State should "press forward" with the negotiation of treaties of friendship, commerce and navigation (FCN treaties) with the countries of Latin America. A similar recommendation was made by the committee in April 1945 in respect of the countries of the Near and Middle East. (*Ibid.*, p. 9) General draft articles were of course modified and adapted to the institutions and practices of individual countries.

with China were concluded and a treaty signed November 4.⁵ We are actively negotiating with the Lebanon and hope to reach agreement soon. Drafts have been presented to the Governments of the Philippines, Canada, the United Kingdom, Brazil, Egypt and Chile and will be presented to the Governments of Australia and Cuba in the near future. France and the U.S.S.R. have expressed a willingness to negotiate. Work is well advanced on draft treaties for Afghanistan, Iran and Portugal. An interim agreement with the Yemen, containing establishment, consular and commercial provisions was signed May 4, 1946.⁶

FW 711.002/11-546

*Memorandum Prepared in the Division of Commercial Policy*⁷

[WASHINGTON,] November 5, 1946.

The modern commercial treaty is designed to provide a legal framework, based upon liberal principles and adapted to modern conditions affecting international intercourse, for mutually advantageous relations between two countries over a long period of time. The trade-agreements program and the program directed to the conclusion of a multilateral agreement for the elimination of trade barriers and the establishment of an international trade organization are intended primarily to expedite the flow of goods between nations.⁸ The commercial treaty, on the other hand, deals largely with the rights of persons and corporations and with instrumentalities by means of which the flow of goods and services is carried on. Its usefulness is not limited to economic enterprise in the narrow sense, but extends to the encouragement of cultural interchange by establishing stand-

⁵ This, the first FCN treaty negotiated under the new program, had a special background. The treaty of January 11, 1943 between the United States and China provided for the initiation of discussions for an FCN treaty not later than 6 months after the ending of the war. Actually a draft was presented to the Chinese Government on April 2, 1945 for use as a basis for discussion. See vol. x, bracketed note, p. 1227.

⁶ Documentation regarding these bilateral discussions may be found in the appropriate regional volumes. In the Department's office lot files there are two collections dealing with the United States effort to modernize the commercial treaty system. The papers are arranged on a country basis dealing with the United States effort to modernize the commercial treaty system, Lot 58-D814, "Chronological Files of the Commercial Treaties Branch [of the Division of Commercial Policy]" (1 box), and Lot 59-D669, "Negotiating Texts Used in Postwar FCN Treaty Program" (2 boxes).

⁷ Forwarded on November 5 by the Chief of the Division of Commercial Policy (Brown) to the Under Secretary of State for Economic Affairs.

⁸ This refers to the commercial policy encompassed generally in the United States draft proposals for the establishment of an International Trade Organization under the auspices of the United Nations; see pp. 1263 ff.

ards for cooperation in education, the exchange of professional and technical skills, and for the dissemination of information.

The articles of a general commercial treaty may be classified according to subject matter into those relating to (1) establishment, (2) commerce, (3) navigation, (4) general and miscellaneous provisions.

Establishment provisions include rules as to entry, travel, residence, and the carrying on of specified activities by individuals; the status, organization, and activities of corporations; freedom of worship; acquisition, disposition and protection of property; access to courts; freedom from unreasonable searches and seizures; and freedom from compulsory military service.

Commercial provisions in treaties of this type relate to the general principles that should govern the application of import and export duties, internal taxation of imported articles, the making of import and export quota allocations, the regulation of foreign exchange, and the operation of monopolies and the granting of public contracts and concessions as they affect trade. In this field, the commercial treaty makes effective for a relatively long period the general rules relating to trade that have been worked out in twelve years of experience in the making and administration of reciprocal trade agreements.

Navigation provisions deal with such matters as the right of entry of vessels into ports, freedom from discriminatory port charges, assistance to vessels in case of distress, and general non-discriminatory treatment of shipping in all respects.

A general exceptions article is so phrased as to allow necessary freedom of action in national emergencies and to keep the treaty in harmony with the programs of the specialized agencies of the United Nations, such as the International Monetary Fund. Additional provisions deal with such matters as commercial arbitration, freedom of information, and the settlement by pacific means of disputes arising under the treaty, including ultimate appeal to the International Court of Justice.

The standard of treatment specified with respect to the various subjects dealt with in a commercial treaty vary with the nature of the case. In some instances international law is the standard recorded. In certain cases, unqualified rights are specified. In other cases, the rule bars, by means of a most-favored-nation provision, discrimination as between nationals of different countries; in still others the standard is established of giving the alien the same treatment accorded to the nationals of the country in which he is a visitor.

UNITED STATES POLICY OF SEEKING TAX TREATIES
FOR THE AVOIDANCE OF DOUBLE TAXATION WITH
RESPECT TO INCOME TAXES AND ESTATE AND INHER-
ITANCE TAXES

Editorial Note

On January 11, 1946, Mr. Frederick Livesey, Adviser, Office of Financial and Development Policy, reported to the Executive Committee on Economic Foreign Policy on the program of this Government with respect to double taxation treaties. It was explained that the purpose of these treaties was the avoidance of double taxation in income taxes and the establishment of rules of reciprocal administrative assistance in the collection of such taxes. Mr. Livesey pointed out that as of that date the United States had four tax conventions with three different countries, concerning income taxes with Sweden, France, and Canada and concerning death taxes with Canada.

During 1946 the treaty process concerning two conventions signed with the United Kingdom in April 1945 on income taxes and death duties was completed, and instruments of ratification were exchanged in Washington in July. In 1946 also a convention was negotiated *ad referendum* in Washington with France in March and April and signed in Paris in October; this had to do with the avoidance of double taxation with respect to taxes on estates of deceased persons and inheritances and the extension of reciprocal assistance in the prevention of fiscal evasion of such taxes and was supplementary to a 1939 convention between the United States and France regarding the avoidance of double taxation in income taxes. The French convention was submitted to the Senate by the President on January 10, 1947.

Further in 1946 a convention on income taxes was signed with the Union of South Africa, and discussions progressed with that country looking to a convention covering estate taxes. Draft treaties with the Netherlands, Belgium, and Luxembourg were being reviewed as the year ended in the interested offices of the Department, and an announcement was made on December 1 of a projected negotiation with the Philippines Republic.

The year 1946 saw not only an increase in the number of countries with whom the United States had negotiated tax conventions relating to the avoidance of double taxation in respect of income taxes, but also an extension of the principle of avoidance of double taxation to include

taxes relating to estates of deceased persons and inheritances. Basic to both types of convention was the provision for administrative cooperation in the prevention of tax evasion.

Relevant file collections in the Department of State's central indexed files are found under the basic No. 811.5123 * * Double. In the case of France, for example (the country number for France being "51"), papers are found under No. 811.512351 Double. The appropriate office lot file for finding the records kept by the State Department regarding the activities of the Executive Committee on Economic Foreign Policy is Lot 122. Boxes 20-22 of this lot contain minutes and documents of the committee for this period.

GENESIS OF A FOREIGN COMMODITY POLICY FOR THE UNITED STATES; PROPOSALS BY THE UNITED STATES FOR AN INTERNATIONAL SYSTEM TO DEAL WITH COMMODITY PROBLEMS

Editorial Note

In October 1946 the Preparatory Committee for the United Nations Conference on Trade and Employment meeting in London began consideration of a United States policy for the establishment of an international order to deal with world problems relating to primary (raw material and agricultural) commodities. The United States proposal was incorporated into Chapter VI of the "Suggested Draft of a Charter for an International Trade Organization of the United Nations" (for documentation regarding United States interest in the development of international economic cooperation through the establishment of an International Trade Organization, see pages 1263 ff.).

The U.S. policy on commodities was developed between 1943 and 1946 in the Executive Committee on Economic Foreign Policy, and the resulting foreign commodity policy was closely related to this Government's general commercial policy for the reduction of trade barriers and expansion of world trade and employment. For the United States the point of departure was the United Nations Conference on Food and Agriculture that met at Hot Springs in 1943; and which recommended in pertinent part that international commodity arrangements should be designed to promote the expansion of an orderly world economy, that a body of broad principles be developed regarding the formulation and administration of such international commodity arrangements, and that an international organization to study the feasibility and desirability of such arrangements with reference to individual commodities be created at an early date. The subject of postwar international commodity policy was also taken up in the course of informal economic conversations in 1943 and 1944 between representatives of the United States, the United Kingdom, and Canada.

In September 1944 the Executive Committee addressed itself directly to this problem, receiving from its subcommittee on commodity agreements a report which first outlined the need for action in these terms:

“The case for a jointly agreed international commodity policy rests upon four sets of conditions, namely, (a) the effects of the present war in promoting a lop-sided development of raw material production, and the subsequent likelihood of serious maladjustment in the conditions of supply and demand of a number of primary commodities during the post-war period; (b) the failure of the price mechanism in certain cases to adjust production readily to peace-time changes in the basic conditions of supply and demand; (c) the demonstrated instability of raw material prices and incomes in recent decades; (d) the need for reconciling existing unilateral national policies in support of internationally-traded commodities with international policies for the promotion of world trade.” (ECEFP document D-55/44, September 19, 1944, Lot 122, Box 21)

The report in brief recommended the establishment of an inter-governmental authority within the framework of a world-wide economic organization. This authority would address itself to the case of primary commodities characterized by “burdensome surpluses” and “wide-spread distress” that could not be corrected by the operation of normal market forces. Such cases were to be handled by inter-governmental commodity agreements under stated limitations.

The Executive Committee accepted the report, which became the basis for all subsequent action by this Government in the commodity field. In 1945 the Executive Committee, its commodity subcommittee, or technical committees of this subcommittee, sharpened and clarified these basic propositions (ECEFP documents D-98/45, July 17; D-99/45, July 18; D-106/45, July 24; and D-121/45, September 14, 1945). The results of these studies were embodied by the Executive Committee in late 1945 in the United States “Proposals for Expansion of World Trade and Employment”, and subsequently in the “Suggested Charter” which was transmitted by this Government to interested governments in September 1946, after approval by the Executive Committee in ECEFP document D-70/46 in July 1946. No definitive redrafting of the “Suggested Charter” was undertaken by the London Committee; see pages 1357 ff. for the general results of the London meeting.

Lot 122: Box 22

*Executive Committee on Economic Foreign Policy Document
D-70/46, Washington, July 25, 1946*

CHAPTER VI

INTERGOVERNMENTAL COMMODITY ARRANGEMENTS

Article 41

[General statement regarding intergovernmental commodity arrangements] ¹

The Members recognize that in the relationship between production and consumption of some primary commodities there may arise special difficulties different in character from those which generally exist in the case of manufactured goods and that these special difficulties, if serious, may have such widespread repercussions as to jeopardize the effectuation of the general policy of economic expansion.

Article 42

[Special commodity studies]

1. Members substantially interested in the production, consumption or trade of a particular commodity shall be entitled, if they consider that special difficulties exist or are expected to arise regarding a commodity, to ask that a study of that commodity be made, and the Organization, if it finds that these representations are well-founded, shall invite the Members principally interested in the production, consumption or trade of that commodity, and may invite non-Members having a similar interest, to appoint representatives to a Study Group to make a study of the commodity.

2. The Study Group shall, in the light of an investigation of the root causes of the problem, promptly report its findings regarding the production, consumption and trade situation for the commodity. If the Study Group finds that special difficulties exist or are expected to arise, it shall make recommendations to the Organization as to how best to deal with such difficulties.

Article 43

[Commodity conferences]

If the Organization concludes that measures not involving the regulation of production, trade or prices are unlikely to operate quickly

¹ Brackets appear throughout Chapter VI in the source text.

enough in solving the problem, it may convene an intergovernmental conference for the purpose of framing an intergovernmental commodity agreement for the commodity concerned, in conformance with the principles set forth in Article 45.

Article 44

[Objectives of Intergovernmental Commodity Agreements]

The Members agree that the regulation of production, trade or prices through intergovernmental commodity agreements is justified in the circumstances stated in Article 43 to achieve the following objectives:

1. To enable countries to find solutions to special commodity difficulties without resorting to unilateral action that tends to shift the burden of their problems to other countries.

2. To prevent or alleviate the serious economic problems which may arise when, owing to the difficulties of finding alternative employment, production adjustments cannot be effected by the free play of market forces as rapidly as the circumstances require.

3. To provide, during a transitional period, a framework for the development and consideration of measures, which will have as their purpose economic adjustments designed to promote the expansion of consumption or a shift of resources and manpower out of over-expanded industries into new and productive occupations.

Article 45

[Principles governing the institution of intergovernmental commodity agreements]

Members undertake to adhere to the following principles governing the institution of intergovernmental commodity agreements involving the regulation of production, trade or prices:

1. Any Member having a substantial interest in the production, consumption or trade of any commodity for which an intergovernmental commodity agreement is proposed shall be entitled to participate in the consideration of the proposed agreement. The Organization may invite the participation of non-Member countries having a similar interest.

2. Members agree not to enter into intergovernmental commodity agreements involving the regulation of production, trade or prices, except after:

- a. investigation by the Study Group of the root causes of the problem which gave rise to the proposal;

b. determination, under procedures established by the Organization in accordance with paragraph 6 of Article 55, either:

1) that a burdensome surplus of the product concerned has developed or is developing in international trade and such burdensome surplus would, in the absence of specific governmental action to prevent it, be accompanied by widespread distress to small producers accounting for a substantial portion of the total output and that these conditions cannot be corrected by the normal play of competitive forces because, in the case of the product concerned, a substantial reduction of price leads neither to a significant increase in consumption nor to a significant decrease in production; or

2) that widespread unemployment, unrelated to general business conditions, has developed or is developing in respect of the industry concerned and that such unemployment cannot be corrected by the normal play of competitive forces rapidly enough to prevent widespread and undue hardship to workers because, in the case of the industry concerned, (i) a substantial reduction of price does not lead to a significant increase in consumption but leads, instead, to the reduction of employment, and (ii) the resulting unemployment cannot be remedied by normal reemployment processes;

c. formulation and adoption by Members of a program of economic adjustment believed to be adequate to insure substantial progress toward solution of the problem within the time limits of the agreement.

3. Intergovernmental commodity agreements involving the regulation of production, trade or prices in respect of other than primary products shall not be resorted to unless the Organization finds that exceptional circumstances justify such action. Such agreements shall be subject to the principles set forth in this Chapter, and, in addition, to any other requirements which the Organization may establish.

Article 46

[Principles and requirements of intergovernmental commodity agreements]

Members undertake to adhere to the following principles and requirements governing the operation of intergovernmental commodity agreements:

1. Such agreements shall be open initially to accession by any Member on terms no less favorable than those accorded to any other country party thereto and thereafter upon such terms as may be approved by the Organization.

2. Such agreements shall provide for adequate representation of Members substantially interested in the importation or consumption of the commodity.

3. In such agreements countries which are largely dependent for consumption on imports of the commodity involved shall, in determinations made relating to the regulation of prices, trade, stocks, production or other substantive matters, have together a voice equal to that of those largely interested in obtaining export markets for the product.

4. In order to minimize the need for production restriction such agreements shall provide, where practicable, for measures designed to expand world consumption of the commodity, consideration being given to the possible effect on competing products.

5. Such agreements shall, with due regard to the transitional need for preventing serious economic and social dislocation, make appropriate provision to afford increasing opportunities for satisfying world requirements from sources from which such requirements can be supplied most effectively.

6. Under such agreements the treatment with respect to the imports or exports of the commodity accorded by any participating country to any Member shall not, unless otherwise agreed by the Organization, be less favorable than that accorded to any other country.

7. Such agreements shall be designed to assure the availability of supplies adequate at all times for world consumption requirements at reasonable prices.

8. Such agreements shall contain provision for administration by Commodity Councils set up in accordance with the provisions of Article 47, except that in the case of existing agreements this requirement may be waived by the Organization.

9. Such agreements shall not remain initially in effect for more than five years. The renewal of an agreement shall be subject to the principles governing new agreements set forth in Article 45. At the end of each five years of the continuance of such an agreement the Organization shall prepare and publish a review of the operation of the agreement in the light of the principles set forth in Article 45. If the operation is found to have failed substantially to conform to these principles, and particularly if it is found not to have made substantial progress toward a solution of the underlying commodity problem, the Organization shall provide for termination of the agreement or for revision believed adequate to make it effective for that purpose.

10. Members agree that full publicity shall be given to any inter-governmental commodity agreement proposed or concluded, to the statements of considerations and objectives advanced by the proposing Members, to the operation of the agreement, and to the nature and development of measures adopted to correct the underlying situation which gave rise to the agreement.

Article 47

[Commodity Councils]

1. A Commodity Council shall be established under each intergovernmental commodity agreement involving the regulation of production, trade or prices of that commodity.

2. The voting membership of each Commodity Council shall consist of the representatives of the countries participating in the intergovernmental commodity agreement concerned, and voting power shall be determined in such a way that the participating countries which are largely dependent for consumption on imports of the commodity involved shall, in determinations made relating to the regulation of prices, trade, stocks, production or other substantive matters, have together a voice equal to that of those largely interested in obtaining export markets for the product.

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DEVELOPMENTS RELATING TO THE FOREIGN OIL POLICY OF THE UNITED STATES¹

811.6363/4-546

*The Acting Secretary of State to the Secretary of the Navy
(Forrestal)*

WASHINGTON, May 1, 1946.

DEAR JIM: I am taking this opportunity of answering your letter of April 5, 1946 addressed to Secretary Byrnes on the subject of the Anglo-American Oil Agreement and the limitations of American oil reserves.²

As you know the Oil Agreement is now before the Senate Foreign Relations Committee.³ No definite date has been set for hearings and we have been somewhat hesitant to ask for its consideration until such time as the British-American loan⁴ is out of the way. It is my opinion that the successful approval by the Congress of the British loan is of the utmost importance and I would not want to take any action that might jeopardize its success. Therefore, it has seemed to me advisable to postpone immediate hearings on the Oil Agreement.

I note your concern over the possible limitations of American oil reserves from the standpoint of our long term security. This question is a very controversial one as is evidenced by some of the testimony brought out at the hearings of the Special Committee Investigating Petroleum Resources under the Chairmanship of Senator O'Mahoney.⁵ However, the problem has recently come to the attention of the State-War-Navy Coordinating Committee and an *ad hoc* Committee has been appointed to investigate the matter as well as to look into the possibility of increasing the potential reserves in the Caribbean area. Mr. Charles Rayner of the State Department is the steering member of

¹ For documentation regarding U.S. policy in the Near and Middle East regarding oil, see vol. VII, pp. 18 ff.

² Not printed.

³ Documentation regarding the negotiations in 1944 leading to the conclusion of the Anglo-American Oil Agreement (signed August 8, 1944) is found in *Foreign Relations*, 1944, vol. III, pp. 94 ff. It was sent to the Senate by President Franklin D. Roosevelt on August 24, 1944. A bracketed note, *ibid.*, 1945, vol. VI, p. 244, describes 1945 events relating to the agreement.

⁴ This refers to the financial agreement concluded between the two governments on December 6, 1945; documentation is found in *ibid.*, pp. 1 ff.

⁵ For a bibliographical note on the records of the special committee, see National Archives, *Preliminary Inventory of the Records of the Special Committee of the Senate To Investigate Petroleum Resources, 1944-46*. (Record group 46, compiled by George P. Perros) (Washington, Government Printing Office, 1953)

this Committee and Commodore Greenman and Captain Dennison represent the Navy Department. I feel sure that the Committee will give every consideration to this complicated problem.⁶

Sincerely yours,

DEAN ACHESON

800.6363/5-946

The British Secretary of State for Foreign Affairs (Bevin) to the Secretary of State

MEMORANDUM FOR MR. BYRNES⁷

ANGLO-UNITED STATES OIL AGREEMENT

His Majesty's Government are anxious to see the Anglo-United States oil agreement ratified as early as possible. It seems to them that the international oil interests of the United States and United Kingdom are substantially similar and that we both have every advantage in bringing into existence permanent machinery for close consultation and day-to-day exchanges of views. The existence of a close understanding between us is essential.

Though His Majesty's Government do not think there is any advantage at present in approaching the Soviet Government they look forward to seeing the oil agreement widen eventually so as to include them.

PARIS, 9 May 1946.

800.6363/5-946

*The Secretary of State to the British Secretary of State for Foreign Affairs (Bevin)*⁸

MEMORANDUM

The United States Government has received the memorandum dated May 9, 1946 from the British Government concerning the Anglo-American Oil Agreement.

⁶ The records of the *ad hoc* committee are found in the 289 Series of the general file of the State-War-Navy Coordinating Committee located in the National Archives of the United States. The *ad hoc* committee was appointed on April 22, 1946 and had its first meeting on April 24. Its first report, a preliminary report, was submitted to the plenary Committee (SWNCC) on April 29 (document SWNCC 289/1).

⁷ Sent to the Secretary of State at Paris by the British Secretary of State for Foreign Affairs (Bevin), the Foreign Ministers being there at that time for a meeting of the Council of Foreign Ministers. Apparently there was no discussion between the two on this matter at Paris, nor was any acknowledgment made there of the British memorandum. (Memorandum, the Director of the Office of European Affairs (Matthews) to the Under Secretary of State (Acheson), the Assistant Secretary of State for Economic Affairs (Clayton), and the Director of the Office of Near Eastern and African Affairs (Henderson), May 20, 1946, 800.6363/5-946).

⁸ Original sent to London under instruction No. 196, July 3. The Ambassador was requested to reply to the Foreign Office "along the lines of the enclosed memorandum". (800.6363/5-946)

The importance of the Oil Agreement and the advantages to be secured therefrom are fully appreciated by the United States Government. It is most anxious that the Agreement be ratified by the Senate at the earliest possible moment and has for some time been seeking the accomplishment of this result. However, parliamentary considerations have prevented immediate consideration of the Agreement by the Foreign Relations Committee of the Senate. Chief among these has been the progress of the British Loan through the Congress. It was our judgment that this should not be complicated by concurrent consideration of an Anglo-American Agreement on petroleum. As soon as the House of Representatives shall have acted upon the British loan, it is our purpose to take up the matter of the Oil Agreement with the Chairman of the Foreign Relations Committee and to press for hearings at an early date. The hearings, however, may not take place before the Senate adjourns and may have to await the reconvening of the Congress.

In that event a delay of several months might occur. Should such a delay occur the United States Government would appreciate an expression of opinion from the British Government about the desirability of utilizing this interval to develop plans, which could be put into operation at a relatively early date, for the generalization of the Oil Agreement in accordance with its own terms as set forth in paragraph 4 of the Preamble and in Article III of the Agreement. An expression of opinion would also be appreciated on the most desirable manner in which a multilateral undertaking in the field of petroleum might be integrated into the United Nations organization and on the procedural steps which that organization might take in order to expedite the convocation of an international conference for this purpose.⁹

This inquiry is made in the hope that any further parliamentary delay in the way of bringing the Anglo-American Agreement into force may not further postpone the negotiation of a multilateral agreement on petroleum which was contemplated by our two Governments in the negotiation of the Oil Agreement.

⁹ In a speech delivered at the University of Pittsburgh, Pittsburgh, Pennsylvania on July 30, 1946 the Chief of the Petroleum Division (Loftus) aired publicly the Department's still tentative thinking along these lines. Extracts of this speech are printed in the Department of State *Bulletin*, August 11, 1946, pp. 276 ff.

In an instruction circularized to 35 diplomatic missions and 2 consular posts on October 24 the Department noted that "some ideas" expressed in the Loftus speech "encountered considerable criticism from the petroleum industry. . . ." (800.6363/10-2446).

800.6363/9-946 : Telegram

The Chargé in the United Kingdom (Gallman) to the Secretary of State

CONFIDENTIAL

LONDON, September 9, 1946—6 p. m.
[Received September 9—4 p. m.]

8041. Memo ¹⁰ attached to Department's instruction 196, July 3, regarding Anglo-American oil agreement forwarded Foreign Office July 17. Foreign Office acknowledges sympathetically and states His Majesty's Government are in full agreement that the interval should be utilized to develop plans for future implementation of the agreement and they invite US to send representatives to London latter half September "to discuss matters connected with the future operation of the agreement".

Opinion expressed that "it would be desirable for the proposed discussions to take account of other oil questions which would be appropriate for consideration on the agenda of the first meeting of any Anglo-American oil commission which may be set up in accordance with article 4 of the agreement". ¹¹

Full text by airmail.

GALLMAN

841.6363/12-646

*Record of Informal Anglo-United States Oil Talks,
November 1946* ¹²

SECRET

A series of informal discussions on oil questions of mutual interest to the British and American Governments took place in London from 19th to the 30th November, 1946, between representatives of the U.S. State Department and officials of the interested U.K. Government Departments. A separate note on the discussions of the position of the Anglo-American Oil Agreement is attached.¹³ The other subjects considered are summarised below :-

¹⁰ *Supra.*

¹¹ Arrangements for the informal talks were worked out between the two governments during subsequent weeks, and a November meeting date was decided upon. The talks were to be on the official level and on an *ad referendum* basis. The principal representatives of the United States designated on the United States side were the Petroleum Adviser of the Department (Rayner) and the Chief of the Petroleum Division (Loftus).

¹² This document together with the one immediately following is an agreed record of the talks forwarded to the Department by the Embassy in London in January 1947 after formal approval from "higher authority" in the British Government of "the terms of the section dealing with the position of the Anglo-American Oil Agreement." (841.6363/12-646)

¹³ *Infra.*

1. *Trends in World Oil Supply and Demand.*

(a) Views were exchanged on the prospective levels of world supply and demand for petroleum products during the next 4 years, and on alterations in the pattern of world oil movements which appeared likely to result from the anticipated changes in production and consumption levels in the various areas.

(b) The possibility of the United States ceasing to be a major source of oil supplies for international trade in the not too distant future was noted, in which event the present international oil price structure based on Gulf export prices might be affected. It was understood that the oil companies were already considering this problem.

[Here follow thirty numbered paragraphs, two dealing with general matters and the remaining with petroleum questions affecting specifically-designated countries in South America, the Near and Middle East, Europe, and the Far East. The item dealing with the Near and Middle East is printed in volume VII, page 44. There was no section dealing with the subject of a generalization of the Oil Agreement or a multilateral undertaking in the field of petroleum.]

841.6363/12-646

*Record of Informal Anglo-United States Discussions in London,
November 1946*

ANGLO-AMERICAN OIL AGREEMENT

1. The U.S. representatives explained that it was the intention of the State Department to seek the approval of the Senate for the Anglo-American Oil Agreement of September, 1945 at the earliest feasible moment.

2. Views were exchanged on questions which had been raised in the United States on certain aspects of the Anglo-American Oil Agreement. The U.K. and U.S. representatives reaffirmed that :-

(i) neither the British nor the U.S. Government envisaged anything more than advisory functions for the Anglo-American Commission to be set up under the Agreement;

(ii) neither the British nor the U.S. Government understood Article IV 3.d. of the Agreement as obligating the Commission to recommend specific production quotas;

(iii) it was the intention of both Governments in accordance with the undertaking of Article II (a) of the Agreement so to direct their efforts that all valid concession contracts and lawfully acquired rights should be respected and that there should be no interference direct or indirectly with such contracts or rights.

THE UNITED STATES AND THE ACTIVATION OF THE BRETTON WOODS INSTITUTIONS

800.515/12-1345: Circular telegram

*The Acting Secretary of State to Certain Diplomatic Missions*¹

WASHINGTON, December 13, 1945.

Please communicate the following to the Government to which you are accredited in the most expeditious manner possible:

"In view of the desirability of having the Bretton Woods Agreements² signed by December 31, 1945, it is a matter of great importance that prior to that date those countries which intend to become original members of the Fund and the Bank comply with the procedures set forth in the Articles of Agreement.

"The US intends to sign the Agreements on Dec 27, 1945,³ and

¹ Missions accredited to governments which had signed the Final Act of the Bretton Woods conference. On December 14, 1945, the Department sent a circular note which contained the substance of this telegram to the foreign missions, located in Washington, whose governments had been so informed.

² For documentation on these, as well as on Articles of Agreement of the International Monetary Fund, and the Articles of Agreement of the International Bank for Reconstruction and Development (hereafter called the Fund and Bank, respectively) and the conference itself see *Foreign Relations*, 1944, vol. II, pp. 106 ff. For other documents relating to the conference, see Department of State Publication no. 2866, *Proceedings and Documents of the United Nations Monetary and Financial Conference, Bretton Woods, New Hampshire, July 1-22, 1944* (2 vols; Washington, Government Printing Office, 1948). The Final Act is document 492 *ibid.*, vol. I, p. 927. Each of the Bretton Woods institutions was of interest to the United States: Among the Fund's objectives was the promotion of exchange stability, the expansion of international trade, the maintenance of high levels of employment, and the general promotion of international monetary cooperation.

³ Actually when the Bretton Woods Act became law on July 31, 1945 (59 Stat. 512), President Truman was "authorized to accept membership for the United States" in the Fund and in the Bank.

At about the same time, Department officials discussed the question as to when the United States ought to officially commit itself to membership in the Fund and in the Bank. In a memorandum, dated July 28, 1945 to Secretary Byrnes (800.515 BWA/7-3145) Assistant Secretary Clayton said:

"Dean Acheson [Assistant Secretary] has called my attention to a problem in connection with the Bretton Woods agreements. As soon as the President signs the bill, the United States will be in a position to accept the agreements. It seems to Dean Acheson and me, however, that it would be better for us not to accept them until the other principal financial countries are also prepared to sign. In this way we would accomplish simultaneous acceptance by members having 65% of the quotas and the two institutions could be immediately organized.

"If you and the President believe that this is the proper way to proceed, I can request Mr. Acheson to inquire of the principal financial countries when they will be able to accept the agreements and invite them to join the United States in signing."

In a handwritten note Secretary Byrnes added: "For the President. I have told Clayton to proceed, as suggested" signed J.F.B. The suggestion was approved by President Truman on July 31, 1945. This exchange took place at Potsdam, Germany, at the time of the Berlin Conference.

your Govt is invited to join with the Govt of the US in the ceremony of signature which will take place on that day. All of the other nations which signed the Final Act of the Bretton Woods conference are being invited to participate in that ceremony.

"It is suggested that your Govt may wish to have someone in your Mission in Washington discuss at the earliest possible date matters respecting signature and acceptance of the agreement. Concerning matters not procedural in character information may be obtained from Mr. Emilio G. Collado of the State Dept or Mr. Ansel F. Luxford of the Treasury Dept. With respect to procedural questions relating to the signing ceremony and deposit of instruments inquiry can be made of Mr. Merrill S. Potts of the Treaty Branch of the State Dept.

"Your Govt should be prepared to take the following action with regard to signature of the agreements:

"(1) It should authorize a person in the US to sign the Articles of Agreement of the International Monetary Fund and the Articles of Agreement of the International Bank for Reconstruction and Development which are deposited in the State Dept of the US at Washington.

"(2) It should deposit with the State Dept of the US an appropriate instrument of acceptance of the Articles of Agreement as provided for in Article XX, Section 2(a) of the Fund Agreement and Article XI, Section 2(a), of the Bank Agreement.

"(3) It should transmit to the Govt of the US 1/100 of 1 percent of its total quota to the Fund and 1/100 of 1 percent of its total subscription to the Bank. These payments are to be made in gold or in United States dollars. You will probably find it most desirable to have a check or draft in favor of the Govt of the US of America drawn on one of your Govt's dollar accounts in the US. Such check should be delivered to the State Dept at or before the time of signature. For your Govt the payment required with respect to the Fund is and with respect to the Bank is Thus the check should be in the amount of"⁴

ACHESON

800.515/12-1945

Press Release No. 944 Issued by the Department of State, December 19, 1945, Regarding the Signing of the Bretton Woods Agreements

The signing of the Bretton Woods Fund and Bank agreements is scheduled to take place on Thursday, December 27, 1945 in the De-

⁴ Each message was transmitted with the appropriate quota items filled in. The amounts had been calculated on the percentage (cited above) of the original quotas listed in the schedules included in the Final Act of the Bretton Woods Conference.

partment of State on behalf of the United States of America and of such of the other countries signatory to the Final Act of the United Nations Monetary and Financial Conference held at Bretton Woods in July 1944 as are prepared to sign those agreements on that date. The Secretary of the Treasury, Fred M. Vinson, has been authorized by the President to sign the two agreements on behalf of the United States.⁵

China, Czechoslovakia, Egypt, Ethiopia, the Philippine Commonwealth, and the Union of South Africa have already indicated their readiness to sign the agreements, and acceptance by Great Britain appears to be assured in view of the favorable action taken by Parliament. The Department is also informed that Belgium, Canada, Colombia, Cuba, Ecuador, Guatemala, France, the Netherlands, Venezuela, and Yugoslavia may be prepared to sign the agreements with the United States, and that by December 27 a number of other countries will probably accept them.

Participation by the United States in the Fund and Bank is authorized by the Bretton Woods Agreements Act approved July 31, 1945 (Public Law 171, 79th Congress).⁶ Similar legislation has been passed by the Philippine Congress and was approved by President Truman on November 20, 1945.

Each of the agreements provides that it shall enter into force when duly executed on behalf of governments having 65 percent of the total of the quotas or subscriptions set forth in Schedule A thereof. Forty-four of the 45 countries listed in those schedules, including the United States, are those which signed the Final Act of the United Nations Monetary and Financial Conference at Bretton Woods, New Hampshire, on July 22, 1944. No quota in the Fund or subscription to the Bank has as yet been fixed for Denmark, the forty-fifth country.

The total of the quotas for the Fund is \$8,800,000,000 and the total

⁵ The U. S. instruments of acceptance in the Fund and Bank were deposited on December 20, 1945. For texts of the agreements, see *Treaties and Other International Agreements Series (TIAS) No. 1501*, or 60 Stat. (pt. 2) 1401, and *ibid.*, No. 1502, or 60 Stat. (pt. 2) 1440.

⁶ 59 Stat. 512. It should be noted that the Act also forms the statutory basis for the establishment of the National Advisory Council on International Monetary and Financial Problems (hereafter referred to as the National Advisory Council). The statute, in section 4, directed the Council "to coordinate the policies and operations of the representatives of the United States on the Fund and the Bank and of all agencies of the Government which make or participate in making foreign loans or which engage in foreign financial, exchange or monetary transactions. . . ." The Council was to make recommendations to the President and to submit both special and semi-annual reports.

The statutory members of the Council consisted of the Secretary of the Treasury, as chairman; the Secretary of State; the Secretary of Commerce; the Chairman of the Board of Governors of the Federal Reserve System; and the Chairman of the Board of Trustees of the Export-Import Bank of Washington.

of the subscriptions to the Bank is \$9,100,000,000. Sixty-five percent of those amounts would be, respectively, \$5,720,000,000 (Fund) and \$5,915,000,000 (Bank). The aggregate quotas and aggregate subscriptions of the countries indicated above are considerably more than the 65 percent of the total of the quotas and of the subscriptions, respectively, necessary to bring the two agreements into effect.

It is provided in each of the agreements that as soon as it enters into force each member country shall appoint a governor to the Fund and to the Bank, and that the first meeting of the Board of Governors of the Fund and the Board of Governors of the Bank shall be called by the member having the largest quota or the largest subscription, as the case may be, thus inaugurating the Fund and Bank. The quota and the subscription of the United States are the largest of those fixed for the Fund and Bank, respectively.

[The Bretton Woods Agreements entered into force on December 27, 1945 when in a "ceremony of signature" representatives of the following nations signed the Fund Agreement: Belgium, Bolivia, Brazil, Canada, China, Colombia, Costa Rica, Czechoslovakia, Ecuador, Egypt, Ethiopia, France, Greece, Guatemala, Honduras, Iceland, India, Iraq, Luxembourg, The Netherlands, Norway, Paraguay, The Philippine Commonwealth, Poland, the Union of South Africa, the United Kingdom, the United States, Uruguay, and Yugoslavia. All of the above with the exception of Colombia signed the Bank Agreement at the same time.]

800.515/12-3145 : Telegram

The Chargé in the Soviet Union (Kennan) to the Secretary of State

RESTRICTED
PRIORITY

Moscow, December 31, 1945—6 p. m.
[Received December 31—1:44 p. m.]

4335. ReEmbs 4232, December 20.⁷ Have just received letter from Molotov in reply to Ambassador's letter of December 20 concerning Bretton Woods invitation. In this communication Molotov states that "Soviet Government does not find it possible at present time to sign the draft agreement drawn up at Bretton Woods concerning the creation of an international monetary fund and concerning an international bank for reconstruction and development. The Soviet Government finds it necessary to subject the questions touched upon in

⁷ Not printed; Molotov was Soviet People's Commissar for Foreign Affairs.

these drafts to further study in the light of those new conditions of the economic development of the world which are forming themselves in the postwar period.”⁸

KENNAN

800.515 BWA/1-2646 : Circular telegram

*The Secretary of State to Certain Diplomatic Missions*⁹

US URGENT NIACT WASHINGTON, January 26, 1946—8 a. m.

The United States is directed by the terms of the Bretton Woods Agreements to call the first meetings of the Boards of Governors of the Bank and the Fund. The Agreements have now come into effect by the necessary number of signatures and you are requested to deliver the following invitation to the government to which you are accredited as soon as possible.

“The Articles of Agreement of the International Monetary Fund and the International Bank for Reconstruction and Development have come into force and the Government of the United States, as the member having the largest quota in the Fund and the largest number of shares in the Bank, has the honor of inviting your government to arrange for your Governor of the Fund and of the Bank to attend the first meetings of the Boards of Governors. The meetings will be held at Wilmington Island, near Savannah, Georgia, on March 8, 1946 for the purpose of establishing the two institutions.¹⁰

⁸ The Department's reaction to the Soviet refusal is described in the following extract from the Department of State classified information bulletin *Current Economic Developments* (Issue 31, dated Jan. 21, p. 3) :

“The Department has replied to the Embassy at Moscow on the Embassy's explanation of the Soviet's failure to sign the Agreements. While we are concerned at Soviet failure to ratify, because of the possible implications as to Russia's interest in international economic collaboration, we feel that no pressure should be exerted to get them to join and that the impression should not be given them that possible adherence would be making a concession to the United States.

While the Embassy pointed out that Soviet participation in the Bretton Woods negotiations did not necessarily indicate intention to join and could be explained by Molotov's statement to Ambassador Harriman on April 20, 1944, that participation in the work was for the sake of maintaining the appearance of tripartite collaboration, the Department feels that subsequent Soviet actions in Washington and at Bretton Woods, including dramatic last-minute acceptance of the increased Bank quota, are difficult to explain unless at that time the Soviets intended to join. The Department feels that there is still a possibility that the Soviets may adhere, depending particularly on the possibility of obtaining credits. We also believe that if the USSR remains a non-participant it may make difficult the extension of an Eximbank credit. Any initiative on loan questions will be left to the Soviets.”

⁹ Sent to officers at Missions in countries which had signed the agreement. A circular telegram was sent to officers of Missions in countries which had not signed the agreement, inviting their governments to send observers.

¹⁰ An abbreviated list of the subject matter which the meetings were expected to consider may be found in the Department of State *Bulletin* March 3, 1946, p. 331.

"It is the expectation of the Government of the United States that the business of the Boards of Governors can be concluded within a two-week period and arrangements have been made for the accommodation of the Governors and those who accompany them for that period of time. Shortly after the conclusion of the meetings of the Boards of Governors it is expected that the Executive Directors of each institution will begin to function at or near the site selected for the principal office of the Fund and the Bank.

"My Government intends to suggest the adoption of a resolution by the Board of Governors of each institution permitting the admission to membership during a limited period of time of those countries listed in Schedule A¹¹ of each of the Articles of Agreement on the terms set forth in the Articles of Agreement on the terms set forth in the Articles of Agreement. It is our hope that some or all of these governments may be in a position to become members of the Fund and the Bank with sufficient speed to permit them to participate in the first meetings of the Boards of Governors, and we are inviting them to have observers in attendance at these meetings.

"The Government of the United States would appreciate it if you could advise us promptly as to the number of persons representing your government who will attend the first meetings of the Boards of Governors as well as the date and place of their arrival in the United States."

Important for the Information of the Mission

An announcement concerning the extension of the invitations will be made at Washington at 11 o'clock Eastern Standard Time on the morning of Monday, January 28. Simultaneously, informative notes will be delivered to the respective missions at Washington. In order to avoid any possibility of premature announcement abroad, you are requested to deliver the note containing the foregoing text as near as possible or feasible to the Washington release hour. Caution should be exercised of course to assure delivery of invitation prior to the arrival of press despatches from Washington.

Owing to the shortness of time, it is essential that the Department obtain immediately at least a rough estimate of the maximum number of persons from each country for whom hotel accommodations may be required. Please endeavor to obtain this information informally and telegraph it at once. Following this, more detailed information will be required concerning individuals and their travel plans. Please telegraph name, title, and delegation function of each individual, including subordinate personnel, and also mode of travel and date and port of entry into the United States. Delegation members should be reminded of the necessity for carrying on their persons suitable

¹¹ Schedule A in each of the Bretton Woods Agreements is a list of assigned quotas in the Fund and subscriptions to the Bank, determined for those nations in attendance at the 1944 monetary conference.

credentials identifying them with the meetings. The above points are essential in facilitating entry.¹²

BYRNES

[The Inaugural Meetings of the Boards of Governors of the Fund and the Bank were held at Savannah, Georgia, March 8 to 18, 1946. Important questions settled at these meetings concerned the adoption of by-laws, the location of the principal office of the two institutions, and the salary scale of the executive directors.

The First Annual Meetings of the Boards of Governors of the Fund and the Bank were held at Washington, D. C., September 27 to October 3, 1946.

Before either institution could begin actual operations initial par values for each member's currency had to be set in the case of the Fund, and in the case of the Bank principles had to be worked out respecting the drawing-upon of national quotas for loan purposes. In both instances internal decisions within the United States Government (the National Advisory Council) had a vital bearing on the outcome. For a table enumerating the initial par values established for the national currencies of 32 of the 39 members of the International Monetary Fund on December 18, 1946, see J. Keith Horsefield (editor), *The International Monetary Fund, 1945-1965: Twenty Years of International Cooperation* (3 vols.), Volume II: *Analysis* (International Monetary Fund, Washington, D.C., 1969), p. 84. The par values of each currency were to be expressed "in terms of gold as a common denominator or in terms of the United States dollar of the weight and fineness in effect on July 1, 1944" (i.e., \$35 an ounce price of gold). The initial par value set for the United States dollar on December 18, 1946 was 100.000 United States cents per dollar.

A related concern pertained to the assent by the United States to the Bank's raising funds through the sale of its obligations on the U.S. market in the amount of 500 million dollars.

Published documentation regarding the formal meetings referred to may be found in the series of reports of meetings and annual reports initiated by the two institutions in 1946. In respect of the Savannah meetings unpublished documentation in the Department of State's unindexed files may be found in several office lot collections, chiefly Lot 54-D84. Relevant documentation (minutes, staff documents, supporting documents) of the National Advisory Council is found in the Department's unindexed files, Lot 60-D137, Boxes 1 and 8.]

¹² A list of those who formed the U.S. Delegation at Savannah is to be found in the Department of State *Bulletin*, March 17, 1946, p. 433. It may be noted, however, that several of the delegates were unable to attend the conference. Among those attending were Fred M. Vinson (Secretary of the Treasury) who had been named United States Governor of the International Monetary Fund, and United States Governor of the International Bank; Harry Dexter White, Assistant Secretary of the Treasury, was appointed United States Executive Director of the Fund; and Emilio G. Collado, who had been Deputy on Financial Affairs to the Assistant Secretary of State, was named United States Executive Director of the Bank. These nominations had been confirmed by the Senate on February 6, 1946 (*ibid.*, February 17, 1946, p. 262).

FORMULATION OF A FOREIGN FINANCIAL PROGRAM:
POLICY TO HELP WAR-DEVASTATED AND LIBERATED
COUNTRIES MEET THEIR DOLLAR REQUIREMENTS
PENDING THE BEGINNING OF LOAN OPERATIONS BY
THE INTERNATIONAL BANK FOR RECONSTRUCTION
AND DEVELOPMENT

811.51/6-1545 : Circular airgram

*The Acting Secretary of State to Certain Diplomatic and Consular
Officers*

SECRET

WASHINGTON, June 15, 1945—9:10 a. m.

For Chief of Mission. An integrated program of legislation and implementation to carry out the foreign financial policy of the US has been adopted *in principle* by the Staff Committee,¹ subject to further discussions with the Treasury, FEA, War and Navy Departments.² A memorandum is being drafted for the President reiterating our basic policies as follows: 1) the carrying out of a lend-lease policy adequate for the fullest prosecution of the war against the common enemy, 2) full participation in relief and rehabilitation measures, 3) international cooperation in monetary and exchange management through the International Monetary Fund, supplemented by bilateral arrangements with the UK and perhaps certain other nations, 4) public and private dollar investment in reconstruction and development abroad during the next decade to the extent of \$25 to \$30 billion.³

These policies must be accompanied by parallel programs on full employment within the US and a sensible commercial policy.

¹ This refers to the Secretary's Staff Committee, at this time the top policy-recommending body in the Department of State.

² This was done at a meeting of the Secretary's Staff Committee on June 7 (Minutes of the Secretary's Staff Committee, Lot 122, Box 13147). The Committee acted on a Staff Committee Document, SC-124, entitled "Foreign Financial Policy", dated June 5, 1945 (Secretary's Staff Committee Document, Lot 122, Box 13148).

³ Such an over-all memorandum to the President has not been found, but some of the subjects named here are discussed in annexes to SC-124. The fourth item, regarding reconstruction and development, was described in a draft memorandum to the President written about June 15 by Emilio G. Collado, Deputy for Financial Affairs for the Assistant Secretary for Economic Affairs (Clayton) (840.50 UNRRA/6-1545). An abbreviated version of this draft, unsigned and undated, is printed *infra*.

To carry out the basic policies (each covered in separate subject memoranda) certain legislation is required: 1) lend-lease budget, 1946, 2) doubling of UNRRA quotas, 3) expansion of ExImbank lending facilities,⁴ 4) Bretton Woods Institutions,⁵ 5) repeal of the Johnson Act,⁶ 6) settlement of World War I Debts, 7) amendment of SEC Legislation to allow this government to obtain information on private US investments in foreign countries.

GREW

800.51/4-247 Rec'd

Memorandum Prepared in the Department of State

SECRET

[WASHINGTON, undated.]

THE FINANCING OF RECONSTRUCTION AND DEVELOPMENT BASIC FOREIGN
FINANCIAL POLICIES OF THE UNITED STATES

The basic objectives and scope of foreign financial policy, which have been adequately discussed elsewhere, contemplate:

1. The carrying out of a lend-lease policy adequate for the fullest prosecution of the war against the common enemy.

⁴Originally chartered in 1934 to expedite trade with the Soviet Union, the Export-Import Bank, after the breakdown of Soviet debt negotiations absorbed the commitments of a second Export-Import Bank, created also in 1934 to provide credit to Cuba. The original bank then devoted its energies to supplying exporter-importer credits for Latin American trade, and had played an important role in U.S. relations with the other American Republics during the years of World War II. In general the Export-Import Bank's "loans" were simply "lines of credit" established in the United States for the dollar needs only of the foreign borrower, that is exclusively for the purchase of U.S. products and services. See 83d Congress, 2d Session, Senate Document No. 85, *Legislative History of the Export-Import Bank of Washington* (Washington, Government Printing Office, 1954).

As part of its legislative program, the Administration had proposed to the Congress that the capitalization of the Export-Import Bank be increased from \$700 million to 3.5 billion.

In a memorandum written on June 11, 1945 to the Assistant Secretary (Clayton), entitled "Legislation and Organization to Meet Foreign Dollar Requirements", Mr. Collado had stated that "It is obvious that U.S. loan activities should be concentrated in one agency and the ExImbank [Export-Import Bank] is ready-made for the purpose. . . . The present proposal to increase the Bank's funds to \$3.5 billion covers only a first approval to Soviet requirements, nothing for the U.K. and little for China. It should be made clear that more will be required *before* the Bretton Woods Bank can possibly function." (840.50 UNRRA/5-1145)

⁵Congress enacted the Bretton Woods Act with President Truman approving on July 31, 1945, thereby establishing the basis for United States participation in the International Bank and the International Monetary Fund. For relevant citations to the Bretton Woods Agreements of 1944, the establishment of the two Bretton Woods institutions, and the genesis of U.S. relations therewith, see pp. 1384 ff.

⁶The Johnson Act of 1934 (48 Stat. 574) forbade loans by any agency of the United States to foreign governments in default on its obligations to the United States.

2. Full participation in relief and rehabilitation measures.
3. International cooperation in monetary and exchange management through the International Monetary Fund, supplemented by bilateral arrangements with the British and perhaps certain other nations.
4. Public and private dollar investment in reconstruction and development abroad during the next decade to the extent of \$25 to 30 billion.

Such a program coupled with an adequate policy of full employment within the United States, and other elements of an international program of expanding world economic activity and trade can have most satisfactory and useful results. In the absence of relatively stable full employment at home and a sensible commercial policy it may well end in frustration.

The present memorandum will deal only with point 4—public and private dollar investment in reconstruction and development abroad.

RECONSTRUCTION AND DEVELOPMENT NEEDS ⁷

	<i>In Millions of Dollars</i>	<i>Totals</i>
Western Europe		
United Kingdom	2000-3000	
Belgium	200- 400	
Netherlands and NEI	1000-1500	
Denmark	100- 150	
France	1000-2000	
Italy	250- 500	
Norway	400- 500	
	— — —	4950 - 8050
Eastern and Southeastern Europe		
U.S.S.R.	6000-6000	
Greece	100- 150	
Czechoslovakia	400- 500	
Poland	? ?	
Yugoslavia	100- 200	
Albania	— — —	6600 - 6850

⁷ The table that follows was the same with minor exceptions as one prepared by D. M. Phelps of the Division of Foreign Economic Development, and which was placed in a memorandum of May 11, 1945 that went from Mr. Phelps to Mr. Collado and the Assistant Secretary (Clayton) (840.50 UNRRA/5-1145). The Phelps memorandum, entitled "Preliminary Estimates of Financial Requirements for Reconstruction and Development", surveyed in considerable detail the reconstruction requirements of war-devastated countries on a world-wide basis. It stated in part:

"For some months past available data has been assembled on the extent of destruction in countries now liberated, the estimated costs of reconstruction,

Footnote continued on following page.

RECONSTRUCTION AND DEVELOPMENT NEEDS—continued

	<i>In Millions of Dollars</i>	<i>Totals</i>
Europe—Economic Development (public and private financing)		2500 - 3500
Africa, Near and Middle East		
Public investments	1000-1500	
Private investments	300- 500	
	—————	1300 - 2000
Latin America		
Public investments	2000-2350	
Private investments	1000-1150	
	—————	3000 - 3500
Far East		
China		3500 - 4500
India		
Other		
	<i>Grand Total</i>	————— 20850-28400 —————

There are attached separate memoranda⁸ relating to transitional financial aid to Great Britain and credits to the U.S.S.R. included in the above table.

Sources of Required Dollar Funds for Reconstruction and Development

Private Foreign Investment—At least \$10 billion in 10 years—largely “direct” investment.

Export-Import Bank—\$5 to 10 billion over 10 years. The \$3.5 billion now being requested includes only \$1 billion for U.S.S.R. and does not include any amount for U.K.

their foreign assets which may be used to meet requirements from abroad, and the probable deficits in their balances of payments in early post-war years. While these data are in some instances fragmentary and inconclusive it has, nevertheless, been thought advisable on the basis of information now available to make estimates of the possible financial requirements of these countries from the United States, other nations, or the Bretton Woods institutions, if they be established, to meet these deficits. Estimates have also been made of the probable financial needs of these countries recently liberated and of other nations likewise for economic development during the first decade after the end of the war. It should be recognized that all estimates are of necessity highly tentative, but some idea may, nevertheless, be gained as to the possible extent of financial assistance which will be needed by other nations in the early post-war period and of the possibilities for foreign investment, both for reconstruction and economic development.

[Here follows detailed country by country summary and the original table.]

“This total figure should be considered as an estimate of financial requirements for reconstruction and economic development during the initial decade after the termination of the war. Although the estimates made for Western European countries are based largely on probable deficits in balances of payments in early post-war years, that is, during the next three to five years, Europe’s estimated financial requirements for the remainder of the first decade are included in the estimate for European economic development, both public and private.

“. . . However, the likelihood that investments in the estimated amount will be made must be predicated upon the establishment of the Monetary Fund and the International Bank for Reconstruction and Development; increased funds available to the Export-Import Bank, and the repeal of the Johnson Act and the ‘Johnson Act’ provision in the Export-Import Bank legislation.”

Not printed.

International Bank for Reconstruction and Development—Initially about \$9 billion, most of which will be in dollar credits although the financial responsibility is spread over the member governments.

Only a small part of this may be expected to be forthcoming during 1946.

Legislation Required

Export-Import Bank—Bill in House and Senate to increase lending ability to \$3.5 billion.

Bretton Woods Institutions—Bill in Senate Committee.

Repeal of Johnson Act—In Senate and House Committees.

811.516 Export-Import Bank/7-945

Memorandum by the Director of the Office of Financial and Development Policy (Collado) to the Under Secretary of State (Acheson)

WASHINGTON, July 9, 1945.

Subject: Proposed Use of Export-Import Bank Funds.

1. In connection with the scheduled hearings on the expansion of the Export-Import Bank, there follows a summary statement of the type of operations which may be anticipated in the next twelve months:⁹

	<i>millions of dollars</i>
U.S.S.R.—(1st credit)	1000
Transfer from 3-C agreement ¹⁰	
France, Belgium, Netherlands	300 - 400 (or more)
Latin America	150 - 250

⁹ Regarding the histories of the individual credits proposed for the countries herein named, reference should be made as appropriate to other *Foreign Relations* volumes where the more strictly bilateral aspects are documented; the frame of reference here is limited to general policy.

¹⁰ The so-called 3(c) agreements (name taken from the relevant section of the Lend-Lease Act of 1941 as amended) provided for a continued flow of industrial equipment and supplies to certain European countries after the end of the war in Europe although use of such materials was no longer related to the defense of the United States. Funds were still to be provided out of monies appropriated for Lend-Lease purposes. Repayment would be over a 30-year period at an interest rate of 2½ percent per annum. As of this date 3(c) agreements had been concluded with France, Belgium, and the Netherlands.

	<i>millions of dollars</i>
European reconstruction	1250 - 1500
Of which: Poland urgent	
Italy—100 - 150	
Greece—50 - 100	
Yugoslavia	
Czechoslovakia	
France	
Belgium	
Netherlands	
Denmark	
Norway	
Other—Saudi Arabia, Turkey, China, etc.	100 - 150
<i>Total</i>	<u>2800 - 3300</u>

2. The bill would give the Bank about \$3 billion of new lending authority.

3. The 10-year program contemplates:

	<i>billions of dollars</i>
Private Investment	10 - 11
Bretton Woods Bank	9
Export-Import Bank	6 - 10
<i>Total</i>	<u>25 - 30</u>

4. More Export-Import Bank funds will be needed to fill out 1946 and thereafter—and especially before the Bretton Woods Bank is operating. Probably a further billion or even two will be needed for U.S.S.R., and any British credits will require additional legislation. Further funds will be needed for European and Chinese reconstruction and development in Latin America and elsewhere.

5. A summary of the longer-term program is included in the tables I have given you. Messrs. Phelps and Young can furnish any further details.

811.516 Export Import Bank/7-1745

Statement of Honorable Leo T. Crowley, Chairman Board of Trustees, Export-Import Bank of Washington Before Senate Banking and Currency Committee, July 17, 1945

I appreciate this opportunity to appear before your committee to recommend an increase in the lending authority of the Export-Import Bank.

The United States is approaching an extremely critical period with respect to the financing of its foreign trade. Furthermore, the problem has the most profound implications for the reconversion of war industries at home. There has been during the war an enormous expansion in manufacturing capacities in the United States, and this expansion has been concentrated very largely in heavy industry. Unless foreign markets for the products of American heavy industry can be found during the period which lies immediately ahead, many war-expanded industries will be obliged severely to curtail their operations and, accordingly, to reduce their employment of labor.

Fortunately, potential foreign demands for our products in connection with the reconstruction of war-devastated countries and the economic development of countries whose progress has been retarded by the war will be concentrated principally on the products of heavy industry. Moreover, the United States will be practically the only immediate source of supply for many of the commodities involved.

What is required in order to join our need for foreign markets and the needs of foreign countries for our products is financing. We hope and believe that a large part of the necessary financing will be provided by private financial institutions. However, there are certain types of risks and certain large risks which private banks are not in a position to assume without government assistance and other risks which they are not prepared to assume at all. This would apply particularly to the financing over a period of years of exports of capital equipment, which must be sold on terms which take account of the time required to put it into productive use. It would apply also to long-term loans to governments whose credit is for one reason or another not established to the satisfaction of private investors.

We believe that the necessary financing of our foreign trade during the crucial period of reconversion at home and reconstruction abroad should be provided, to the extent that private credit is not available, through an expanded Export-Import Bank. In performing this role, the Export-Import Bank will be carrying on a function which it has successfully performed over a period of more than eleven years. As private banks and bankers have frequently testified, its operations have supplemented rather than replaced private capital and in this way have not only facilitated the foreign trade of the United States but have also materially assisted in the financing of foreign trade through private channels.

There should be no confusion regarding the fundamental differences between the proposed increase in the lending authority of the Export-Import Bank and other measures relating to our foreign trade which have been approved by Congress or which are under consideration by

Congress. The measures which I have in mind include the appropriation for UNRRA, lend-lease, and the pending Bretton Woods legislation.

The appropriation for UNRRA is strictly for relief and has no relation to the financing on a commercial basis of our foreign trade.

With respect to lend-lease, as I and other spokesmen for the Administration have repeatedly stated, lend-lease will be provided only in connection with the defense of the United States and the effective prosecution of the war to final victory. It will not be furnished for purposes of relief, rehabilitation, or reconstruction in Europe or elsewhere. Assistance to the liberated countries of Europe, which is one of the immediate problems facing us, must be provided in some other manner.

In accordance with this recognized principle, the appropriation authorized by Congress for lend-lease for 1946 was based explicitly on the assumption that Congress would increase the lending authority of the Export-Import Bank in order that it could finance portions of the so-called 3(*c*) agreements for the delivery to certain European countries of industrial equipment and supplies which are not required for the prosecution of the war.

In rendering such assistance to the war-devastated countries, we would proceed on the assumption that these countries must accept the prime responsibility for their rehabilitation and must depend primarily upon their own resources in the process. Nevertheless, there is not only an inescapable obligation on the United States to help the liberated countries help themselves but also a strong element of self-interest; for, by financing their purchases of our products on a sound basis, we are greatly benefiting our own economy.

The International Bank for Reconstruction and Development is intended, it is true, to be a major source of large-scale and long-term credit for the rehabilitation of the war-torn countries and the building up of economically underdeveloped countries. Our participation in the International Bank has now been approved by the House and by this Committee and will be approved shortly, I trust, by the Senate. At best, however, the International Bank cannot be in effective operation for a year or eighteen months. A strengthened Export-Import Bank is therefore urgently needed during the period just ahead to provide the necessary financing of our exports in connection with reconstruction and development projects abroad. There will be no other governmental source of dollar credits for this purpose.

In the longer run, the coordination of the operations of the Export-Import Bank with the policies of the representatives of the United States on the International Bank and Fund will be achieved through the National Advisory Council provided for in the Bretton Woods

Agreements Act. The Chairman of the Board of the Export-Import Bank, as a member of the Council, will keep it fully informed of the Bank's activities and will be guided in turn by its policy decisions applicable to the Bank's operations.

[Here follows description of the provisions of the proposed legislation.¹²]

Department of State National Advisory Council Files ¹³

Minutes of the First Meeting of the National Advisory Council on International Monetary and Financial Problems, Washington, August 21, 1945

Present

Secretary Fred M. Vinson (Chairman), Treasury Department

Secretary Henry A. Wallace, Commerce Department

Mr. Marriner S. Eccles, Chairman, Board of Governors, Federal Reserve System

Mr. Leo T. Crowley, Chairman of Export-Import Bank

Mr. Amos Taylor, Commerce Department

Mr. Frank Coe (Secretary), Treasury Department

1. *Responsibility of the Council*

The Chairman called attention to the language of the Act (Public 171-79th Congress, 1st Session)¹⁴ which established the Council (NAC-1).¹⁵ He spoke of the wide variety of foreign financial trans-

¹² Congress approved the Administration's legislative proposals and the new Export-Import Bank Act became law on July 31, 1945 (59 Stat. 526). Essentially this Act "made possible the extension of large-scale credits to foreign countries for the purchase of United States goods by increasing the lending authority of the Bank from \$700 million to \$3.5 billion and by removing the prohibition on loans by the Bank to countries in default on their obligations to the United States Government." (Export-Import Bank of Washington, *Second Semiannual Report to Congress For the Period January-June 1946*, p. 9).

¹³ This file comprises a substantially complete record of the minutes and documents of the National Advisory Council on International Monetary and Financial Problems (the NAC) and its committees. This collection is located in Department of State Lot Files 60D-137.

¹⁴ That is, the Bretton Woods Agreements Act, approved July 31, 1945 (59 Stat. 512).

¹⁵ The memoranda in the NAC series was the documentation on which the Council's agenda was based, and were prepared by the Staff Committee of the Council. This series is not to be confused with a separate documentation described as "Staff Documents", nor with the minutes of meetings of the Council itself. It may be noted also that the National Advisory Council submitted regular and special reports to the Congress which are printed as Congressional documents.

Council Document NAC-1 was an historical summary of the origins of the National Advisory Council, and analyzed the statutory duties of the Council as provided for in the originating statute. Section 4 of the Act stated in pertinent part that the Council was to "coordinate, by consultation or otherwise, so far as is practicable, the policies and operations of the representatives of the United States on the [International Monetary] Fund and the [International] Bank [for Reconstruction and Development], the Export-Import Bank of Washington and all other agencies of the Government to the extent that they make or participate in the making of foreign loans or engage in foreign financial, exchange or monetary transactions."

actions in which the government is now engaged (NAC-2 and 3)¹⁶ and the need for coordination of methods and agencies. The legislative history of the Council was discussed.

2. *Over-all Foreign Financial Program*

The Chairman said that the government needed an over-all program, showing everything that was to be lent and spent abroad and what would be received. He thought that only thereby could the Council perform the functions which Congress expected of it. He had discussed the matter with the President, and had written him a letter in accordance with the understanding arrived at. The President wishes the Council to prepare such a program, and so indicated in a note to Secretary Vinson (NAC-4).¹⁷

The Council decided to request the heads of departments and agencies to submit programs of their expected foreign financial activities and of the present status of all loans, financial commitments, and programs of expenditure abroad. From this a general program would be prepared.

Secretary Wallace stressed the need for information on private loans abroad. It was decided that Mr. Eccles would check as to what the Federal Reserve System could provide on this subject.

3. *Technical Committee on Bretton Woods*

The Chairman proposed, and the Council agreed to, the appointment of a special committee to consider and report to the Council on the preliminary problems and policies of the International Fund and Bank and to conduct any necessary negotiations with foreign governments on the establishment of these institutions. The Chairman thought this committee would be practically the same as the group which had worked for several years on Bretton Woods. The Securities Exchange Commission should be included in the committee.

The names of members and alternates were to be sent to the secretary.

4. *Export-Import Bank*

The Council discussed the following matters concerning Export-Import Bank policy and operations:

- (1) *Loans under Consideration.* Mr. Crowley informed the Council

¹⁶ Documents NAC-2 and 3 not printed.

¹⁷ The text of the Vinson letter is found in Document NAC-4, not printed; the letter was dated August 9, 1945. A marginal notation indicating approval was written by the President on the same letter on August 10.

that Export-Import Bank loans to the following countries were under consideration in the approximate amounts indicated :

France—	\$300 million
Belgium—	50 million
Netherlands—	50 million

(The above, related to the lend-lease 3(c) agreements, were proposed for 30 years at 2 $\frac{3}{8}$ %).¹⁸

U.S.S.R.—	\$ 1 billion
Norway—	40 million
Denmark—	
United Kingdom—	for food in the lend-lease pipeline.

At the request of Mr. Eccles, Mr. Crowley promised a concise report on the loans now under consideration. Mr. Crowley stated that he would continue negotiations on these loans and report back to the Council, but that, until proper lines and policies were worked out, the Export-Import Bank would make none of these loans until the Council had an opportunity to pass on them.

(2) *Dollar Balances.* The Council agreed with Mr. Eccles that loans should be considered in relation to the holdings by foreign countries of gold, dollars or American securities. It instructed that such information should be prepared for its use.

(3) *Rate of Interest.* Mr. Crowley asked the Council to consider the proper rates of interest for Export-Import loans. He suggested a 3% rate as the general rule for long and medium term loans. There was discussion as to the wisdom of a 3% rate for the United Kingdom and the Soviet Union while having a 2 $\frac{3}{8}$ % rate for the Western European countries. Although there was general agreement on the desirability of low interest rates for reconstruction purposes, a decision on interest rate policy was deferred until a full analysis could be prepared.

(4) *Private Sources.* The Chairman stressed the need to find out whether any of these loans could be placed privately. Mr. Crowley said that such a check would be made. He believed that many of them should be made privately, but he did not believe the banks would touch them.

¹⁸ These credits were projected originally under the 3(c) agreements, and accordingly would have been financed out of Lend-Lease funds; see footnote 10, p. 1395. With the ending of the war, however, Lend-Lease financing was terminated as of September 2, 1945. Financing of Lend-Lease materials requisitioned but not under procurement by that date was now shifted to the Export-Import Bank. It was felt that as the credits "served to carry out previous commitments of the United States Government, their terms with respect to maturities and rate of interest [should be] made the same as those of the lend-lease 3(c) agreements." (Export-Import Bank of Washington, *First Semiannual Report to Congress for the Period July-December 1945*, p. 17)

(5) *Loans Appropriate for the Export-Import and the International Bank*. It was decided that the Staff Committee should have a report for the Council prepared on this matter.

5. *Other Loans*

The Council agreed with a proposal of Mr. Eccles that the State and Treasury Departments should prepare concise reports on pending foreign loans and stabilization agreements and the status of any negotiations now under way.

[Here follows discussion regarding the internal organization of the National Advisory Council.]

FRANK COE

811.516 Export Import Bank/9-345

*The Secretary of State to the Foreign Economic Administrator
(Crowley)*

WASHINGTON, [undated].¹⁹

MY DEAR MR. CROWLEY: The present great expansion in the activities of the Export-Import Bank emphasizes the importance of relating its program to the framework of the foreign policy of the United States as laid down by the President and the Department of State.

The relations between the Department and the Bank have always been close, and we have participated in every step of formulation of major loan policy and negotiation of credits with particular foreign countries. We have, of course, not wished to be too closely involved in detailed operations. The importance to foreign policy of foreign lending by this Government has been recognized in our position on the old Board of Trustees, of which for many years an official of the Department was Chairman, and recently in our inclusion on the smaller new Board.

I am sure you will agree that the Bank should continue to work out its broad arrangements with individual countries in the closest collaboration with the Department and with reference to the various foreign policy considerations present in individual cases. In view of the increasing magnitude and importance of the Bank's credit operations, I also ask that preliminary and general negotiations be undertaken, as has ordinarily been the case in the past, with full participation of representatives of the Department.

This participation is especially important now as we are embarking on negotiations with respect to commercial policy, cartels, commodity policy, and the position of American private trade and investment in

¹⁹ Drafted September 3, 1945.

all parts of the world. It is essential that financial aid for reconstruction go hand in hand with the creation of commercial conditions which will permit repayment by the stimulation of international trade so necessary to the prosperity of America's expanded industrial potential.

Sincerely yours,

JAMES F. BYRNES

Department of State National Advisory Council Files

*Memorandum by the Chairman of the Export-Import Bank (Crowley)
to the National Advisory Council*

NAC-7

[WASHINGTON,] September 12, 1945.

Re: Emergency Reconstruction Credits to Liberated and War-Devastated Countries

The Board of Trustees of the Export-Import Bank at a meeting on Tuesday, September 11, approved in principle emergency reconstruction credits to the following countries in the amounts indicated, subject to policy review by the National Advisory Council:

Belgium	\$ 100,000,000
France	315,000,000
Netherlands	100,000,000
Netherlands East Indies	100,000,000
U.S.S.R.	1,000,000,000

It should be emphasized that these proposed credits are for the purpose of financing emergency purchases of materials, supplies, and equipment urgently needed by these countries to begin the restoration and rebuilding of their economies. Time is of the essence because of the vital importance of maintaining the flow of goods to these countries from the United States as their only immediate source of supply.

The credits would be extended without prejudice to the longer run and more carefully defined reconstruction programs of the countries concerned or to the amount of dollar financing which may ultimately be required to carry out these programs. The plain fact is that the recently liberated countries and Russia have not had time to determine their needs for imported goods or for external financing and cannot afford to wait until these needs are precisely defined. Nor can the United States afford to wait.

The terms and conditions of the proposed credits are to be left subject to negotiation between the Export-Import Bank and the individual governments involved. In the meantime, however, the rate of interest to be charged by the Export-Import Bank on long-term loans

to foreign governments will have been considered by the National Advisory Council and a decision presumably reached.

[Here follows discussion of the individual credits proposed for the countries named above.]

With respect to all of these proposed credits, the Export-Import Bank has naturally been conscious of the fact that these countries have some dollar resources of their own. Furthermore, some of them, notably the Netherlands and the Netherlands East Indies, enjoy a potentially high credit standing in the eyes of private investors. The Bank subscribes to the view, however, that it would be unwise for these countries to draw too heavily upon their own resources until their total needs can be more definitely ascertained and has been particularly mindful of the danger involved in forcing them, because of heavy drains upon their gold and dollar resources, to adopt or maintain trade and exchange restrictions which the United States is seeking by every means to eliminate. Moreover, the Bank has satisfied itself that none of the countries in question can quickly obtain funds in substantial amounts in the private market on reasonable terms.

LEO T. CROWLEY

Department of State National Advisory Council Files

*Memorandum by the Chairman of the Export-Import Bank (Crowley)
to the National Advisory Council*

SECRET
NAC-14

[WASHINGTON,] September 18, 1945.

1. I have circulated to the members of the National Advisory Council a memorandum dated September 17, 1945,²⁰ setting forth the present status of Lend-Lease and Export-Import Bank financing. It is urgent that action be taken by the Export-Import Bank with respect to some of the applications for credits which have been made in order that the flow of supplies and essential materials to those countries will not be interrupted.

2. I recommend that of the applications for credit set forth in my memorandum of September 17, 1945, the following be approved at this time:

(a) *Belgium*. \$100,000,000, of which \$55,000,000 should be extended on 3(c) terms and \$45,000,000 on such other terms and conditions as may be agreed upon by the N.A.C. and the Export-Import Bank.

²⁰ Not printed. It was an earlier version of this document NAC-14.

(b) *France*. \$550,000,000 on 3(c) terms.

(c) *The Netherlands*. \$100,000,000, of which \$50,000,000 should be extended on 3(c) terms and \$50,000,000 on such other terms and conditions as may be agreed upon by the N.A.C. and the Export-Import Bank.

(d) *Netherlands East Indies*. \$100,000,000 on such terms and conditions as may be agreed upon by the N.A.C. and the Export-Import Bank.

(e) *Russia*. \$1,000,000,000 on such terms and conditions as may be agreed upon by the N.A.C. and the Export-Import Bank.

Department of State National Advisory Council Files

*Memorandum by the President of the Export-Import Bank (Taylor)
to the National Advisory Council*

NAC-17

[WASHINGTON,] September 21, 1945.

Re: Objections to a General Rate of 2 $\frac{3}{8}$ % on Emergency Reconstruction Loans by Export-Import Bank

The NAC Staff Committee has proposed that the Export-Import Bank should charge a uniform rate of 2 $\frac{3}{8}$ % on emergency reconstruction loans to liberated and war-devastated countries. The Export-Import Bank strenuously objects to this proposal for the following reasons:

1. The Bank is obligated by the legislative history, if not by the letter, of the Export-Import Bank Act of 1945 to operate without a net loss to the United States Government. In other words, it is expected to operate on a "business" basis. To operate it on any other basis would seriously prejudice the chances of obtaining additional lending authority from the Congress.²¹

2. It has been generally agreed that an average minimum interest rate of 3% on the aggregate of its loans is probably required to enable the Bank to be self-sustaining. This rate represents the average cost to the Treasury of borrowed funds, or 2%, plus a 1% margin to cover

²¹ The first official intimation that the Executive Branch might request from Congress "interim" additional lending authority for the Export-Import Bank came in President Truman's special message to the Congress on September 6, 1945 in which he set forth a 21-point program for reconversion from wartime to peacetime. He said in pertinent part: "We are preparing to extend the operations of the Export-Import Bank. Our objective is to enable the peace-loving nations of the world to become self-supporting in a world of expanding freedom and rising standards of living. . . . I foresee the need for additional interim lending power [for the Export-Import Bank] to insure a rapid and successful transition to peacetime world trade. Appropriate recommendations will be made to the Congress on this matter when we have completed the exploratory conversations already begun with our associates [presumably a reference to the governments of the war-devastated countries]."

losses and administrative expenses. The International Bank for Reconstruction and Development requires 1% to 1½% for similar purposes.

3. A 2¾% rate is considerably below the probable cost to the United States Government of making loans through the Export-Import Bank and is, therefore, a subsidy rate. It may be justified for loans to 3(c) countries to cover the cost of goods requisitioned before V-J Day under existing agreements providing for such a rate. But to apply it to all emergency reconstruction loans would surely result in eventual heavy net losses on the books of the Bank.

4. The Bank fully appreciates that loans to liberated and war-devastated countries are for emergency purchases in the United States; that great economic benefits will accrue to the United States as a result of the acceleration of the reconstruction process which loans by the Export-Import Bank will make possible; and that the terms and conditions of such loans should be as liberal as possible.

Nevertheless, the Bank cannot keep its accounts in terms of the general economic effects of its operations. It must keep its accounts in dollars and cents.

5. The Bank is required by its basic law not to compete with but to supplement and encourage private capital. But a 2¾% rate will clearly prevent either the participation of private capital at the time the loans are made or their refunding in the future. To charge such a rate would, therefore, violate the express instruction of Congress.

6. The recommendation of the Staff Committee sets no objective limit to the amount of loans which the Export-Import Bank shall make at a subsidy rate. Since it does not, the Bank and those who advise it would be forced into the impossible task of deciding once and for all what countries shall get credit at this rate and how much. By contrast, if emergency reconstruction loans are made at a normal rate (except for 3(c) commitments), credit can be extended as needed over a period of time. In this way, the resources of the Bank can be husbanded and made available according to need and capacity to repay as reconstruction proceeds. This would be an orderly process and promote the most effective use of the Bank's resources.

The Export-Import Bank strongly recommends that emergency reconstruction loans, except for 3(c) commitments, be made at the rate applying to normal loans for reconstruction and development, i.e., at not less than a 3% average rate.

WAYNE C. TAYLOR

Department of State National Advisory Council Files

*Memorandum by the Chairman of the National Advisory Council
(Vinson) to President Truman*²²

NAC-16

[WASHINGTON, undated.]

The Council has carefully considered the policies involved in the following proposed loans which have been approved in principle by the Export-Import Bank and submitted to the Council by the Chairman of the Bank: Belgium, \$100 million; France, \$550 million;²³ Netherlands East Indies, \$100 million; and U.S.S.R., \$1 billion.

The loans proposed for Belgium, France and the Netherlands are closely related to the wind-up of lend-lease. Pursuant to your directive of August 17, 1945, Mr. Crowley is arranging lend-lease financing for lend-lease goods in the pipelines and in inventories abroad and on the seas on V-J Day. Export-Import Bank financing is proposed for some of the lend-lease goods which were under requisition but not in procurement on V-J Day. The amounts involved are (in millions of dollars):

	<i>Pipelines in U.S. plus Inventories Outside U.S. (Lend-Lease Financing)</i>	<i>Lend-Lease Requisitions (Export-Import Bank Financing)</i>
Belgium	45	55
France	280 (est.)	550
Netherlands	82	50

Export-Import Bank funds would be made available for requisitions on 3(c) terms, viz., 30 year at 2 $\frac{3}{8}$ %. This would give Belgium and the Netherlands the terms which, Mr. Crowley has informed us, were approved for France, as a result of your and Secretary Byrnes' conversations with General DeGaulle.

The Congress was informed by you and by the Budget Director that a shift from lend-lease to Export-Import financing was contemplated for a portion of the lend-lease program. Through these and later statements to Congress by Mr. Crowley, the Congress was informed of this use of Export-Import Bank funds.

The proposed loans for Belgium and the Netherlands include small

²² Marginal notation: "Approved 9/21/45 Harry S. Truman". There is no record in the Council's minutes of any prior discussion of this memorandum by the Council, although it is clear from the minutes of the third meeting of the Council on September 18, 1945 that a discussion with the President on the proposed loans was in the offing.

²³ A correction sheet circulated by the Council's Secretary on October 1, 1945 directed that the words "Netherlands, \$100 million" should be inserted immediately before the words "Netherlands East Indies".

amounts for urgent capital goods which were not in the lend-lease programs. This is true of the whole amount of the Netherlands-Indies loan. It should be pointed out, however, that these loans are for only a small portion of the reconstruction goods needed by these countries from the United States.

These credits will assure the maintenance, on a cash-repayment basis, of the pipelines to Western Europe for a short crucial period. The goods involved would have been transferred under lend-lease if the war had continued. Preliminary negotiations indicate that similar arrangements for the U.K., U.S.S.R. and China can be made and thereby liquidate practically all the lend-lease pipelines. Since a portion of the goods are specialized, this solution will also reduce the size of our surplus problem.

The comparatively small amount of reconstruction financing involved in certain of the above loans is for urgently needed items, is tied in with the satisfactory arrangements for settling lend-lease and is backed by good assurances of repayment. Consideration of the major reconstruction needs of these countries will, however, be postponed until the Council has obtained the over-all picture of foreign financial requirements.

The Export-Import Bank loan to the Russians has, as noted above, been approved in principle by the Bank and been considered by the Council. You will recall that the Russians were invited to enter into negotiations for the amount indicated. Those negotiations should go forward and we will so inform the Bank if you approve.

FRED M. VINSON

Department of State National Advisory Council Files

*Minutes of the Fourth Meeting of the National Advisory Council,
Washington, September 27, 1945*

Present:

Secretary Fred M. Vinson (Chairman), Treasury Department

Mr. W. L. Clayton, State Department

Mr. E. G. Collado, State Department

Mr. Amos A. Taylor, Commerce Department

Mr. M. S. Eccles, Federal Reserve Board

Mr. Wayne Taylor, Export-Import Bank

Mr. Harry D. White, Treasury Department

Mr. Frank Coe (Secretary), Treasury Department

[Here follows statement regarding a procedural matter.]

1. *Emergency Reconstruction Credits to Liberated and War Devastated Countries*

Approval. The Chairman described a conference which he and Messrs. Acheson²⁴ and Crowley had with the President. After a full discussion of the points involved, the President had approved the memorandum (NAC Document No. 16) outlining the proposed loans to France, Netherlands, Netherlands East Indies, Belgium, and the U.S.S.R.

In view of this action, the Council approved the recommendations on these loans made by Mr. Crowley in his memorandum of September 18 (NAC Document No. 14), with the understanding that the negotiations with the U.S.S.R. were not to go forward until there was an opportunity to consult Secretary Byrnes.

Netherlands East Indies. Mr. Wayne Taylor said that this loan would be held up until a satisfactory report had been received from the International Tin Committee.

Exchange of Notes on Commercial Policy. Mr. Clayton said that the State Department had an understanding with the Export-Import Bank that none of these loans were to be completed until the foreign governments had agreed to an exchange of notes on commercial policy. The Council decided that the papers to which Mr. Clayton referred (NAC Document No. 22) should be made part of the record in order to show all the considerations on which the action of the Council was based.²⁵

2. *Interest Rates on Long-Term Loans made by the Export-Import Bank to Foreign Governments*

The Council considered the rates of interest to be charged by the Export-Import Bank on long-term loans to foreign governments for reconstruction and development purposes. It had before it the recommendations of the Staff Committee (NAC Document No. 18), a memorandum from the Export-Import Bank (NAC Document No. 17), and the analysis prepared for the Staff Committee (NAC Staff Document No. 3).²⁶ After detailed discussion, the Council decided as follows:

a. Long-Term Loans for Reconstruction and Development. The Export-Import Bank's general rate of interest on 20 to 30 year loans to foreign governments for reconstruction and development should be 3 percent during the next period. In the case of loans with serial maturities, the *average* rate should be 3 percent.

²⁴ Dean G. Acheson, Under Secretary of State.

²⁵ This refers to the United States proposals for the expansion of world trade on a multilateral and non-discriminatory basis. Document NAC-22, undated, not printed, described in some detail the loan discussions, actual or proposed, which were engaging the attention of the United States at this time with respect to France, Belgium, Poland, Czechoslovakia, the Netherlands (East Indies), the Soviet Union, and the United Kingdom; and stated that the United States in such discussions was "endeavoring to obtain agreements with respect to commercial policy and certain other matters of importance to this Government".

²⁶ NAC Staff Document No. 3 not printed.

This rate should be uniform for all governments.

The appropriate rate or rates should be reviewed from time to time as relevant factors change.

b. Loans for Goods Requisitioned under Lend-Lease. In financing the export of goods for which requisitions had been filed by foreign governments under Lend-Lease and accepted by this government prior to V-J Day, the Bank's interest rate should be 2 $\frac{3}{8}$ percent for 30 year loans—i.e., the same as in Lend-Lease 3(c) agreements.

Factors Considered. The Council's decision was based upon a number of factors, not all of which were covered in the documents before it. The more important of these were: the legislative background of the Export-Import Bank; the possible rates of interest to be charged by the International Bank; the present and prospective private rates for domestic and foreign securities; and the interest rate structure of the public debt. Other factors mentioned included the Export-Import Bank reserve policy and expenses; the relation of interest rates on Export-Import Bank loans to the prospect of repayment; the resale of foreign obligations to the public by the Export-Import Bank; and the benefits the United States would derive from world-wide economic reconstruction. It was noted that there are outstanding certain commitments respecting interest rates, and that interest rate discriminations as among borrowers might precipitate unfavorable political repercussions. The financial negotiations with the United Kingdom were also discussed, as were the prospects for the liberalization of commercial policies on the part of countries seeking loans here.

[Here follows discussion of other subjects.]

Editorial Note

The principal use that was made during the latter half of 1945 of the increased lending power granted by the Congress to the Export-Import Bank in the Act of July 31, 1945 was to finance the extension of credits to France, Belgium, and the Netherlands for the purchase of American products and services for which requisitions had been filed and approved before September 2, 1945 under lend-lease arrangements but which had not been contracted for by that date. These loans involved the establishment of lines of credit in the amounts of \$550 million for France, \$50 million for Belgium, and \$55 million for the Netherlands. In its *First Semiannual Report to Congress* in January 1946 (page 17) the Export-Import Bank said of this situation: "Because of the sudden end of the war and the termination of lend-lease which followed shortly thereafter, the drain on the resources of the bank for this purpose was much larger than had been anticipated. The lend-lease credits extended by the bank thus necessitated the use of funds which it had been believed would be available for other purposes." (That is, general reconstruction loans.)

It has been noted that this financial stringency was anticipated in President Truman's special message to the Congress on September 6, 1945 (see footnote 21, page 1405). On October 4, 1945 the President in a letter to the Secretary of State assigned primary responsibility to the Department of State for implementing a legislative program to win Congressional approval for a further increase in the lending power of the Export-Import Bank. In a memorandum to President Truman on October 11, 1945 Secretary Byrnes informed the President that

"The National Advisory Council on International Monetary and Financial Problems is preparing an overall estimate of credit requirements of foreign countries and a recommendation regarding additional lending authority which the Export-Import Bank would require to handle that share which this Government should undertake to fill. When this has been completed we shall present for your consideration a specific program of additional legislation." (811.032/10-445)

The Secretary of State reported to the President in follow-up memoranda on November 2 and November 28, 1945 that this survey and study was continuing. (Relevant documentation cited here is found in the 811.032 file.)

Department of State National Advisory Council Files

*Memorandum Prepared by the Staff Committee of the National
Advisory Council*

NAC-37

[WASHINGTON,] January 8, 1946.

PRELIMINARY DRAFT

THE FOREIGN LENDING PROGRAM OF THE U.S. GOVERNMENT

1. It is expected that the International Bank will begin lending operations in the latter half of 1946 and that the Bank will assume the primary responsibility for meeting the world's international capital requirements which cannot be derived from private sources. With its present membership, the Bank will be able to lend approximately \$7.5 billion, the bulk of which probably will be raised in the private capital market of this country. It is expected that loans made during 1946 will constitute only a small proportion of the total lending power of the Bank.

The operation of the International Monetary Fund is important for assuring the conditions favorable to the servicing of international investments and to the encouragement of a free flow of private capital.

2. In July 1945, the Congress, for the purpose of making loans to

war-devastated areas during the period prior to the inauguration of the International Bank and for the promotion of American exports and other special purposes, increased the lending power of the Export-Import Bank by \$2.8 billion, making its total lending power \$3.5 billion. Up to the end of 1945 about \$1.6 billion of these funds were loaned or committed and there remained on January 1, 1946, \$1.9 billion for making additional loans. [These figures should be revised as of the date this memorandum is used.]²⁷ In addition to the \$1.9 billion there will be available during 1946 about \$50 million from repayment of principal and an additional sum (possibly \$100 million) from the cancellation of earlier commitments.

3. The policy of this Government has been to make Export-Import Bank loans to war-devastated countries only with the greatest care and after careful study of the immediate and minimum needs of the borrower. Among the factors taken into consideration by the Export-Import Bank in making loans of this character are: (1) the urgency of the need of the borrower; (2) the borrower's own resources; (3) the possibility of obtaining the loan from private sources or from the International Bank; (4) the ability of the borrower to make effective use of the funds; (5) the capacity of the borrower to repay; and (6) the impact of the loan on our domestic economy.

The use of Export-Import Bank loans for financing American exports will be coordinated with the disposal of U.S. surplus military property abroad. Complete coordination of the lending programs of this Government is secured through the National Advisory Council. The NAC will also secure coordination between the foreign lending programs of this Government and the activities of the International Bank insofar as they relate to loans made with American capital.

The Export-Import Bank had by January 1, 1946, committed to European countries only \$900 million, practically all for the purpose of permitting Allied Governments to obtain from the United States essential imports which had been going to them on lend-lease. Of these funds \$550 million have been committed to France and \$100 million each to Belgium and Holland. [Table showing Export-Import Bank commitments.]²⁸

4. A large volume of additional requests for loans have been received

²⁷ Brackets appear in the source text.

²⁸ Table not found appended to file copy. Actually the amounts received by Belgium and the Netherlands for lend-lease credits had been \$55 million and \$50 million, respectively. These countries had also received \$45 million and \$50 million, respectively, in general reconstruction credits. In 1945 the Export-Import Bank had also authorized loans of \$50 million to Norway, \$20 million to Denmark, and \$100 million in miscellaneous (cotton) credits to certain European countries. In addition the Bank had commitments of \$105 million to various Latin American countries, and \$8 million to Asian nations. These are tabulated in the Export-Import Bank's *First Semiannual Report to Congress for the Period July-December 1945*, p. 16.

by the Export-Import Bank particularly from the war-devastated countries. With the present resources of the Export-Import Bank it is obvious that only the most urgent of these requests can be granted. [Table showing requests for loans.]²⁹

As far as we can see ahead at the present time, the urgent requirements for immediate loan commitments to foreign countries during calendar year 1946 which cannot be met by the International Bank will probably total about \$3.5 billion, exclusive of the proposed credit to Britain. To meet these needs the Export-Import Bank will have available during 1946 about \$2 billion of uncommitted funds. It is, of course, possible that some of the prospective loans included in the \$3.5 billion figure may not materialize in 1946. Whether a large credit to China will materialize during 1946 is not at all certain in view of current political and economic conditions in China. There is some question whether a large credit to the U.S.S.R. will materialize in 1946. Similarly, loans to other countries which now appear likely may not materialize or may be taken by private investors.

Also uncertain is the extent to which private investors in the United States (institutional and other) will be disposed to undertake foreign investments during 1946 without the guarantee of either the International Bank or the Export-Import Bank. Both of these institutions operate on the principle that private capital markets should be protected from undue incursion by Government competition and, in developing their loan projects, both will seek to encourage participation by private investors acting on their own account and risk.

On the basis of these figures the Administration feels that it may be necessary to ask the Congress for an increase of lending power of \$1-1/2 billion for the Export-Import Bank during the calendar year 1946. Although it is too early to make a final decision on this question, it is clear that any increase in lending power that may be requested will not be in excess of the figure mentioned above unless a loan of more than \$1 billion is made to the U.S.S.R. Whether it will be necessary to apply to the Congress for a further increase in funds for use in years after 1946 depends entirely upon developments in the world situation which cannot now be foreseen and upon the ability of private investors and the International Bank to meet the world's urgent requirements for reconstruction and development capital.

It should be pointed out that the figure of \$3.5 billion in loan requirements for 1946 represent commitments and not actual amounts loaned or spent. For example, on January 1, 1946, the net outstanding loans of the Export-Import Bank amounted to only \$252 million although the total amount committed and loaned was \$1.6 billion. Some of the \$3.5 billion in commitments contemplated for 1946 will not be

²⁹ Table not found appended to file copy.

made available until 1947 or thereafter. For example, China probably will not be in a position to make large expenditures for reconstruction until well into 1947 although it may be desirable to make a substantial commitment in 1946.

5. The proposed loan to Britain requiring Congressional authorization is a special case but one which is an integral part of the foreign economic program of this Government. The realization of the objectives of the Bretton Woods program, including the early elimination of exchange restrictions and other barriers to world trade and investment,³⁰ requires an immediate solution to Britain's financial problem. It should be made clear, however, that the proposed loan to Britain in no way sets a precedent for similar loans to other countries.

6. In making foreign loans, it is the policy of this Government to give careful consideration to the effects of our lending programs on our domestic economy. Wherever possible, we discourage the employment of loan proceeds for the purchase of commodities in scarce supply and encourage the purchases of surplus commodities, such as cotton, and commodities in long supply, such as a number of capital goods. Plant capacity and trained labor are now available in many of the war-expanded machinery and equipment industries to handle large foreign orders in addition to all demands of the domestic market.

7. The continuation of our domestic economic controls and export controls during 1946 will prevent purchases financed by foreign loans from exerting undue pressures on scarce items in our economy. It is believed that a foreign lending program adequate to meet the minimum needs of foreign countries need not interfere with our reconversion program or create significant inflationary pressure. The major portion of the loans made in 1946 will be spent over a period of several years. A substantial part of the proceeds of these loans will undoubtedly be spent on capital goods including specialized machinery, the placing and execution of orders for which will consume a considerable amount of time. Actual foreign expenditures financed by loans therefore will represent only a small fraction of the value of cut-backs in government expenditures between V-J Day and the middle of 1946; and insofar as they are for surplus goods or for capital goods for which the plants are already tooled up, they will help maintain markets and employment in the United States during the reconversion period.

8. A basic question to be considered is whether foreign countries will be able to service large American loans and investments. There

³⁰ For documentation regarding United States proposals regarding the expansion of world trade and employment on a multilateral non-discriminatory basis through the establishment of an International Trade Organization under the auspices of the United Nations, see pp. 1263 herein; *Foreign Relations*, 1945, vol. II, pp. 1328 ff.; and *ibid.*, vol. VI, pp. 1 ff.

is little doubt regarding the ability of debtor countries to produce a sufficient export surplus to handle the service charges on American loans and investments after their economies have been fully reconstructed, providing an undue part of national income of borrowing countries is not diverted to military expenditures. Ten years from now production in the debtor countries should be 25 to 50 percent greater than before the war. This increase can be brought about through the modernization of economically backward areas, increased employment, and the utilization of new productive techniques.

The ability of borrowing countries to develop an export surplus sufficient to meet service charges on foreign loans will depend in large measure upon the level of world trade. A high level of world trade will in turn depend upon the maintenance of a high level of world income and a reduction of the barriers to international trade which have grown up in the past. It is expected that the proposed International Trade Organization will play an important role in securing the international economic environment necessary for the maintenance of high levels of world trade. There must also be a world system of multilateral payments if debtor countries are to be able to convert their export surplus with any country into the currency in terms of which their debt obligations must be discharged. It is the purpose of the International Monetary Fund to assure the orderly operation of a system of multilateral payments.

9. The ability of foreign countries to transfer interest and amortization on foreign loans to the United States is very largely a question of our capacity to absorb exports of goods and services from the rest of the world. The problem of meeting service requirements on American foreign loans and investments is not likely to be serious for foreign countries during the next few years while new American investment exceeds interest and amortization on outstanding investments. In the period during which our foreign loans and investments are expanding most rapidly, the additional exports resulting from our foreign investment will be an important factor in maintaining a high level of production and employment. This may well be a period during which the problem of maintaining employment will be acute. At a later stage, when the payment of interest and amortization on outstanding investments exceeds new investments, the American economy will have to adjust itself to receive larger imports of goods and services.

10. The readjustment of the United States economy to receive the service payments resulting from larger foreign investment will depend upon our ability to maintain a high and stable level of employment. On the basis of past relationships between United States national income and foreign payments, our imports of goods and services ten years from now would amount to \$9 to \$10 billion a year,

assuming reasonably full employment and the present level of prices. Furthermore, the natural increase in our population will be an important factor in expanding imports and the depletion of certain domestic resources, if not offset by domestic synthetics, would have the effect of increasing the relation of imports to our national income. It is conceivable that after a time the income from our foreign investment may be necessary to provide us with the raw materials that have become relatively scarce in this country.

Department of State National Advisory Council Files

*Memorandum Prepared by the Staff Committee of the National
Advisory Council for the Council*

NAC-44

[WASHINGTON,] January 17, 1946.

In connection with NAC Document No. 43,³¹ the National Advisory Council Staff Committee recommends consideration of the following as a preliminary list of the probable loan requirements for the Export-Import Bank to the end of fiscal 1946-47:

Europe	
Belgium	\$ 100,000,000
Czechoslovakia	65,000,000
Denmark	30,000,000
Finland	65,000,000
France	750,000,000
Greece	50,000,000
Italy	100,000,000
Netherlands	250,000,000
Norway	50,000,000
Poland	50,000,000
U.S.S.R.	1,000,000,000
Yugoslavia	25,000,000
Middle East	
Turkey	50,000,000
Egypt	—
Saudi Arabia	25,000,000
Far East	
China	500,000,000
Netherlands East Indies	100,000,000
Philippine Islands	50,000,000
Latin America	
	200,000,000
Other	500,000,000
	<hr/>
	<i>Total</i> \$3,960,000,000

³¹ NAC-43 not printed. It advanced the work begun in NAC-37, p. 1411, by taking the substance of the earlier draft and incorporating it into the form of a draft statement on the foreign lending policy of the United States.

Department of State National Advisory Council Files

*Minutes of the Tenth Meeting of the National Advisory Council,
Washington, January 29, 1946*

[Here follows a discussion of a proposed loan to Poland.]

2. Foreign Lending Program. The Chairman referred to the documents before the Council (NAC Documents Nos. 43³² and 44) and invited discussion of the country's foreign lending program. It was generally agreed that a lending program such as that contemplated in the documents referred to would inevitably arouse much opposition. This, it was thought, would take the form of specific opposition to the proposed U.S.-U.K. loan and beyond that, general opposition to the over-all program.

Mr. Clayton remarked that in his opinion the most intelligent criticisms that could be made against the proposed U.K. loan were (1) that it will have inflationary effects on domestic prices and (2) that it will set a precedent for loans to other countries. As an answer to these anticipated criticisms, he suggested that the Council consider filing an immediate report with the President and the Congress on the over-all program.

At Mr. Clayton's request, a vote was taken on the question of preparing NAC Document No. 43 for presentation to the President. It was agreed that this should be done.

Mr. Eccles called attention to the fact that the proposed loan program called for a \$2 billion increase in the lending power of the Export-Import Bank.³³ He thought it would be unwise to request this increase in the Bank's lending power while the loan to the United Kingdom is pending. He called attention to the legislative history of the Export-Import Bank which, in effect, earmarks a billion dollars for Russia out of present Export-Import Bank lending authority. He discussed at some length the changes in the over-all political situation during the past six or eight months and remarked that any loan to Russia would be charged with political issues and for that reason should go directly to Congress. He therefore favored using the billion intended for Russia and not asking for additional lending authority until the U.K. loan is settled. In any case, he felt that the funds now available were adequate to meet all expenditures that might be made this year against loan commitments. If by the end of the year reconversion has been completed and goods are being produced in large volume, he thought that the question of making additional loans might be reopened for those countries that could make a good case.

³² See footnote 31, p. 1416.

³³ In his State of the Union Message on January 21, 1946 President Truman had specifically noted the need for expanding the Export-Import Bank's capitalization.

Mr. Eccles was seriously disturbed over the prospects of getting the U.K. loan through Congress. If it should fail, he thought the results would be most serious not only for the United States but for the whole world. It was his view that it would not be embarrassing to handle the funds earmarked for Russia in this way since Russia had never presented a formal application.

Messrs. Clayton and Collado took exception to the assertion that no application had been filed, pointing out that early in 1945 the Russians made a general request for a loan of \$6 billion and that last September they presented a formal request for \$1 billion. To these requests, which have only recently come to light through State Department accession of FEA files, the Russians have had no satisfactory reply.

Mr. Martin stated that it was his impression from talking with high Russian officials that they are not interested in an Export-Import Bank loan; that they expect terms at least as favorable as those extended to the United Kingdom.

Mr. Coe recalled that Mr. Crowley had presented to the National Advisory Council an over-all loan program (NAC Document No. 14)³⁴ in which \$1 billion was mentioned for Russia and that this program had received the President's approval and that Council Minutes showed that negotiations on the Russian loan were not to go forward until the Secretary of State approved (Minutes of Meeting 3, Item 2; ³⁵ Minutes of Meeting 4, Item 1). Mr. Collado remarked that while the State Department had not given the signal to move ahead on the Russian loan, he nevertheless favored holding the \$1 billion in reserve.

The Chairman felt strongly that one of the principal purposes of this Government's lending program was to tide war-devastated countries over until the International Bank is established. He hoped that it might be possible, therefore, to present the loan program to Congress on a 1946 calendar year basis with all proposed loans pared down to the lowest figure possible. He went through the list of loans proposed in NAC Document No. 44 and brought out the consensus that some of them could be reduced.

Mr. Clayton, although favoring a request to Congress for an increase of \$2 billion in the Export-Import Bank's lending authority, agreed to a reduction of \$500 million, on the assumption that \$1 billion of the Bank's present resources is earmarked for Russia. However, the trend of the Council's general point of view appeared to favor the use of existing resources, including the \$1 billion that has been set aside, in such a manner that it would not be necessary to request additional

³⁴ Dated September 18, 1945, p. 1404.

³⁵ Not printed; but see p. 1408, Minutes of the Fourth Meeting of the NAC, September 27, 1945.

funds from Congress. If this approach is followed, it was recognized that only the most urgent needs could be met in 1946.

Mr. Paul ³⁶ expressed the view that the lending program should not be pared to the extent that the Chairman and others had indicated. He was not disturbed by inflationary pressures since, according to studies made by his Department, a large portion of the market demands that will grow out of these loans will merely bring about fuller utilization of industrial capacity. In this connection, he mentioned railway equipment, machine tools, chemicals, synthetic fertilizers, and power equipment. It was his view that some of these industries would be forced in the near future to reduce their rate of output unless loans are consummated and foreign orders are placed. Mr. Paul added that in his opinion the loan program had already reached the point where further cutting might lead to a chaotic condition in a number of countries. The Chairman replied that he was forced to take the realistic view that there was only so much money available for foreign lending and that excessive demands upon Congress might jeopardize the entire program.

The Chairman instructed the Secretary to have the Staff Committee at its next meeting to consider a preliminary draft of a report to the President and the Congress on this Government's foreign lending program which would take account of the various alternative proposals without attempting to resolve the questions of whether a loan is to be made to Russia or additional funds are to be requested.

[Here follows discussion of other matters.]

Department of State National Advisory Council Files

*Memorandum Prepared by the Staff Committee of the National
Advisory Council for the Council*

NAC-59

[WASHINGTON,] February 5, 1946.

In connection with NAC Document No. 58,³⁷ the Staff Committee recommends consideration of the following alternative lists of probable loan requirements for the Export-Import Bank during calendar 1946. Alternative "A" is presented on the assumption that the Council may consider it inadvisable to recommend any increase of the Export-Import Bank's lending power.

Alternative "B", incorporating recommendations of the State Department, is presented on the assumption that the Council may find it advisable to recommend a \$1.5 billion increase in the Export-Import

³⁶ Mr. Arthur Paul, Commerce Department representative.

³⁷ NAC Document 58 is an early draft of the loan statement and is not printed.

Bank's lending power, which would include provision for a \$1 billion loan to the U.S.S.R.

	<i>Alternative "A"</i>	<i>Alternative "B"</i>
	(in millions of dollars)	
Europe		
Belgium	50	50
Czechoslovakia	75	100
Denmark	30	30
Finland	65	65
France	500	500
Greece	50	75
Italy	100	100
Netherlands	100	100
Norway	50	50
Poland	50	100
U.S.S.R.	—	1, 000
Yugoslavia	50	75
Middle East		
Turkey	25	25
Egypt	—	—
Saudi Arabia	25	25
Far East and India		
China	300	500
Netherlands East Indies	100	100
Philippine Islands	—	50
India	50	50
Latin America	150	200
Other Countries and Other Programs	300	400
<i>Total</i>	2, 070	3, 595

Department of State National Advisory Council Files

*Minutes of the Eleventh Meeting of the National Advisory Council,
Washington, February 7, 1946*

Present:

Secretary Fred M. Vinson (Chairman), Treasury Department
 Mr. W. L. Clayton, State Department
 Mr. E. G. Collado, State Department
 Mr. Thomas B. McCabe, Foreign Liquidation Commissioner
 Col. D. H. Morris, Office of Foreign Liquidation Commissioner
 Mr. Henry A. Wallace, Commerce Department
 Mr. A. Paul, Commerce Department
 Mr. M. S. Eccles, Federal Reserve Board
 Mr. Burke Knapp, Federal Reserve Board
 Mr. William McC. Martin, Jr., Export-Import Bank
 Mr. A. Maffry, Export-Import Bank

Mr. Harry D. White, Treasury Department
Mr. Harold Glasser, Treasury Department
Mr. Frank Coe (Secretary), Treasury Department
Mr. I. S. Friedman (Assistant Secretary), Treasury Department

1. *Foreign Loan Program:*³⁸

New Funds and the Russian Loan. Mr. White suggested that the discussions of the foreign loan program begin with the major issue of how much Congress be asked to make available. Mr. Clayton then raised the question of the loan to the U.S.S.R. saying that State considered that \$1 billion must be considered as set aside for the U.S.S.R. and therefore the real difference between Alternative "A" and Alternative "B" in NAC Document No. 59 was \$500 million. He emphasized that a written application for a \$1 billion loan had been received on August 28, 1945, from the Soviet Union and that recently the State Department had received inquiries from the Russians as to the status of this request. It was fortunate that this application was for a \$1 billion Export-Import Bank loan because it meant that the application for \$6 billion loan was not being pressed.

Mr. Clayton and Mr. Collado indicated that the State Department was contemplating telling the Russians within a few days that this Government was prepared to consider the Russian application and other matters affecting the economic relations between the two countries, including commercial policy, Russian bilateral trade agreements with Eastern European countries, lend-lease settlements, adherence to Bretton Woods, and other matters. These discussions might well take six months, but it was desirable to start negotiations quickly. The Chairman expressed agreement with the State Department's position.

Mr. Eccles urged the desirability of being able to tell Congress that we could get through 1946 without additional funds and this could be done if the \$1 billion set aside for Russia was used for other purposes. Mr. Eccles maintained that any loan to Russia should have special approval by Congress. The other members emphasized that this approach might constitute an invitation to the Russians to ask for a larger amount and that Congressional authorization had already been obtained.

The question of terms of the Russian loan was discussed and it was pointed out that the Russian application spoke of 2 $\frac{3}{8}$ percent interest. It was agreed that any statement on Russia would be given orally to Congress and would not be included in the proposed document.

China. In connection with discussions of the amount to be requested,

³⁸ The draft under consideration at the time is found in NAC-58, February 5, not printed.

Mr. Clayton said that \$500 million would probably have to be lent to China. It was expected that General Marshall would take this position.

Philippines. The question of including the Philippines in the list of possible loan recipients was discussed and it was agreed that it was not desirable to eliminate the Philippines from any such listing.

Latin America. The Chairman suggested the desirability of further discussions with regard to figures for Latin America and other countries. During these discussions, the Chairman, Mr. Eccles, and Mr. White emphasized the strong gold and dollar position of most of the Latin American countries. Mr. Clayton indicated that he was prepared to reduce the Latin American figure to \$150 million, while Mr. Martin and Mr. Collado stressed the desirability of making provision for continued lending to Latin America.

Other Countries Figure. With regard to figure for other countries, Mr. Clayton indicated that he was prepared to see the figure pared down to \$150 million. In this connection the Chairman again emphasized his eagerness to pare down the final dollar figure as much as possible and expressed agreement with Mr. Eccles who stated that the loans during the coming period should be made essentially on the basis of lack of dollar and gold exchange. The Chairman said that he felt that the more conservative the figure, the better the Congressional response would be.

Eastern European Countries. Some discussion was also held with regard to the reasons for the changes in the suggested figures listed for the Eastern European countries. Mr. Collado pointed out that further study had been given to these countries and he felt that the new set of figures in Alternative "A" were better than those which had been originally proposed.

Netherlands. The Chairman informed the Council that the possibility of a \$200 million loan to the Netherlands had been explored with him, \$100 million to be taken by the private capital markets. The Chairman indicated that he felt it desirable to encourage such loans as a means of encouraging private capital participation in lending to foreign governments. He said that he felt that such loans would strengthen the administration's position with regard to the British loan particularly with respect to the ability of the British to repay the loan.

UNRRA. Mr. Eccles raised the question of whether UNRRA could not carry some of the burden of the lending program. Mr. Clayton replied that he had assured Congress that UNRRA would be finished by the end of 1946, except in the Far Eastern area where it would continue into 1947 [1947], and after that UNRRA was finished and it had been so written into the legislation.

Surplus Property. Mr. McCabe raised the possibility of making more use of surplus property materials. The Chairman asked Mr. McCabe for the information he had requested on railroad equipment and was given the material by Mr. McCabe.

Repayment of Loans. The problem of repayment of foreign loans was discussed. Mr. Eccles stressed the need for looking forward to the time when we would have to accept repayment. Secretary Wallace said that he felt that if maximum employment was maintained plus the stimulation to trade given by the British loan, there would be no problem of accepting goods in repayment. Mr. Clayton emphasized that we would have to import much more than before because we had to, stressing the depletion of U.S. natural resources during the war, and gave imports of copper as an example.

Decision To Ask for \$1.5 Billion for Fiscal 1947. Discussion throughout tended to center around the question whether the amount of increased lending power for the Export-Import Bank to be requested from Congress was to be \$1¼ billion or \$1½ billion. The Chairman favored a tentative proposal of \$1¼ billion for 1946, suggesting that it might be discussed with the President. Mr. Eccles expressed agreement with this approach, while Secretary Wallace, Mr. Martin, and Mr. Clayton favored \$1½ billion. It was finally agreed that the figure should be \$1½ billion, but for fiscal 1947, instead of for calendar 1946.

The Commodity Approach. Secretary Wallace suggested desirability of bringing to the forefront in the proposed statement on the foreign loan program the commodity approach instead of the country approach. This approach would give greater emphasis to the time factor and thus quiet the fears of Congress on the inflationary impact of pushing an export program at this time. Mr. Paul pointed out that they had estimated that two-thirds of the exports under the contemplated lending program were in easy supply while the items in short supply could be taken care of by allocation and export licenses. Mr. Paul indicated that they had done some spot checking on their estimates and had found them to be conservative. It was decided that this approach should be more emphasized in the next revision of the document. The Chairman called attention to the omission of agricultural commodities from the document and Mr. Coe said that the Staff Committee was not looking into the possibility of Commodity Credit Corporation being able to finance agricultural exports.

Funds Not Lent in Fiscal 1947. The Chairman suggested that Congress should be assured that the funds of the Export-Import Bank not used for the contemplated loans would not be used to make new loans or increase other loans. The remaining funds should not be used after June 1947 without Congressional re-authorization or re-appropriation.

Others considered that it would be sufficient to inform Congress and let Congress initiate a reduction of lending authority if it wished. Mr. Coe suggested as a compromise that funds remaining might be ineligible for reconstruction loans but usable for other export loans. Mr. Clayton suggested, and it was agreed, that the Staff Committee should draft various alternatives on this matter for submission to the Council at the next meeting.

International Bank. There was discussion of the time required for the International Bank to come into operation and of the difficulties of its making loans before the end of the year. The Chairman thought that the necessary changes in state legislation described by Mr. White could and would be made early.⁴⁰

Other Comments. At one point in the discussions Mr. White pointed out that Congress should be told that all of the money being requested would not have to be raised during 1946 because of the lag between commitments and actual loans. Secretary Wallace said he felt that this point should be emphasized and driven home to Congress.

[Here follows discussion of other matters.]

Department of State National Advisory Council Files

*Minutes of the Thirteenth Meeting of the National Advisory Council,
Washington, February 21, 1946*

Present:

Secretary Fred M. Vinson (Chairman), Treasury Department

Mr. W. L. Clayton, State Department

Mr. Arthur Paul, Commerce Department

Mr. Marriner S. Eeles, Board of Governors, Federal Reserve Board

Mr. William McC. Martin, Jr., Export-Import Bank

Mr. Frank Coe (Secretary), Treasury Department

1. *Statement of Foreign Loan Policy of the United States
Government*

There was further consideration of the proposed Statement (NAC Document No. 70).⁴¹ After discussion it was unanimously agreed to recommend that the capital and lending power of the Export-Import Bank should be increased by \$1¼ billion. It was agreed that the document, as revised on this matter, should be submitted to the President for his consideration and approval.

⁴⁰ This has reference to the problem of the sale of securities of the International Bank in certain states.

⁴¹ Not printed.

Action. The following action was taken :

The National Advisory Council approves the submission to the President, for his consideration and approval, of the Council's "Statement of the Foreign Loan Policy of the United States Government" (NAC Document No. 70-A).⁴²

Department of State National Advisory Council Files

*The Chairman of the National Advisory Council (Vinson) to President Truman*⁴³

WASHINGTON, [February 21, 1946].

MY DEAR MR. PRESIDENT: The National Advisory Council on International Monetary and Financial Problems herewith submits a "Statement of the Foreign Loan Policy of the United States Government" together with an appended table showing loan authorizations by the Export-Import Bank.⁴⁴ This statement is submitted for your consideration and approval.

Since the organization of the Council in August 1945 it has been coordinating, as directed by law, the policies and operations of all governmental agencies which deal with foreign financial transactions.

At an early date the Council undertook to consider proposals and applications for foreign loans, and to study the problems and broad implications of foreign lending. The Statement which is now submitted to you is an outgrowth of these activities of the Council and represents our present views. The Council will continue to study these matters and will report further to you as the rapidly changing conditions at home and abroad may require.

Faithfully yours,

FRED M. VINSON

Department of State National Advisory Council Files

Minutes of the Fifteenth Meeting of the National Advisory Council, Washington, March 4, 1946

[Here follow list of participants (19) and discussion of certain topics. The Council then commenced discussion of an Italian request for a loan of \$940 million from the Export-Import Bank to purchase reconstruction materials, presented to this Government on February

⁴² *Infra.*

⁴³ This letter and an attached draft policy statement and draft presidential message to Congress constitute document 70-A in the NAC files; attachments are not printed here; see footnote 44.

⁴⁴ The minutes of the 14th meeting of the Council, February 27, 1946, record: "The chairman announced that the President had approved the 'Statement of the Foreign Loan Policy of the United States Government.'" For text of the policy statement and President Truman's message to the Congress on March 1 transmitting the statement, see Department of State *Bulletin*, March 10, 1946, pp. 380 ff., or 79th Congress, 2nd Session, House Document No. 489.

14. The Chairman of the Export-Import Bank (Martin) stated that the Bank objected to the proposal that the loan would be on a 30-year term basis, saying that the Bank preferred 20 years. Mr. Harry D. White of the Treasury Department "said he would regret any tendency toward a shorter term for such loans. . . . (He) pointed out that in countries which are badly off, a short-term loan diminishes credit for other loans. . . ."]

Political Loans. Mr. Martin said he would like to discuss the proposed loan on the basis of consistency in Export-Import Bank operations. He realized loans are not being made strictly on a business basis, although in the discussions with the Dutch securities were required to be put up as a guarantee and similar terms will probably be demanded of the Belgians. Mr. White answered that in this case our foreign policy requires assistance to a country, even though it is a bad risk. Mr. Eccles agreed with Mr. White that in the world as it is today the question of foreign credits is largely one of foreign policy.

Mr. Collado stated that the political officers in the State Department feel that Italy of all places in Europe is the country where a certain amount of aid will make for the kind of a government we want. Mr. Clayton observed that a loan to Italy will be a political loan and he wondered whether the Export-Import Bank should make a political loan which none of the Council's members believe will be repaid.

The Chairman said that if the money provided by the Export-Import Bank is to fill in for the International Bank and the International Bank can make loans which have a high degree of risk of [*if*] a loan of this kind could be defended, particularly since this Government is interested in strengthening and stabilizing conditions. However, he did think a loan should not be made if we do not think it will be repaid. Mr. White pointed out that the Export-Import Bank has already made loans where there are such risks that the loans are only justified because of political considerations.

Mr. Clayton suggested that, when Mr. Martin or the Chairman go to Congress to testify on the increased lending authority of the Export-Import Bank, the statement should be made that some loans will be made concerning which there is not a reasonable expectation that they will be repaid with interest. Mr. White believed that this in essence had already been said in conjunction with the establishment of the World Bank, but he agreed that it should be repeated. Mr. Gaston did not think anything in the record permits the Export-Import Bank to make loans for political purposes only.

[After further brief discussion, the Council decided to approve postponement of consideration by the Export-Import Bank of the proposed loan to Italy pending further study of the questions involved.]

Department of State National Advisory Council Files

*Minutes of the Twenty-first Meeting of the National Advisory Council,
Washington, April 19, 1946*

[Here follow a list of participants (15) and a discussion of other subjects.]

Postponement of Italian Loan Negotiations.—Mr. Coe said that as he understood the figures presented earlier by Mr. Martin, the Bank considered that it had approximately \$1500 million of uncommitted funds. Of this sum, \$1 billion was being reserved for negotiations with the Soviet Union and the State Department was exchanging notes concerning these negotiations. The remaining \$500 million had been authorized for China and might be called for whenever General Marshall⁴⁵ and the State Department considered the time propitious. Although the Bank might expect to receive approximately \$250 million in the next 14 months, a sum large enough to cover other loans which had been authorized by the Council, it did not as of the moment have sufficient funds to meet all loans which had been authorized plus the reserve of \$1 billion. Furthermore, under these arrangements, there were no Bank funds available for a loan to France.

Mr. Martin emphasized that the repayments of principal and interest and the sum which the Bank hoped to realize by the sale of the short-term obligations of the Netherlands were funds which would be available during fiscal 1947 but which he, as a banker, could not definitely count upon. There was discussion of other loan authorizations of the Export-Import Bank which might not represent firm commitments.

Mr. Clayton said that the outline of the situation indicated clearly that as of this moment the Government could not conclude negotiations for any foreign loan from the Export-Import Bank. Therefore, he thought that the Council should ask the Bank to reexamine its position to see if there were any immediate possibilities for making the loan to Italy and that pending such a report from the Bank the only way in which we could help Italy was through the transfer of the account in the Treasury.

Mr. Collado suggested that since the Bank's position was fluid and since the Italian situation was serious, the Council might authorize the loan to Italy and thereby the Bank, when it had the necessary funds, could extend the credit without further Council consideration. However, Mr. Clayton stated, and it was agreed, that it would be inadvisable

⁴⁵ General of the Army George C. Marshall, Special Representative of the President to China.

for the Council to follow a procedure of authorizing loans for which funds were not presently available.

Mr. Coe pointed out that other loans were being considered, discussed and perhaps even negotiated, and queried whether the Council's action should not be broader. Mr. Clayton agreed and said that pending the appropriation of more funds by Congress or a change in the Bank's position as reported to the Council, no additional foreign loan negotiations involving Export-Import Bank funds should be concluded. There was no dissent.

Action.—The following action was taken:

The National Advisory Council agrees that consideration of a long-term loan of \$100 million to Italy be deferred pending receipt of a report from the Export-Import Bank on its available funds.

Action.—The following action was taken:

The National Advisory Council agrees that for a short time, pending receipt of a report from the Export-Import Bank on its available funds, negotiations shall not be carried on concerning any new foreign loans.

[Here follows discussion of the proposed loan to the Netherlands East Indies.]

Department of State National Advisory Council Files

*Memorandum by the Chairman of the Export-Import Bank
(Martin) to the National Advisory Council*⁴⁶

NAC-119

[WASHINGTON,] April 25, 1946.

STATUS OF EXPORT-IMPORT BANK FUNDS AS OF APRIL 24, 1946

(In millions of dollars)

1. Outstanding loans as of 4/24/46		459.0	
2. Undisbursed commitments as of 4/24/46			1, 536. 4
3. Total loans and commitments as of 4/24/46			1, 995. 4
4. Loans authorized by Board of Directors not yet entered on books of Bank as of 4/22/46			
<i>a.</i> Republic of China (4/9/46)	500.0		
<i>b.</i> Ferrocarril de Antioquia (4/17/46)		: 3	
<i>c.</i> Provisional Government of Poland (4/23/46)	40.0		540. 3
5. Total loans, commitments, and new authorizations			2, 535. 7

⁴⁶ Circulated to the Council by its Secretary (Coe) for discussion at the meeting scheduled for April 25.

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6. Uncommitted lending authority as of 4/24/46 (3,500 less 2,535.7)		964.3
7. Potential additions to Export-Import Bank funds through 6/30/46		
<i>a.</i> Private participation in Netherlands credit (estimated)	100.0	
<i>b.</i> Anticipated repayments and cancellations (estimated)	100.0	200.0
	<hr/>	<hr/>
8. Uncommitted lending authority adjusted to 6/30/46		1,164.3
9. Prospective demands on Export-Import Bank		
<i>a.</i> Approved by NAC for consideration of Bank		
Czechoslovakia	50.0	
Netherlands	50.0	
	<hr/>	
Total		100.0
<i>b.</i> Under consideration by NAC or Special Committee		
France	500.0	
Italy	100.0	
Turkey	25.0	
	<hr/>	
Total		625.0
<i>c.</i> Included in illustrative allocation of Export-Import Bank funds in connection with NAC statement on foreign loan policy but not under active consideration		
Belgium	50.0	
Denmark	50.0	
Finland	30.0	
Greece	50.0	
Norway	50.0	
U.S.S.R.	1,000.0	
Yugoslavia	50.0	
Philippines	50.0	
India	50.0	
Latin America	200.0	
Other countries and other programs	400.0	
	<hr/>	
Total		1,985.0 [sic]
Grand total		2,710.0
10. Calculated deficiency in Export-Import Bank funds (2,710.0 less 1164.3)		1,546.0

Department of State National Advisory Council Files

Minutes of the Twenty-second Meeting of the National Advisory Council, Washington, April 25, 1946

[Here follow a list of participants and a discussion of proposed credits to France, printed in volume V, pp. 431-434.]

2. *Billion Reserve for U.S.S.R. Negotiations*

Mr. Clayton said that the State Department has reconsidered the earmarking of \$1 billion for the Russian loan negotiations and now feels that the billion should be available for other loans. There are no other funds available. There has been nothing in the conversations with the Russians to indicate that the funds will be held for them. Discussions have gone on with the Soviet Union for a year, the negotiations will apparently be long and the outcome is doubtful. The French need prompt action, and therefore it has been decided not to continue earmarking the billion dollars. Mr. Collado added that he was doubtful about the outcome of the Russian negotiations as the note requests an impressive list of concessions from the Russians on commercial policy, Manchuria, Eastern Europe, etc. Under the circumstances, with no other funds immediately available and with an immediate French need, the billion held for the Russians should be used for the other countries.

Mr. Martin asked whether the State Department would issue a press release embodying this decision. Mr. Clayton replied in the negative. Mr. Martin then stated that there was wide public interest in the Russian loan negotiations, that the press had given the note wide publicity, and telephone calls to the Bank were coming in constantly. The public knew how much the Bank had available for lending and know about the billion held for the Russians. If loans are made out of this billion, the NAC should make this fact public.

Secretary Vinson pointed out that when the Export-Import Bank went to Congress before, while the war with Japan was still going on, it was with the full knowledge that a billion of the increased funds was to go to Russia. Congress appropriated the funds with this understanding. If now, \$1.25 billion is requested, of which a billion is to go to Russia, what will be the reaction? Mr. Collado said that Congress would have the same reaction whether the billion was held out or was to come from the new funds. Secretary Vinson disagreed, as with the new proposal Congress would in effect be asked to appropriate \$1 billion for Russia, and this may affect what Congress will do. Mr. Eccles agreed with Secretary Vinson that if the Russian billion is used, the request for an additional \$1.25 billion may have difficulties.

Secretary Vinson asked whether the State proposal meant that the

Council would have to revoke its action. Mr. Clayton thought not. Mr. Eccles said that this matter had been discussed repeatedly and each time the State Department had been strong that there was a commitment to hold this money for Russia and that it was not available for loans to other countries.

Secretary Vinson concluded that the course of the discussion made it clear that a very careful examination of all statements and actions on the billion would be necessary before action. Mr. Coe asked and it was agreed that the State Department prepare the material requested, giving a complete documentation of the statements made by the various members of the Administration to Congress, to the public, and to the Russians on this subject.

3. *Revised Allocation of Funds*

Mr. Martin said that the bank now has \$964 million (see NAC Doc. 119). After taking into account private participation in the Netherlands credit and anticipated repayments and cancellations, as of June 30, 1946, the bank might have \$1,164 million. The Bank has never engaged in negotiations without funds to lend, but the time is fast being approached where the integrity of negotiations will be jeopardized.

Mr. Clayton said that all members knew we were not negotiating with the French about \$300 million but about \$500 million or more and the Bank knew of the funds problem.⁴⁷

Mr. Martin replied he had thought that \$500 million had been the top limit. Mr. Martin added that when the funds in the Bank are as low as at present the views of the Bank as to the speed of commitments must be seriously considered. Sufficient advance information must be given to the Bank if any deadlines have to be met.

Secretary Vinson pointed out that the Export-Import Bank table of illustrative allocations (see NAC Doc. 119) had been based on the assumption that \$1.5 billion would be requested from Congress. Mr. Martin said that was the only table on allocations which had been prepared by the Staff. Mr. Eccles suggested that the Staff Committee should re-do these tentative allocations on the basis of \$1.25 billion. Mr. Eccles and Mr. Collado agreed that the preparation of the new table should be based on the assumption that the \$1 billion would still be needed for the Soviet Union. Mr. Collado added that the new information on loan requests since the last table was prepared would need to be taken into account. The representatives of Czechoslovakia

⁴⁷ This has reference to the full-dress financial negotiation with the French Government that had just been launched in Washington; for documentation on this matter, see vol. v, pp 399 ff. It may be noted that the National Advisory Council was functioning in these discussions as the United States Top Committee just as it had for the loan negotiation with the British Government in the autumn of 1945.

are now back and say they are empowered to talk nationalization and will be expecting funds.

Secretary Vinson concluded that based on the discussion it was clear that the Staff Committee should make a new study of allocations based on the \$1.25 billion request and taking into account all new information since the last study.

Department of State National Advisory Council Files

Minutes of the Twenty-fourth Meeting of the National Advisory Council, Washington, May 6, 1946

[Here follows a list of participants (25) at the meeting.]

The Chairman asked that the action on the Russian loan be reviewed. Mr. Coe read the draft action from the minutes of the preceding meeting.⁴⁸ It was agreed to substitute the words "adequate additional" lending authority in the last paragraph for the expression "further" lending authority. The action as amended was approved unanimously.

Action.

The following action was taken:

Action No. 16 of Meeting No. 4, September 27, 1945 which reads:

"The Council approves the recommendation of the Chairman of the Export-Import Bank that a credit of up to \$1 billion shall be extended by the Bank to the U.S.S.R. for the purchase of reconstruction goods, on such terms and conditions as may be decided by the Council and the Bank.

"Negotiations on this credit shall not go forward until the Secretary of State has been consulted. The credit shall not be concluded until the U.S.S.R. has agreed to an exchange of notes on commercial policy which is satisfactory to this government."

is amended by the following language at the end of the second paragraph:

"The approval of the above-mentioned loan is conditioned upon negotiations not being completed by the Export-Import Bank until adequate additional lending authority is conferred upon the Bank by Congress."

[Discussion of the French loan request then began. The Council noted the results of a constituent election which had just been held

⁴⁸ Reference is to the meeting of the Council on May 22 (23rd meeting). *Inter alia*, the Council reviewed the history of the Russian loan request from August 1945 to date. There was discussion of priorities as between the Russian and French loan requests, and after extensive review of the French loan situation the Council unanimously agreed that approval of the Russian loan "is conditioned upon negotiations not being completed by the Export-Import Bank until further lending authority is conferred upon the Bank by Congress."

in France in which a proposed constitution had been rejected by the French electorate.]

Political Considerations.—Mr. Eccles said he believed that this loan should be considered on economic grounds. This Government is interested in political outcomes in other countries but he would dislike to have the Government accused of undertaking to buy a foreign election. He did not want a record which was susceptible of this interpretation. He pointed out that we are very critical of the Russians for influencing elections.

The Chairman emphasized that there are political considerations in every loan and referred to the Russian loan. Mr. Eccles thought that in making loans we are concerned with getting the countries back on their feet rather than as to whether the government is socialist, communistic or a capitalistic democracy. We made a loan to Poland because we wanted to help Poland distribute coal.⁴⁹ The Chairman referred to the condition attached to the latter loan that Poland have an election and pointed out that it is not a question of exerting pressure to change ideologies.

Secretary Wallace said it would be unfortunate if word got out that we had in mind major political considerations in making loans.

The Chairman said the political question came up in connection with the time we would conclude the loan in relation to the June 2 elections. If the loan is negotiated in the very near future there is no doubt the conclusion will be drawn that it was made for that purpose. Secretary Wallace said we had sufficient economic reasons for concluding this loan. If the Export-Import Bank does not think so we should go slowly.

The Chairman pointed out that the Chinese loan of \$500 million was a political loan and had been made on the basis of General Marshall's plea. Secretary Wallace said that if he had been present he would have voted against the loan.

Mr. Eccles added that there were many strings attached to the Chinese loan. In France conditions are orderly but the question is whether the Constitution and Assembly to be chosen would be right, left or middle. It would be unfortunate to make a loan to influence an election in a particular direction. Also we can have no assurance that a loan made before an election will have the effect we want. The French people might resent the fact that we were trying to influence the election. We have found that to be true in Latin America.

The Chairman pointed out that the State Department had raised the political matter the previous week. Mr. Clayton agreed but said

⁴⁹ This refers to a \$40 million credit to Poland which the National Advisory Council approved for consideration by the Export-Import Bank in a meeting on January 29, 1946, diplomatic consummation of which was still pending.

there was sufficient basis for acting without it.⁵⁰ The Chairman inquired whether there was any difference in the position of the State Department today as compared with the previous Thursday. Mr. Clayton replied that there was none whatever. The Chairman stated that he felt he must depend on the State Department for political guidance and advice.

Mr. Eccles asked whether, assuming the constitution had been adopted and the loan had not been completed before June 2nd elections and at the elections the Socialists and Communists had a majority, we would refuse to give financial aid to the French Government if that government were willing to carry through the same kind of a program as here presented.

Mr. Clayton said that the answer to Mr. Eccles' question is that we did make the Polish loan and it is hardly conceivable that France would go further to the left than Poland. He had great difficulty in separating political from economic considerations in thinking about Europe. If he thought that country X was in danger of economic and social chaos he would favor a loan if it were reasonable in amount and there were a reasonable chance of repayment. Assuming that we had not made the loan before the election, Mr. Clayton thought that he would favor going through with it, no matter how the election turned out, so long as the elected French government would respect its obligations.

Secretary Wallace inquired whether Mr. Clayton would favor an economically "bad" loan for the purpose of "stabilizing" conditions. Mr. Clayton said no emphatically. Secretary Wallace concluded that there was no fundamental disagreement between them. He proposed that political references be deleted from the Council's record of these discussions. Mr. Clayton said that was agreeable.

Mr. Martin said he was agreeable but noted that his position had concerned the short time being allowed the Bank for consideration rather than the political aspects.

Mr. Eccles observed that, aside from the questions of the election, immediate action was not required. Mr. Clayton argued that prompt

⁵⁰ In the Council's meeting on May 2, Secretary Wallace had raised the question ". . . whether there was a general policy in this Government of making loans to influence foreign elections". The Chairman (Vinson) had replied "that there was not, but there were political aspects to almost all the foreign loans this Government was making. There was no question but that the Polish loan approved recently by the Council had had a political aspect. Further, we had said repeatedly that one of the purposes of our reconstruction loans was to stabilize conditions abroad." Subsequently Mr. Clayton indicated that "the State Department considered the economic situation in France was serious and that we should extend substantial financial aid to France as quickly as possible. . . . The political situation of any country had many aspects and he certainly believed that in the consideration of foreign loans attention should be given to economic stagnation and disruption abroad which, if allowed to continue, might well result in serious political and social disturbances in a foreign country."

action was necessary. We had been talking about this problem for six weeks. In the final analysis decision would be made on the basis of the overall picture and not on this detail or that. He admitted that the fiscal situation bothered him but he had decided it will get worse if we do not help. If we do help them we can hope they will be able to build up their economy and balance the budget.

[Lengthy discussion of the French loan question followed, at the end of which the Council entertained action favorable to the French request.]

Editorial Note

On June 4 the National Advisory Council decided that the Export-Import Bank should proceed to the drafting of a legislative program requesting Congress to increase the Bank's lending authority by \$1¼ billion (Meeting No. 31, June 4, 1946). During June this matter was discussed with the Executive Office of the President and cleared with the Bureau of the Budget. At a meeting of the Council on July 2, however, the question arose as to the wisdom of asking Congress for an additional \$1¼ billion, one billion of which would be tentatively earmarked for Russia at a time of deteriorating relations with the Soviet Union. (Regarding the growing acerbity in United States-Soviet relations, see documentation concerning the meetings of the Council of Foreign Ministers and the Paris Peace Conference, volumes II, III, and IV.) The Council decided to consult Congressional leaders informally on the matter (Meeting No. 32, July 2, 1946). The Chairman of the National Advisory Council subsequently consulted with Speaker of the House Rayburn and Senate Majority Leader Barkley, and was informed that it would not be possible to get such legislation through that session of Congress. President Truman accordingly decided that it was inadvisable "to take action at that time since nothing would be gained by asking for an appropriation which it was felt could not be obtained." (Minutes of Meeting No. 35, July 23, 1946, and letter by the Assistant Secretary of State for Economic Affairs (Clayton) to Richmond B. Keech, Administrative Assistant to the President, September 23, 1946, (811.032/8-1246).)

The \$650 million loan to France, then, marked the end with one exception (a \$3 million credit to Ethiopia) of the United States Government's policy to assist war-devastated countries *directly* in acquiring dollar exchange for the purchase of American capital equipment and services, by setting up lines of credit in the United States under the authorization of the Export-Import Bank. During the period July 1, 1945 through June 30, 1946 the Export-Import Bank authorized commitments for roughly \$2 billion in credits for the purchase of American goods and services, as follows: Belgium, \$100 million;

China, \$67 million; Denmark, \$20 million; Finland, \$35 million; France, \$1200 million; Greece, \$25 million; the Netherlands (including the Netherlands East Indies), \$400 million; Norway, \$50 million; and Poland, \$40 million. In addition, the Export-Import Bank in April 1946 earmarked \$500 million for possible credits to China beyond the \$67 million already committed. The books no longer showed a \$1 billion reserve for the Soviet Union.

In the latter half of 1946 deliberations in the National Advisory Council regarding the reconstruction needs of war-devastated countries shifted from discussion of Export-Import Bank credits to loans by the International Bank for Reconstruction and Development which had opened its doors on June 25, 1946. Through the United States Executive Director of the International Bank, Emilio G. Collado, the Council kept in close touch with the International Bank's early efforts to formulate a loan policy and set up a loan program. By September 1946 the Chairman of the Export-Import Bank (Martin) was informally referring prospective borrowers to the International Bank for loans, and at its meeting on September 26 the National Advisory Council in effect ratified this policy by formally recommending that a loan request made by the government of Denmark to the Export-Import Bank should more appropriately be submitted to the International Bank (Minutes of Meeting No. 40, September 26, 1946).

Other forms of credit extended by the United States at this time and originally projected in the foreign financial program of mid-1945 included surplus property credits, lend-lease "pipeline" and inventory credits, and the loan to the United Kingdom. The table following shows the principal credits authorized through these sources, as well as through the Export-Import Bank, for the immediate postwar period.

(In Billions of Dollars)

	<i>Total credits extended June 30 1945-Dec. 31, 1946</i>	<i>Amount Utilized as of Dec. 31, 1946</i>	<i>Unutilized as of Dec. 31, 1946</i>
Export-Import Bank Credits (the second and third columns include credits authorized before June 30, 1945 and either utilized or unutilized by Dec. 31, 1946)	2.3	1.1	1.3
Surplus property credits	1.1	.8	.3
Lend-lease "pipeline" and inventory credits	1.4	1.2	.2
Loan to the United Kingdom	3.75	.6	3.15
<i>Total</i>	<u>8.55</u>	<u>3.7</u>	<u>4.95</u>

**THE UNITED STATES BALANCE OF PAYMENTS IN THE
IMMEDIATE POSTWAR PERIOD; LOANS, CREDITS,
GRANTS, LEND-LEASE AID, OR OTHER FINANCIAL AS-
SISTANCE TO FOREIGN COUNTRIES**

*International Transactions of the United States: July 1, 1945-
December 31, 1946*¹

[In Billions of Dollars]

I. Goods and services:		
Goods supplied to foreign countries	17.	
Goods received from foreign countries	7.6	
Excess of goods supplied over those received		9.4
Income on investments and services supplied to foreigners (net)		1.5
Credit balance on goods and services ²		10.9
II. Financing the credit balance:		
1. Contributions:		
UNRRA	2.	
Lend-lease	1.1	
Civilian supplies to occupied areas	.6	
Other government contributions (net)	.4	
Private donations (net)	1.1	
		5.2

¹This table is based upon those to be found in the Second and Third Semi-annual Reports to the Congress of the Export-Import Bank (covering the periods January to June, 1946 and July to December, 1946, respectively). These tables in turn were based on official estimates of the balance of payments of the United States prepared in the Department of Commerce.

²Contributions, loans, and the liquidation of foreign gold and dollar assets listed in Part II of the table, offset the \$10.9 billion credit balance due the United States.

2. Loans and Investments of United States funds:		
Export-Import Bank ³	1.1	
Lend-lease credits	1.8	
Surplus property credits	.9	
British loan ⁴	.6	
Other United States funds (net)	.3	
		4.7 ⁵
3. Use of foreign gold and dollar resources	.9	
4. Errors and Omissions	.1	
<i>Total</i>		10.9

³ This table shows Export Import disbursements, not credit (or loan) authorizations. For details and documentation concerning loans or commitments to foreign countries, and the general financial program of the United States during this same period, see pp. 1391 ff.

⁴ For documentation regarding the loan to Great Britain see *Foreign Relations*, 1945, vol. vi, p. 1.

⁵ A useful table showing the status of the Foreign credits provided by the United States by agency, by type of credit, and by country for the July 1, 1945-June 30, 1947 period, may be found in the National Advisory Council's Report to the Senate Committee on Finance, *Foreign Assets and Liabilities of the United States and Its Balance of International Transactions* (Washington, Government Printing Office, 1948), pp. 17 ff.

UNITED STATES CONCERN AS TO THE WORLD FOOD SHORTAGE; ESTABLISHMENT OF A BASIS FOR COMMON ACTION BY THE UNITED STATES, THE UNITED KINGDOM, AND CANADA

Editorial Note

In 1946 the world food shortage, centering mainly in Europe and Asia, and threatening to reach famine proportions, received constant attention throughout the year from United States policy-makers at the highest level. As the program of help evolved by this Government was geared to measures to make more food available for export to deficit areas, particularly bread grains, and as this effort came to center especially on organizational matters related to the collection and transportation of wheat to the seaports and then to transoceanic destinations, the major focus of United States action was domestic rather than external.

This domestic United States effort was accompanied however by two important exchanges between the United States and the United Kingdom outside the normal diplomatic channels, in which the President of the United States figured prominently. In the first, in January and February 1946 a series of messages passed between President Truman and Prime Minister Attlee of the United Kingdom, and the essential result was the galvanizing into action of the Executive Branch of the United States Government to meet a rapidly worsening food situation in Europe and Asia that threatened starvation in some areas. The events of this phase are documented or recounted in *Memoirs of Harry S. Truman* (volume I) *Year of Decisions* (Garden City, New York, Doubleday and Company, Inc., 1955) and Francis Williams, *A Prime Minister Remembers. The War and Post-War Memoirs of the Rt. Hon. Earl Attlee* (London, William Heinemann, 1961).

Documentation follows on the second phase of United States-United Kingdom consultation, which occurred in May when Mr. Herbert Morrison, Lord President of the Council in the British Government, came to Washington for conferences with President Truman and leading members of the Government. The Canadian Government was also involved in this phase with respect to decisions made concerning the Combined Food Board.

800.5018/5-746

The British Ambassador (Halifax) to the Acting Secretary of State

WASHINGTON, May 7, 1946.

MY DEAR MR. ACHESON: I have had a message from the Prime Minister about the food situation, which was considered by the Cabinet yesterday. His Majesty's Government desire to charge the Lord President of the Council (Mr. Herbert Morrison) with a mission to the President to explain the limit of our ability to meet the present grave crisis and to explore with him and his advisers how best we can together meet the situation.

2. The problem is acute in three areas apart from those for which UNRRA is responsible, i.e., Western Zones of Germany, India and the old S.E.A.C. area, and in each area unless additional supplies are provided at once famine will occur. At least in the case of Germany and India the political implications of this would be of the gravest possible character.

3. The Lord President will be prepared to make the fullest disclosure to the United States Government of the expected supplies, requirements and stock position of the United Kingdom and the three areas specified above. He would propose to leave for the United States of America on May 10th or 11th by air accompanied by officials of the Departments concerned.

4. I should be grateful if you would enquire whether the proposed mission would be welcome to the President. If so, His Majesty's Government suggest that a public announcement should be made forthwith.

Yours sincerely,

HALIFAX

800.5018/5-746

Memorandum by the Acting Secretary of State to President Truman

WASHINGTON, May 7, 1946.

I am attaching a letter from Lord Halifax brought to me by Mr. Makins¹ of the British Embassy with a message from the Ambassador asking for a reply at your earliest convenience.

I recommend that you authorize us to tell the Ambassador that you welcome Mr. Morrison's visit.

In conversation with Mr. Makins, I gather that the point of his visit relates to our pressure upon the British to release some additional amounts of their wheat stocks. This appears to be essential to meet the crisis which is developing for May and June. It is a difficult decision for the British Government because it raises hazards as to

¹ Roger Makins, Minister-Counselor in the British Embassy.

their supplies in July, August and September, just at the time when they are making further cuts in consumption. I believe but do not know that Mr. Morrison is authorized to make some arrangement with us provided he can obtain assurances of our support during the summer months.

Secretary Anderson² has been informed this afternoon of this proposed visit and agrees that Mr. Morrison should come.³

DEAN ACHESON

840.5018/5-1846

Memorandum by the Under Secretary of State for Economic Affairs (Clayton) to William S. Hassett, White House Administrative Assistant

WASHINGTON, May 11, 1946.

The Right Honorable Herbert S. Morrison, Lord President of the Council and leader of the Labor Party in the British Parliament,⁴ will call on the President at 12:30 o'clock on Monday, May 13, to discuss the world food situation in general and the wheat crisis in particular.

It is expected that during his stay in Washington he will wish to discuss the following problems, some of which he may raise with the President, but most of which will have to be referred to discussion groups for development of agreed data.

I. Wheat Requirements in British Areas of Responsibility.

A. Germany and Austria

1. Uniformity of rations in the three Western Zones (British, French, American).⁵

² Clinton P. Anderson, Secretary of Agriculture.

³ Marginal notation by the President: "Approved 5/7/46 Harry S Truman".

⁴ Presumably refers to Mr. Morrison's parliamentary position of Leader of the House of Commons.

⁵ This was a cardinal tenet of U.S. occupation policy. In the context of the food crisis, the Secretary of State on March 5, 1946 had sent a letter to the Secretary of War (Patterson) expressing the Department of State's "[great concern] about the world food crisis and its effect upon the foreign relations of the United States." The Secretary went on to state that "It has . . . been a policy of this Government, to which the other occupying powers in Germany have agreed, that each occupying power should be responsible for procuring and financing the essential imports required for its own zone of occupation. This policy was based on the assumption, among others, that each of the occupying powers would in fact have access to supplies sufficient to meet the import requirements of its zone. In view of the critical world supply situation, this assumption appears no long tenable. The Department of State suggests, therefore, that each of the three zone commanders in Germany who are dependent on the Combined Food Board for allocations should estimate the ration scale that can be maintained in his zone until the next harvest from such supplies as are available from indigenous sources and imports. If there should be marked difference between the three zones with respect to the ration scale that can be maintained, the Department of State proposes that supplies be equalized as far as possible to eliminate differences and provide for one ration standard in these three zones. . . ." (800.5018/3-546).

We favor standardization of rations at the beginning of the next crop year. However, we are pressing for many changes in the British Zone to increase the production of coal—among them special rations exclusively for miners, which would involve only a slight added charge on food-stuffs. We are deeply anxious that the most energetic steps be taken along all lines to increase coal production in the Ruhr.

2. Actual Requirements

We have not received complete data on requirements for the British Zone.

B. India

1. Requirements

Despite India's assumption that agreement has been reached on her requirements, we have not received completely satisfactory data and there will have to be further discussions on the working level.

2. Source of Supply

The Indians are requesting wheat from the USA over and above what Australia can supply. To gain the good will of the Indians, we should prefer to send wheat direct to India rather than give wheat to the British and let them gain the credit by diverting other wheat to India. It is doubtful, however, that we can ship any wheat to India in May or June due to other demands, and no commitments to India can now be made.

3. Comparison with Japanese

This point may be raised. If so, it will have to be discussed in the main at the working level. We are in agreement that India ranks above Japan. However, the imports contemplated for Japan are based on a lower ration than the present ration in India and represent the minimum at which our Army supply authorities consider it possible to uphold order in Japan.

II. United Kingdom Stockpile

This question is the crux of the present situation and the probable cause of Mr. Morrison's visit, since the United Kingdom has the only known stocks of sufficient size to permit substantial diversions to other areas in critical need. If the question arises, it should be noted that the British apparently have supplies equivalent to several months' consumption, whereas most countries now have less than a month's supply. Accurate statistics must be developed on the working level.

III. Underwriting of Imports to the United Kingdom

This may well be the main point of the British presentation. We are not opposed to this in principle but the reason for their presenting the problem now is that other British areas will not receive adequate supplies unless the British themselves, despite uncertainty as to replacement, reduce their excess stocks in the United Kingdom by diversions to other areas from their Canadian and Argentine sources of supply. No commitment on our part, therefore, is necessary to induce

such action. However, if the British would agree to reduce stocks to a level commensurate with that of other countries and to contribute to countries other than British areas, we would consider sympathetically a request to underwrite essential imports into the United Kingdom.

IV. Conservation Measures in the USA

The President is familiar with the steps taken to date. The British may press for additional measures. It is probable that we ourselves have considered, and will again consider, all the measures they may suggest. Any detailed discussions must be handled on the working level but it would not be harmful to intimate that any additional measures we may take at this time might be conditional on the immediate contribution made available through reduction of British stocks. In addition, Mr. Morrison will no doubt suggest the continuation of all present conservation measures beyond June 30 into the new crop year. There is agreement at the working level that such continuation may be necessary.⁶

V. Reorganization of the Combined Food Board

We are agreed in principle that the CFB should be substantially enlarged from its present membership of the USA, the United Kingdom, and Canada. Progress is being made in working out the details of this proposal in intergovernmental discussions.⁷

VI. Purchasing Arrangements in Argentina

We are in agreement that there should be established in Argentina a centralized purchasing arrangement, the distribution of the grain so acquired being subject to the approval of the Combined Food Board. This would prevent competitive bidding and one-sided purchasing advantages. The only questions are the nature and make-up of the purchasing agency, now in process of discussion.

There is attached hereto a brief biographic sketch of Mr. Morrison.

WILLIAM L. CLAYTON

⁶ This Government's domestic program for meeting the food crisis is documented in the Department of State *Bulletin*, 1946. Reference may be made also to *Memoirs of Harry S. Truman* (vol. 1) and the memoir by former President Herbert Hoover, *The American Epic* (Chicago, Regnery, 1964), vol. iv. President Truman had enlisted the support and leadership of the former president, famine relief administrator of World War I years, as an earnest of his own personal concern and that of this Government in the grave implications of the global food shortage.

⁷ For a statement of May 8 by President Truman, Prime Minister Attlee, and Prime Minister Mackenzie King of Canada, announcing their decision to continue the Combined Food Board until December 31, 1946, see Department of State *Bulletin*, May 19, 1946, p. 861.

840.5018/5-1846

*United Kingdom Record of a Conversation Between President Truman and The Lord President of the Council (Morrison)*⁸

CONFIDENTIAL

[WASHINGTON, May 17, 1946.]

The Lord President of the Council saw the President again⁹ on May 17th.

2. Mr. Morrison began by telling the President how pleased he had been by the frank and friendly manner in which the negotiations had been conducted by Mr. Clayton and Mr. Clinton Anderson. He said that it was proposed to issue a communiqué recording the agreement reached. The President replied that he had been informed by Mr. Anderson of the results achieved, with which he was satisfied. Mr. Morrison hoped that the wording of the communiqué would help to correct some of the criticism of U.S. action or inaction, to which the President had referred at their first conversation.

3. Mr. Morrison then stated his understanding that the agreement reached would be the basis of the work of the officials of both Governments and of the Combined Food Board. On this he added that it was important that the machinery for the allocation and programming of foodstuffs should be as efficient as possible and that he was glad that possible improvements in the present machinery of the Combined Food Board were to be examined at the meeting on urgent food problems next week, called by the Food and Agriculture Organisation. The President assented.¹⁰

4. On the U.K. position, Mr. Morrison said that the cut in the U.K. requirements of 200,000 tons had been accepted by the U.S. representatives as the end of the argument about the size of the U.K. stocks and pipeline. Of this he was very glad. The cut would lead to great difficulties for the U.K. and might necessitate further restrictions on U.K. consumption. The President said that he did not want this to happen.¹¹

⁸ Apparently a message from the British Ambassador (Halifax) to the British Prime Minister (Attlee); information copy transmitted to the Acting Secretary of State by Mr. Makins.

⁹ There is no record available of an earlier conversation.

¹⁰ As a result of action initiated in the meeting of the Food and Agriculture Organization the Combined Food Board membership consisting of the United States, the United Kingdom, and Canada was dissolved in mid-June and replaced by an International Emergency Food Council consisting of the major food exporting and importing nations of the world. (Twenty-one nations were invited to join, but the Soviet Union declined to send a representative and Argentina was at first represented by an observer.) See Department of State *Bulletin*, June 23, 1946, p. 1075.

¹¹ The bases of agreement reached in the Washington talks are described on the United States side in a statement released to the press on May 17, entitled "U.K.-U.S. Guiding Principles for Solving World Food Problems", Department of State *Bulletin*, May 26, 1946, pp. 896-897. The official British statement was made by Mr. Morrison in the House of Commons on May 23; see *Parliamentary Debates*, House of Commons, 5th Series, vol. 423, cols. 542-543.

5. Mr. Morrison then pointed out that the agreement reached still left a deficit of 700,000 tons. The officials on both sides would be instructed to do their best to close the gap and to examine further sources of supply. The President said that he had sent a message to Stalin and had had a reply to the effect that Soviet Russia could do no more as their available supplies had already been allocated. The President said he had not accepted this as a final reply and had sent a further message to Stalin.¹² He was despatching a party to Manchuria where food might be produced. He was sending Mr. Hoover down to South America.¹³

6. Mr. Morrison said that insofar as it proved impossible to close the gap altogether he hoped it was understood that the burden of carrying the deficit would not be thrown, as it had tended to be thrown in the past, on areas for which the U.K. had a primary responsibility. The President agreed that this was reasonable and fair.

7. Mr. Morrison then said he had seen the Agent General for India and told him what had been settled. Sir Girja Bajpai had been disappointed, but had taken the decision fairly well. Mr. Morrison again emphasised the serious situation in which India found herself. The President said that he recognised the Indian need and he would try to do something more for them. He thought he could.

8. Finally, Mr. Morrison stressed the major importance which he attached not only to the maintenance of the current requirements of the British zone of Germany, but also to that part of the agreement relating to the attainment of common standards and levels of consumption in the three western zones of Germany.

9. At the conclusion of the interview the President thanked Mr. Morrison for his visit and asked him to give you his greetings.¹⁴

¹² The President's first message was sent on May 16 (telegram 913, to Moscow, 840.48/5-1646).

¹³ The former president earlier had undertaken a world-wide tour and survey of the major food deficit areas.

¹⁴ For a general running account of all aspects of United States involvement in the world food crisis, both on the domestic front and in the international sphere, reference may be made to the Department of State's Classified Weekly Bulletin, *Current Economic Developments*, 1946. Relevant files in the Department's central indexed files, though not devoted exclusively to this matter, are File Nos. 800.48, 800.48 Committee on Voluntary Foreign Aid, 800.5018, 811.5018, 840.48, and 840.5018.

**POLICY OF THE UNITED STATES WITH RESPECT TO THE
TERMINATION OF INTERNATIONAL RELIEF ACTIVITIES
THROUGH THE UNITED NATIONS RELIEF AND
REHABILITATION ADMINISTRATION (UNRRA)**

Editorial Note

The United States participated actively in UNRRA and its programs throughout 1946, as a member of the UNRRA Council and as the chief contributor to UNRRA (72%). Documentation concerning U.S. relations with UNRRA in respect of individual country relief programs is found under the countries concerned.

It was in 1946 that this Government made its decision that the remaining relief needs of countries after 1946 could best be handled through direct consultation and arrangements between supplying and recipient governments, and that consequently the United States would make no further contributions for UNRRA activities after December 31, 1946. Unpublished documentation concerning the formulation of this decision is found in Department of State indexed file 840.50 UNRRA, in particular the following: Memorandum, Persinger to Wood, "Proposal for Relief Financing in 1947", May 16, 1946, File No. 840.50 UNRRA/5-1646; Memorandum, Wood to Clayton, "Relief Needs After Termination of Present UNRRA Program", May 21, 1946, File No. 840.50 UNRRA/5-2146; Letter, British Embassy to Department of State, May 22, 1946, File No. 840.50 UNRRA/5-2246; Memorandum, Dort to Wood and Clayton, June 20, 1946, File No. 840.50 UNRRA/6-2046; and Memorandum, Persinger to Lowe, "Official Report [by the United States Delegation] of the Fifth Session of UNRRA", October 2, 1946, 840.50 UNRRA/10-246.

The United States decision to end financial support of UNRRA as of the end of 1946 was officially stated at the Fifth Session of the UNRRA Council (August 1946) by Assistant Secretary of State for Economic Affairs William L. Clayton acting in his capacity as U.S. Member of the Council. The United States position was reaffirmed at the second part of the first session of the General Assembly of the United Nations meeting at New York City October-December 1946, by Mr. Adlai E. Stevenson, U.S. representative on the Second Committee of the General Assembly. At the United Nations a critical discussion of this position developed within the United States Delegation itself, and is recorded in the unpublished Delegation Minutes for

November 12, 13, 15, and 26, 1946 which are located in the files of the Reference and Documents Section of the Bureau of International Organization Affairs of the Department of State. The Department of State's insistence on holding to its decision is recorded in an unpublished memorandum of telephone conversation between Under Secretary of State Dean Acheson and the Chairman of the U.S. Delegation, Senator Warren R. Austin, November 13, 1946, File No. 501.BB/11-346. Public discussion at the United Nations is contained in the Summary Record of the meetings of the Second Committee.

Important public statements setting forth this U.S. policy, aside from those at the United Nations, were made by Assistant Secretary Clayton on July 30, 1946 (Department of State *Bulletin*, August 11, 1946, page 268), by Mr. C. Tyler Wood, Special Assistant to Mr. Clayton, on November 28, 1946 (*ibid.*, December 8, 1946, page 1059), and by Under Secretary of State Acheson on December 8, 1946 (*ibid.*, December 15, 1946, page 1107).

THE UNITED STATES AND THE QUESTION OF INTERNATIONAL ASSISTANCE TO REFUGEES AND DISPLACED PERSONS; THE GENESIS OF THE INTERNATIONAL REFUGEE ORGANIZATION

Editorial Note

In 1946 the general refugee policy of the United States evolved at the United Nations against the background of the actual, impending, or planned dissolution of the then-existing international bodies concerned with refugee problems, the Office of the High Commissioner of the League of Nations for Refugees, the Intergovernmental Committee on Refugees, and the United Nations Relief and Rehabilitation Administration (UNRRA). The principal achievements of United States policy were to win recognition that the problem of refugees and displaced persons was still in 1946 international in scope and so should continue to be a matter for international concern; to gain acceptance of the principle of no compulsory repatriation; and to occupy a position of influence in decision-making in the Economic and Social Council of the United Nations (ECOSOC) and various of its committees which led directly to the adoption by the General Assembly of the United Nations on December 15, 1946 of a draft constitution establishing the International Refugee Organization (IRO). A summary of the progress of the refugee question at the United Nations in 1946 is found in *Foreign Relations*, volume V, pages 138-140.

The IRO constitution was opened immediately for signature at New York on December 15 and was signed subject to approval on December 16 by the United States Representative-Designate at the United Nations (Austin); the instrument of acceptance for the United States was deposited on July 3, 1947 pursuant to authority granted to the Executive by a joint resolution of the Congress approved July 1, 1947. The IRO constitution entered into force on August 20, 1948. During the period in which the constitution was receiving the required number of ratifications operational responsibility was assumed by the Preparatory Commission of the International Refugee Organization (PCIRO), for which provision had been made in an interim agreement adopted by the General Assembly on December 15, 1946. The interim agreement, opened immediately for signature, was signed on behalf of the United States on December 16, 1946 and entered into

effect on December 31, 1946; PCIRO began functioning at Geneva on February 11, 1947. For texts, see United Nations, *Official Records of the General Assembly, Second Part, First Session, Resolutions adopted by the General Assembly at the second part of the first session of the General Assembly*, pages 97 ff.; or *Treaties and Other International Acts of the United States 1846* (the IRO constitution) and 1583 (the interim agreement).

Unpublished United States documentation relating to these matters is found in the Department of State's central indexed files under File No. 501.BD Refugees; and in the files of the Reference and Documents Section of the Bureau of International Organization Affairs which hold the minutes and records of United States delegations to the General Assembly and to the Economic and Social Council. Also to be found in the latter files are certain unpublished United Nations records relating to the ECOSOC phase, with specific reference to the two special committees in which the United States functioned vigorously, the Special Committee on Refugees and Displaced Persons which met in London April 8-June 1, 1946 and the Committee on the Finances of the International Refugee Organization which sat in London from July 6 to July 20, 1946. Published United Nations documentation is included in the official records of the first session of the General Assembly, first and second parts; the records of the Third Committee of the General Assembly for the first part and of the Third and Fifth Committees for the second part; and in the official records of the first three sessions of ECOSOC.

UNITED STATES POLICY WITH RESPECT TO INTERNATIONAL CIVIL AVIATION QUESTIONS: THE BERMUDA CONFERENCE AND RELATED DEVELOPMENTS ¹

Editorial Note

In the documents of this compilation there is constant reference to "the Chicago Convention", "the Five Freedoms of the Air", "the Fifth Freedom", etc. These have to do with the four multilateral conventions drawn up at the International Civil Aviation Conference held at Chicago November 1–December 7, 1944. For documentation on this conference, see *Foreign Relations*, 1944, volume II, pages 355 ff.

The documents signed at Chicago on December 7, 1944 comprised the four conventions and twelve resolutions and recommendations known as the Final Act of the Conference. The four agreements included a general convention on international civil aviation (TIAS 1591, or 61 Stat. (pt. 2) 1180); an interim agreement (EAS 469, or 59 Stat. (pt. 2) 1516); an international air services transit agreement (EAS 487, or 59 Stat. (pt. 2) 1693); and an international air transport agreement (EAS 488, or 59 Stat. (pt. 2) 1701).

The so-called "five freedoms of the air" were spelled out in Article I, Section 1 of the International Air Transport Agreement, as follows:

"(1) The privilege to fly across [the] territory [of contracting states] without landing;

(2) The privilege to land for non-traffic purposes;

(3) The privilege to put down passengers, mail and cargo taken on in the territory of the State whose nationality the aircraft possesses;

(4) The privilege to take on passengers, mail and cargo destined for the territory of the State whose nationality the aircraft possesses;

(5) The privilege to take on passengers, mail and cargo destined for the territory of any other contracting State and the privilege to put down passengers, mail and cargo coming from any such territory." (59 Stat. (pt. 2) 1701).

This agreement came to be known as the "Five Freedoms Agreement", and is usually referred to in connection with the last of the enumerated principles, or "Fifth Freedom". "Fifth Freedom Traffic" has

¹ For previous documentation on the interest of the United States in international civil aviation matters, see *Foreign Relations*, 1945, vol. II, pp. 1455 ff., and *ibid.*, vol. VIII, pp. 64. For documentation on discussions between the United States and the United Kingdom in 1945 leading to an interim arrangement on commercial air services over the North Atlantic route between the two countries, see *ibid.*, vol. VI, pp. 224 ff.

been defined as "international traffic to, from, or between one or more intermediate points on the designated trunk route".

The International Air Services Transit Agreement in its first article made provision for the granting of the first two privileges alone and was frequently referred to as the Two Freedoms Agreement; see footnote 15, page 1458.

811.796/1-346

Memorandum of Conversation, by the Under Secretary of State

[WASHINGTON,] January 3, 1946.

Lord Halifax² called at his request. He referred to prior talks which both Mr. Clayton³ and I had had with him stressing the great importance of making progress on the matter of civil aviation prior to the consideration in Congress of the British loan.⁴ He told me that he was authorized by his Government to say that His Majesty's Government would be very glad indeed to discuss at an early date, which the Ambassador placed about the middle of January, the matter of a bilateral civil aviation agreement between Great Britain and the United States.⁵ He said that at one of our earlier discussions I had mentioned Bermuda as a possible place and the British Government wished to propose Bermuda as the site of the discussions. The Ambassador stated that the British delegation would be headed by Sir W. Hildred. On further examination of his papers he said that he would have to withdraw this statement as it has not yet finally been decided. The British Government stressed the desirability of having these discussions at a non-ministerial level and conducting them as quietly as possible. I told the Ambassador that I was very glad indeed to get the information which he had just given me; that I would report the matter and let him hear further from us in the immediate future.

DEAN ACHESON

² The Earl of Halifax, British Ambassador to the United States.

³ William L. Clayton, Assistant Secretary of State for Economic Affairs.

⁴ For documentation on this subject, see *Foreign Relations*, 1945, vol. VI, pp. 1 ff.

⁵ From July 1945 there had been communication between the two governments on this matter at the official, ministerial and heads of government levels both at Washington and London, with indifferent results; relevant documentation is found in the central indexed files of the Department of State, principally File No. 841.796. Failure of the two governments in an auxiliary effort in the fall of 1945 to effect an interim aviation agreement is documented in *Foreign Relations*, 1945, vol. II, pp. 1455 ff.

841.796/1-446

Memorandum of Telephone Conversation, by the Under Secretary of State (Acheson)

[WASHINGTON,] January 4, 1946.

I telephoned Lord Halifax this afternoon and, referring to the discussion we had had yesterday about the proposed Civil Aviation Conference at Bermuda, stated that I had spoken with the Secretary of State, who had approved very strongly and had asked me to let the Ambassador know that we would be delighted to engage in the discussions and would have our people ready to go whenever we agreed on a good time. I said I had told the Secretary that Lord Halifax had previously suggested the 12th but that, on further looking into the matter, he had decided that that date would be a little premature. I said that our people thought the 15th might be a little more convenient. The Ambassador inquired whether he could tell London that we warmly concurred and had suggested any day on or after the 15th. I replied that we thought the sooner the Conference was held, the better.

Lord Halifax inquired whether I had any idea who might be sent to represent the United States. I said I did not know definitely but we would probably send Mr. George Baker, Director of TRC, Mr. Stokeley Morgan, the four members of the Civil Aeronautics Board, a man from Army and one from Navy. I said there would also be representatives from the two companies concerned—Pan American and American Overseas. The Ambassador asked whether he could pass this on to London and I replied that he could but that I hoped London would not say anything until both of our countries could make simultaneous announcements to the press on the matter. The Ambassador replied that he would make that clear in his telegram.⁶

DEAN ACHESON

⁶ The delegates nominated by the Department were approved by President Truman on January 11. For announcement, released to the press on January 11 with list of principal members of the United States and United Kingdom Delegations, see Department of State *Bulletin*, January 20, 1946, p. 75. The 10-man United States Delegation was made up of officers from the Department of State and the Civil Aeronautics Board. State Department members included George P. Baker, Director of the Office of Transport and Communications Policy and Chairman of the Delegation; Garrison Norton, Deputy Director of the Office; John D. Hickerson, Deputy Director of the Office of European Affairs; and Stokeley W. Morgan, Chief of the Aviation Division. L. Welch Pogue, Chairman of the Civil Aeronautics Board, headed the CAB group.

The convening of the conference for January 15 at Hamilton, Bermuda, had been announced to the press in a release dated January 9; see *ibid.*, p. 75.

841.796/1-746

Memorandum by the Assistant Chief of the Division of Aviation Affairs (Walstrom) to the Chief of the Division (Morgan)

[WASHINGTON,] January 7, 1946.

In discussing the forthcoming Bermuda conference with Mr. Baker late Saturday afternoon, he asked that I give you a list of items which I thought would have to be considered in connection with this conference.

1. *Form of Agreement*: While both countries profess adherence to the standard form of agreement drawn up at Chicago, the agreement which the British negotiated with the Greeks is somewhat different from the bilaterals which we have negotiated with various countries. This is particularly true in the Annex, where the British incorporated their ideas as to Fifth Freedom limitations, embarked traffic, controlled frequencies, rates, etc.⁷

2. *Fifth Freedom*: Recent telegrams from London and Stockholm confirm that the British are trying to bring pressure on other countries to restrict Fifth Freedom traffic. Some time ago we drew up a paper⁸ discussing the points on which we might compromise the Fifth Freedom if absolutely necessary. Since this paper has not been seriously discussed, I assume we are confident that we will have our way. If we are not confident, then we had better start thinking about some of our minimum desiderata short of the full Fifth Freedom, such as the right of American citizens to travel on their own aircraft, etc.

3. *Routes*: If we intend to sign up a formal bilateral in Bermuda, it will of course mean that all of the routes should be specified.⁹ The CAB has not yet come out with its Pacific decision, and we are therefore not sure as to whether such British points as Hong Kong and

⁷ For documentation regarding the International Civil Aviation Agreements signed at Chicago on December 7, 1944 see *Foreign Relations*, 1944, vol. II, pp. 355 ff. Among the Chicago documents was the "Form of Standard Agreement for Provisional Air Routes," generally referred to as the "Chicago standard form." Mr. Walstrom, in describing this type of agreement in an article in the Department of State *Bulletin*, December 22, 1946, p. 1126, observed about the annex to the Chicago type of agreement: "[It] is usually confined to describing the routes and traffic points granted to the air services of each contracting party. It imposes no restrictions on capacity of aircraft or number of schedules which may be operated, not does it provide for determination of rates. It likewise places no limitation on the carriage of fifth-freedom traffic (the international traffic to, from, or between one or more intermediate points on the designated route)."

For the Agreement between the United Kingdom and Greece for Air Services in Europe with annex and exchange of notes, dated November 26, 1945, see British Cmd. 6722.

⁸ Not found in Department files.

⁹ The CAB decision regarding Atlantic, European and Near Eastern routes is detailed in a circular telegram of July 5, 1945; see *Foreign Relations*, 1945, vol. II, p. 1460.

Singapore will be served. It is also uncertain as to whether other points of interest to the British, such as Siam, will be served. There is a further question as to whether TWA can get into Ceylon. Also, do we intend to go into Accra or Lagos on the way to South Africa? If at all possible, it would be desirable for the Board to have its definite route pattern fixed in respect to all areas affecting British territory.

4. *British Opposition in Other Countries*: It would, of course, be desirable to get British assurance that they would withdraw their opposition to our negotiation of full Fifth Freedom rights in countries such as Egypt, Greece, Iraq, Iran and Belgium.¹⁰

5. *India*: As yet we have not received the Indian counter-proposal to our bilateral agreement. Unconfirmed reports indicate that India will be a hard nut to crack, and that she may insist on all traffic across India, say between Karachi and Calcutta, being carried by an Indian airline. Presumably, India will be largely influenced by the British, and any clarification we can get as to just what our future position will be, will be extremely helpful in concluding our bilateral.¹¹

6. *Newfoundland*: While this has a certain bearing on the 99-year base problem,¹² it looks as though traffic rights for U.S. airlines at Newfoundland are going to require some special negotiation. Latest information is to the effect that Newfoundland will grant us Third and Fourth Freedom rights on a limited number of schedules, but that they will ask for reciprocity which, in turn, would be exercised by BOAC. We have never agreed to any such arrangement (i.e., the use of reciprocal rights by a third party) and rejected a similar proposal offered by the South Africans.

7. *Australia, New Zealand and South Africa*: It is not known how much the Bermuda talks will touch on our operations to the British dominions, but there are certain problems which may overlap. For instance, Australia and New Zealand apparently plan a joint operation to the United States in which these two countries and the United Kingdom will participate. Informal reports indicate that Australia will not grant the Fifth Freedom to anyone. The situation is some-

¹⁰ This issue is discussed in some detail in instruction 183 of August 20, 1945, from the Secretary of State to the United States Political Adviser in Germany (Murphy); see *Foreign Relations*, 1945, vol. II, p. 1469.

¹¹ For documentation on this matter, see vol. V, pp. 112 ff.

¹² Four-way discussions between the United States, Canada, the United Kingdom, and the Commission Government of Newfoundland, regarding the use of airfields in the 99-year leased bases in the Newfoundland-Labrador area by civil aircraft for commercial purposes were in progress as early as January 1945 and continued throughout the rest of 1945 without any conclusive result. Parallel discussions were proceeding at virtually the same time between the United States and the United Kingdom regarding the same question as it pertained to the 99-year leased bases in Bermuda and the Caribbean area. Documentation on both series of discussions is found in the archives of the Department of State, principally File 811.34544.

what complicated: we could not grant reciprocity to any of the three countries proposing to operate the joint service from Australasia without making sure that all of these parties grant us satisfactory rights. The CAB has been requested to draft some language to incorporate in our standard form agreement which might take care of this situation. South Africa still has some ideas regarding balanced frequencies, simultaneous inauguration of service, etc., which may come up at the Bermuda talks.

8. *Ninety-nine Year Leased Bases*: It is hoped that all of the interested government agencies will be able to formulate an overall U.S. position before the Bermuda talks with respect to the British note of January 2.¹³ If we can work out satisfactory traffic rights at these and other bases, particularly Newfoundland, I do not think it is absolutely imperative that we finalize the technical and military aspects of this problem at the Bermuda conference, although this would of course be desirable if the interested agencies can formulate an overall position by that time.

9. *Other Airports*: It may be desirable to discuss the matter of other airports desired for our whole route pattern as applied to British territory. For instance, the matter of a suitable land airport and weather alternates in England; the possible use of Bahrein until Dhahran is completed, etc.

10. *Communications, etc.*: This is a matter I know very little about but perhaps Bermuda would offer the opportunity to work out a common policy with respect to communications and other air navigation matters.

11. *Libya*: TWA is certificated to go into Tripoli and Benghazi. Our Legation at Cairo has endeavored to obtain landing rights in this connection, but the matter of traffic rights at these two points is still being deliberated in London. We should try to get British assurance that we will have full traffic rights at these points.

12. *Germany, Austria, etc.*: Apart from the question of whether the U.S. should participate in internal traffic in these countries, we should try to get British assurance that they will support our efforts to get U.S. international air services operating not only through Germany and Austria but also through other ex-enemy countries in Europe where an Allied Commission is supposed to operate.

13. *Italy*: TWA wants to set up an American-Italian operating company for internal Italian services, but apparently is opposed not only

¹³ Not printed; it was in reply to an United States note of September 8, 1945 in which the United States agreed to the use by commercial aircraft of the United States military airfields in the 99-year leased bases in Bermuda and the Caribbean subject to nine "understandings" which were then set forth in the balance of the note (811.34544/1-246 and 811.34544/8-2545, respectively).

by the British but also by the U.S. air representative on the Allied Council. Maybe this could be straightened out at Bermuda.

J. D. WALSTROM

Editorial Note

The opening plenary meeting of the Conference was held on the morning of January 15 at Hamilton, Bermuda, at which time Sir Henry Self, Chairman of the British Delegation, was elected Permanent Chairman of the Conference.

At the second plenary meeting in the afternoon the Chairman of the United States Delegation (Baker) set forth the United States view that the Conference faced two major problems: "(a) the degree of control, if any, that should be exercised over rates, and traffic (expressed in terms of capacity, frequency, and Fifth Freedom rights); and (b) the use by Civil Air Transport of U.S. military bases leased in British territory." (U.S. Delegation Files, Conference Document No. 4) The proposal was made and accepted that these two subjects be examined each in a separate committee of the Conference, and there was set up a Rates and Traffic Committee and a Leased Bases Committee. It was further decided to establish an *Ad Hoc* Committee to deal with miscellaneous subjects.

Also at the second plenary meeting the United States submitted to the Conference a draft bilateral air transport agreement (U.S. Delegation Files, Conference Document No. 5). The United States Delegation Chairman described the draft as falling into two main parts:

"(a) The main part of the agreement which accorded with the Chicago Standard Form and on which it was not expected that much discussion would arise; and

"(b) An Annex showing the list of routes in which the United States was interested with a statement of the rights which were sought on each route." (U.S. Delegation Files, Conference Document No. 4)

By January 26 the Rates and Traffic Committee had reached essential agreement on the questions before it, and prepared for reference to the home governments a draft Final Act and a draft Air Services Agreement with Annex dealing with traffic rights and determination of rates, with a third part relating to routes that had not been made final. (U.S. Delegation Files, Committee Document 1/4)

The Leased Bases Committee began its work by referring to the proposals put forward by the United States Government in the American note of September 8, 1945 and to the British reply of January 2, 1946 (see footnote 13, p. 1455). It was agreed "that the meeting might best proceed by taking the points in the U.K. reply item by item" (U.S. Delegation Files, Committee Document 2/1). By January 21 the com-

mittee had before it the draft of a proposed bases agreement set down by its drafting sub-committee (U.S. Delegation Files, Committee Document 2/3). Further consideration of the matter was postponed, however, pending the arrival of experts from the British Colonial Office.

The *Ad Hoc* Committee was charged with the study of "a number of miscellaneous questions which appeared to be appropriate for discussion at the present Conference and also any further questions that might be raised in the course of the deliberations of the Conference or of its Committees, and were referred to [it]" (U.S. Delegation Files, Conference Document No. 18). This included such matters as civil aviation in ex-enemy countries, airfields in Tripolitania and Cyrenaica, use of Bahrein Airfield (Persian Gulf), Third and Fourth Freedom rights for United States airlines in Newfoundland, Pan-American and B.O.A.C. services between the United States and Bermuda, airfields in United Kingdom territory built with United States funds, and the subject of bilateral air transport agreements in general as between the two governments and third countries. (U.S. Delegation Files, Conference Document No. 8)

In due course it was decided by mutual agreement between the Chairmen of the two Delegations that with the exception of Minutes of Plenary Sessions no official minutes of the Conference would be kept. It was agreed further that such unofficial minutes as were kept would be neither recorded in the Proceedings of the Conference nor published. These decisions were taken because of the highly complicated and technical nature of the discussions and the lack of adequately trained technical secretaries. The Minutes of Plenary Sessions, the Conference Documents, the Reports of the Committees, and the Proceedings of the Conference are published. The official file of the United States Delegation, which includes the aforementioned public documents, is deposited in the unindexed files of the Department of State, Office Lot File No. 53-D407.

811.34544/1-2346

*Memorandum by the Director of the Office of European Affairs
(Matthews) to the Under Secretary of State (Acheson)*

SECRET

[WASHINGTON,] January 23, 1946.

SUMMARY OF AGREEMENT DRAFTED IN BERMUDA CONCERNING CIVIL
USE OF UNITED STATES 99-YEAR LEASED BASES ¹⁴

The agreement reserves our military rights and provides that Kindley Field (Bermuda), Coolidge Field (Antigua) and Beane Field (St. Lucia) will be open for regular use.

¹⁴The text of this draft of the bases agreement is found in U.S. Delegation document USD-14.

The British have not yet agreed to the unrestricted use of Atkinson Field (British Guiana) but will probably do so.

The other Bases, which are situated in territories where adequate civil airports exist, will be used as bad-weather alternates. These are Carlson and Waller (Trinidad), Vernam (Jamaica), and Harmon and Argentia (Newfoundland).

The agreement further provides that civil aircraft of the United Kingdom and of all countries signatory to the Two Freedom Agreement¹⁵ may use the Bases for non-traffic stops. Countries not signatory but having bilateral agreements with the United States or the United Kingdom may use them with the concurrence of the United States and the United Kingdom.

The United Kingdom agrees not to grant carriers of third countries greater traffic rights than those accorded by such countries to United States and United Kingdom carriers.

The British have not yet agreed, and probably will not agree to the exercise by United States carriers of Fifth Freedom rights between the Bases and points outside United Kingdom territory. They may agree to permit United States citizens and mail and cargo originating in the United States to be carried between such Bases as have been opened for regular use. As presently drafted, the pertinent provision reserves to United States carriers all the rights which may have already been granted them by the United Kingdom or Colonial Governments.

The British propose that the initial agreement shall be for ten years. The United States delegates argued for a 20-year term lest airlines and Colonial authorities try to amortize their investments in facilities over that short period of time with the result that charges would be exorbitant.

The draft agreement will not be signed in Bermuda but will form the basis of an exchange of notes between the two Governments.¹⁶

¹⁵ This refers to the International Air Services Transit Agreement concluded at Chicago on December 7, 1944, Department of State Executive Agreement Series No. 487, or 59 Stat. (pt. 2) 1693. The terms of this agreement accorded to signatories the first two of the so-called "Five Freedoms of the Air", providing for the grant by each contracting state to other contracting states of (1) the privilege to fly across its territory without landing and (2) the privilege to land for non-traffic purposes.

¹⁶ The Department was informed by letter of January 25 from the Secretary of the Joint Chiefs of Staff, Brig. Gen. A. J. McFarland, that the Joint Chiefs had no objection to the draft agreement from a military point of view, and the Delegation at Bermuda was so informed in a Departmental telegram of the same date (811.34544/1-2246 and 841.796/1-2546, respectively).

841.796/1-2746 : Telegram

The Chairman of the United States Delegation (Baker) to the Secretary of State

SECRET

URGENT

HAMILTON, January 27, 1946.

[Received January 27—7:54 p. m.]

To Mr. William L. Clayton Assistant Secretary of State, from Baker (copy for Walstrom) signed Morgan. Following is text of the proposed final act of the Bermuda Civil Aviation Conference¹⁷ as agreed in U.S.-U.K. Rate and Traffic Committee today:

“Final Act of Bermuda Civil Aviation Conference

The Governments of the United States of America and of the United Kingdom of Great Britain and Northern Ireland, having decided to hold between themselves a conference on Civil Aviation, appointed their respective delegates who are listed below:

U.S.
(List)

U.K.
(List)

(Committees and subcommittees to be described, date of final plenary session, description of instruments formulated as a result of the deliberations.)

Whereas representatives of the two Governments have met together in Bermuda to discuss Civil Aviation matters outstanding between them and have reached agreement thereon,

Whereas the two Governments have today concluded an agreement relating to air services between British and United States territories,

Whereas representatives of the two Governments have today initialled heads of an agreement to be concluded between them relating to the use by Civil Aircraft of Naval and Air Bases in areas leased by the Government of the United Kingdom to the Government of the United States,

(Note: There may be an additional paragraph here regarding the

¹⁷ Drafts of the Final Act and the accompanying Air Transport Agreement, which were completed by the Conference's Committee on Rates and Traffic, are found in the files of the United States Delegation. The drafts here under reference do not have a document symbol but carry the pencilled notation “Joint U.S.-U.K. doc dated 1-26-45 [46]”.

A Delegation commentary on these drafts is found in the immediately following telegram.

The Delegation was informed by the Department by telegram on January 30 that the documents were approved with the exception of a few minor drafting changes; these were communicated separately in another January 30 telegram (not printed) (both telegrams under 841.796/1-3046).

bases agreement and another paragraph on an agreement on miscellaneous matters.)

And whereas the two Governments have reached agreement on the procedure to be followed in the settlement of other matters in the Field of Civil Aviation,

Now therefore the two Governments in conference resolve and agree as follows:—

(I) That the two Governments desire to foster and encourage the widest possible distribution of the benefits of air travel for the general good of mankind at the cheapest rates consistent with sound economic principles; and to stimulate international air travel as a means of promoting friendly understanding and good will among peoples and insuring as well the many indirect benefits of this new form of transportation to the common welfare of both countries.

(II) That they reaffirm their adherence to the principles and purposes set out in the preamble to the convention on International Civil Aviation signed at Chicago on 7th December, 1944.

(III) That the air transport facilities available to the travelling public should bear a close relationship to the requirements of the public for such transport.

(IV) That there shall be a fair and equal opportunity for the carriers of the two nations to operate on any route between their respective territories covered by this agreement and its annex.

(V) That in the operation by the air carriers of either Government of the trunk services described in the annex to the agreement relating to air services between British and U.S. territories referred to above, the interest of the air carriers of the other Government shall be taken into consideration so as not to affect unduly the services which the latter provides on all or part of the same routes.

(VI) That it is the understanding of both Governments that services provided under this agreement or its annex shall retain as their primary objective the provision of capacity adequate to the traffic demands between the country of which such air carrier is a national and the country of ultimate destination of the traffic. The right to embark or disembark on such services international traffic destined for and coming from third countries at a point or points on the routes specified in the annex to the agreement shall be applied in accordance with the general principles of orderly development to which both Governments subscribe and shall be subject to the general principle that capacity should be related:

(A) To traffic requirements between the country of origins and the countries of destination.

(B) To the requirements of through airline operation, and

(C) To the traffic requirements of the area through which the airline passes after taking account of local and regional services.

(VII) That insofar as the air carrier or carriers of the one Government may be temporarily prevented through difficulties arising from the war from taking immediate advantage of the opportunity referred to in sub-paragraph (IV) above, the situation shall be reviewed between the Governments with the object of facilitating the

necessary development, as soon as the air carrier or carriers of the first Government is or are in a position increasingly to make their proper contribution to the service.

(VIII) That it is the intention of both Governments that there should be regular and frequent consultation between their respective aeronautical authorities as defined in the bilateral agreement attached hereto and that there should thereby be close collaboration in the observance of the principles and the implementation of the provisions outlined herein and in the agreement referred to."

[Here follows draft text of the proposed bilateral air transport agreement between the United States and the United Kingdom with an Annex consisting of two parts.]

[BAKER]

841.796/1-2746 : Telegram

*The Chairman of the United States Delegation (Baker) to the
Secretary of State*

SECRET
URGENT

HAMILTON, January 27, 1946—3:30 p. m.
[Received 8:37 p. m.]

For Clayton. Meeting of minds reached with British here on bilateral agreement and final act of conference. Both sides now referring matter home. Texts of draft documents were teletyped to you last night.

Agreements involve British giving way completely from Chicago position on control of frequencies and capacity and on our giving way completely on rate control. On Fifth Freedom, the British have also given way. Since our delegation, including all the CAB members, all believe rate control desirable anyway we believe this arrangement constitutes a real victory.

It includes what we described to Acheson as what we wanted to accomplish. In return for British giving up their control of frequency and prohibition of Fifth Freedom, we offer not only rate control but the right to consult with us at any time when they feel they are being unfairly treated or their operators unfairly hampered.

While the British have reluctantly accepted the principle of the free field and no favor on frequencies and on Fifth Freedom on through routes, we amply indicated in our discussions here that we earnestly desire that there be vigorous and healthy British participation in air transport and the sooner the better. In the consultations referred to in the second sentence above reference will undoubtedly be made to the "whereas" and "it is agreed" clauses in the draft final act of this conference which was teletyped to you last night.

These clauses have been boiled down drastically from what the British wanted and we believe them innocuous from our point of view.

We feel that on frequency control they now offer no succor to the British concept since it has been made abundantly clear that we do not concede that any regulation is necessary to accomplish a close relationship between services offered and public demand.

The Fifth Freedom traffic principles set forth are broad enough to allow an operator to operate satisfactorily and we believe would be violated only if an operator tries to go in for really local services, something which the operators have denied they have any desire to do.

In the draft final act you will notice that the final clause binds the Executive Branch of the US Govt to press upon Congress the granting of power to the CAB over overseas rate making. The delegates, advisers, and consultants are unanimous in favoring this. (This includes Josh Lee¹⁸ and all the carriers.) The CAB has recommended it to Congress before now. This is considered desirable not just as a means of working out an agreement with the British, but desirable in any case in view of the overall world aviation picture.

It is, however, essential to this agreement and I presume that it [will?] have Mr. Truman's backing. The machinery set for rate control both before and after the CAB gets regulatory power has been worked out in detail in the annex to the bilateral. Prior to CAB direct power, it recognizes British sovereign right to prevent operation of a line which charges rates unapproved by their aeronautical authorities but it allows for conference between the aeronautical authorities of the two countries.

After CAB powers are granted, however, the British agree that CAB could let a rate run provisionally until a decision was reached by the aeronautical authorities of the two countries or by PICA0 even if the British thought the rate outrageous.

There is throughout both documents a general bend [*sic*] toward referring to PICA0 matters on which the aeronautical authorities of the two nations cannot agree. The delegation believes that to be in line with our country's general attitude toward a UNO. We are only morally bound to do our best to carry out the recommendations of a PICA0 advisory report, however, in the case of rates and it is thought unlikely that rate matters will in fact have to be referred there.

The exact listing of routes in the annex is still being worked out. I believe that Self and Hildred¹⁹ are honest in their fears of difficulty in getting these papers approved in London. They will certainly be opposed by certain individuals within the Air Ministry. It also looks from here as if the BOAC representatives were very dissatisfied. I believe it very desirable that Department impress on the British

¹⁸ Member of Civil Aeronautics Board and member of U.S. Delegation at the Bermuda Conference.

¹⁹ Sir William Hildred, British Delegate at Bermuda Conference.

Embassy in Washington the desirability of an agreement in the light of the overall rather than aviation relationship of the two countries would be very desirable.

Now that the so-called technical experts have had a meeting of the minds and the general relations of our countries call so strongly for working together, we strongly believe this agreement should not be allowed to drag on or die out.

Previous bilateral agreements with other nations have apparently not had to be cleared with the Army and Navy. Due to the importance of this one and the presence of Army and Navy advisers at Bermuda it may be well to talk with Admiral Sherman²⁰ and to Col. Mitchell in the Office of the Assistant Secretary of War for Air.²¹ General Kuter²² has wired his favorable recommendation to Mitchell and the Navy people here are doing the same to Sherman. Self is strongly against signing anywhere but here saying that, if the signing takes place in Washington it will give more ammunition to those who will accuse the British of selling out to us.

We knew what we wanted when we came; we have got it and more; we hope you will grant to delegation the right to sign a final act and a bilateral Air Transport Agreement (an executive agreement) with annex included; and that this can be done by the latter part of this week.

The opening up of the leased bases to civil operation (on which Hickerson²³ has all the information up to last Monday²⁴) and on which we appeared to have reached a satisfactory meeting of the minds, and on which we have now Joint Chiefs of Staff approval, took a turn for the worse with the arrival of a gentleman named Bigg from the Colonial Office early last week. He was apparently piqued by the fact that the British had announced satisfactory progress prior to his arrival and prior to his having a chance to go over the problems. He has caused a reopening of every question and a great deal of rewording of the draft agreement.

As a result, the Committee on bases is in an unsatisfactory state and Self and I will move on it full time tomorrow. I will then give you further details. I hope we can get things in shape to send someone to Washington early in the week with a new draft of agreement to go over with Admiral Sherman for resubmission if necessary to the Joint Chiefs so that we could initial a Heads of Agreement on bases at the same time as signing the other conference documents.

²⁰ Vice Adm. Forrest P. Sherman, Deputy Chief of Naval Operations.

²¹ W. Stuart Symington, Assistant Secretary of War for Air.

²² Maj. Gen. Laurence S. Kuter, Commanding General of the Atlantic Division, The Air Transport Command, and Military Adviser to United States Delegation at Bermuda Conference.

²³ John D. Hickerson, Deputy Director of the Office of European Affairs and member of U.S. Delegation to Bermuda Conference.

²⁴ January 21.

There have been a number of other smaller aviation problems between the two countries which have been discussed in subcommittee and understanding on these matters may well be incorporated into the final conference act. The miscellaneous subcommittee report is being teletyped to you today.

[BAKER]

U.S. Delegation Files: Lot 53-D407: Folder "Delegation Working Papers and Documents"
*Minutes of the Thirteenth Meeting of the United States Delegation,
Hamilton, Bermuda, January 28, 1946, 9: 15 a. m.*

Draft

I. *Bases*. Mr. Norton,²⁵ Chairman of the Bases Committee, reviewed the status of his Committee pointing out that there were now six points at issue whereas previous to Mr. Bigg's arrival, there had been only three points at issue. The six points were:

(1) Cabotage. (It was decided to compromise on persons travelling on Government business rather than hold out for the right to transport all U.S. citizens.)

(2) Fifth Freedom Traffic between the Bases.

(3) Atkinson Field, British Guiana. (The British wish to have Mackenzie Field the principal airport.)

(4) Corresponding Traffic Rights.

(5) Sale of Supplies on Bases.

(6) The Four Bases in Newfoundland. (It was decided that the U.S. Delegation position should be that a Bases Agreement could not be signed until the Newfoundland Bases question was settled to the satisfaction of the United States.)²⁶

841.796/1-3146: Telegram

*The Secretary of State to the Ambassador in the United Kingdom
(Winant)*

SECRET
US URGENT

WASHINGTON, January 31, 1946—11 a. m.

1069. The Civil Aviation talks at Bermuda have resulted in the two delegations submitting to their Governments a draft agreement

²⁵ Garrison Norton, Deputy Chairman of the United States Delegation.

²⁶ It was decided by the Delegation at its meeting on January 29 to draft and attach to the Final Act a letter stating that "In signing the agreement it is understood that it will not be put into effect until the question of the four bases in Newfoundland and Labrador are settled to the satisfaction of the United States." (U.S. Delegation Files, Minutes of 15th Meeting of the U.S. Delegation, January 29, 1946, 9: 30 a. m.)

which we feel is fair and reasonable to both sides. In the draft agreement the United States accepts the British position on regulation of rates and the British accept our position on non-regulation of frequencies and, in general, on the Fifth Freedom. The President and I are prepared to accept the Agreement and are authorizing the Chairman, United States Delegation, to sign the Agreement in Bermuda.

We feel that the signature of this Agreement as soon as possible would not only be desirable as a fair and reasonable settlement of the long standing civil aviation controversy, but would contribute materially toward a favorable reception in Congress to the loan agreement. The President has sent his message to Congress on the loan.²⁷ We earnestly hope that the Aviation Agreement can be signed in Bermuda as soon as possible.

Acheson had a talk yesterday with Halifax along the foregoing lines. I believe it would be useful for you to talk with the Foreign Minister²⁸ and perhaps Attlee,²⁹ in your discretion, along the same lines. Lord Keynes³⁰ has, in the past, been helpful in matters of this kind with the Chancellor of the Exchequer, and you may find it advantageous to talk with him.³¹

BYRNES

841.796/2-146: Telegram

The Chairman of the United States Delegation (Baker) to the Secretary of State

SECRET US URGENT

HAMILTON [undated].

[Received February 1, 1946—6:28 p. m.]

For Clayton. Colonel Robert Tate and Mr. William Fleming³² leaving Bermuda six p. m. by army plane today with draft heads

²⁷ For text of President Truman's message to Congress, released to the press January 30, 1946, transmitting the United States-United Kingdom Financial Agreement, see Department of State *Bulletin*, February 10, 1946, p. 183. For text of Agreement, see *Bulletin* of December 9, 1945, p. 907. For pertinent documentation, see *Foreign Relations*, 1945, vol. vi, pp. 1 ff.

²⁸ Ernest Bevin.

²⁹ Clement R. Attlee, British Prime Minister.

³⁰ John Maynard Keynes, British Economist and financial adviser to the British Government.

³¹ In telegram 1303, February 2, 6 p. m., the Ambassador replied: "In answer to your 1069, January 31, I have urged Mr. Bevin to promptly authorize his delegation in Bermuda to sign the draft agreement arrived at in Bermuda. This question has been considered a Cabinet matter and a decision will be made at its meeting Monday afternoon [Feb. 4]. I am carrying out the suggestions contained in your message." (841.796/2-246)

³² Colonel Tate is not listed in the Delegation roster; Mr. Fleming was a representative of the Navy Department on the staff of Delegation advisers.

agreement covering opening 99-year bases to civil air transportation.³³ This draft is referred for approval by United States and United Kingdom delegations to respective governments prior to submission to conference for initialling. This draft represents no recession from principles contained in USD-14 previously approved by Joint Chiefs of Staff and State Department except with respect to sale of supplies at bases as now set forth in article 8. Numerous editorial changes in other articles tend to strengthen document. Thank you for your last two messages giving right to sign final act and bilateral and expressing general approval.

Rates and traffic committee is still in trouble on one point: The British have given us fifth freedom rights on all routes we have asked for but wish right to consider whether they will also extend such rights to new points if we change routes in the future. Our delegation now strong against requirement of such subsequent approval. Both sides working on this today. I will let you know progress.³⁴

[BAKER]

U.S. Delegation Files: Lot 53-D407: Folder "Delegation Working Papers and Documents"
*Minutes of the Twenty-first Meeting of the United States Delegation,
Hamilton, Bermuda, February 2, 1946*

[Draft]

Routes

The Delegation reviewed and agreed to the draft of Part IV of the Annex to the draft Agreement on Air Transport. This Part IV of the Annex, prepared yesterday by a joint U.S.-U.K. Working Party, allows each country to change intermediate points on the routes agreed to, an issue on which there was a difference of opinion between both Delegations at the Thursday meeting of the Routes Subcommittee. This new draft represented a complete U.K. recession on their position they had taken that they should have the right to veto such changes.

[Here follows discussion of another subject.]

³³ Two drafts of Heads of Agreement regarding the opening of the 99-year leased bases to civil aircraft were completed by the Leased Bases Committee on January 29 and February 1, respectively (U.S. Delegation Files, Delegation Document USD-28, also Committee Document C/II/3; Delegation Document USD-40, also Committee Document C/II/4). The draft referred to here was the latter, and had been agreed to by both Delegations.

³⁴ The question of routes (route descriptions and route changes) was the subject of intensive discussion within the U.S. Delegation and between the two Delegations from January 29. Differences between the two Delegations revolved specifically around two points: Whether precision were desirable in defining route-direction (the U.S. view was yes), and whether there should be consultations between the two governments as to changes in intermediate points along the routes in third countries (the British members wanted consultation). Section III of the Annex to the bilateral agreement was to be devoted to defining routes and Section IV to the subject of route changes. Relevant documentation is found in the files of the U.S. Delegation.

841.796/2-346: Telegram

The Chairman of the United States Delegation (Baker) to the Secretary of State

SECRET

US URGENT

HAMILTON [undated].

[Received February 3, 1946—4:45 p. m.]

For Clayton from Baker to Walstrom and Hickerson. Following material agreed upon for inclusion in final act is in addition to material already transmitted to Department.³⁵ Additional whereas in final act reads as follows:

“Whereas representatives of the two governments have today initialled heads of an agreement (hereinafter called ‘the heads of agreement’) to be concluded between them (after the conclusion of a satisfactory agreement between the Government of the United States and the Government of Newfoundland) relating to the use by civil aircraft of naval and air bases in areas leased to the Government of the United States under an agreement with the Government of the United Kingdom, dated March 27, 1941.”

New paragraph 9 in final act as follows:

“That the Government of the United Kingdom will use its good offices with the Governments of Newfoundland and of Canada with a view to the early conclusion between those governments and the Government of the United States of agreements providing for use by civil aircraft of airfields in Newfoundland and Labrador, namely Argentia, Gander, Goose and Harmon.”

New paragraph 10 in final act as follows:

“That duly authorized United States civil air carriers will enjoy non-discriminatory ‘two freedoms’ privileges and the exercise (in accordance with the agreement or any continuing or subsequent agreement) of commercial traffic rights at airports located in territory of the United Kingdom which have been constructed in whole or in part with United States funds and are designated for use by International civil air carriers.”

New paragraph 11 in final act as follows:

“That it is the intention of both governments that there should be regular and frequent consultation between their respective aeronautical authorities (as defined in the agreement) and that there should thereby be close collaboration in the observance of the principles and the implementation of the provision outlined herein and in the agreement as follows: ‘Notwithstanding the termination of the agreement, its provisions and those of its annex shall continue to apply to any traffic rights which United States air carriers may thereafter exercise at any

³⁵ See text of draft of Final Act transmitted in Hamilton’s unnumbered telegram received in the Department at 7:54 p. m., January 27, p. 1459.

of the bases referred to in Article I of the heads of agreement initialled this day (relating to the use by civil aircraft of naval and air bases in areas leased to the Government of the USA under agreement with the Government of the United Kingdom dated March 27, 1941) until such time as the contracting parties may otherwise agree; provided that the Government of the United States shall have the right at any time after fifteen years from the date of the termination of this agreement to give notice of its desire that the provisions of this agreement and its annex shall cease to apply, on the date specified in the notice but which shall not in any case be less than two years from the date of receipt of such notice, to the traffic rights exercised by its air carriers at any of the bases referred to above, pursuant to said agreement.' ”

[Here follow a new text for Part I of the Annex to the bilateral agreement (revised slightly in technical aspects), a statement that no changes had been made in Part II, and a draft text of Part IV seen for the first time by the Department.]

[BAKER]

841.796/2-446 : Telegram

The Chairman of the United States Delegation (Baker) to the Secretary of State

HAMILTON [undated.]

[Received February 4, 1946—4:45 p. m.]

For Clayton from Baker, copy for Walstrom; copy for Hickerson. Last remaining questions of conference worked out today. Additions to final act, bilateral air transport agreement and annex thereto except for Article III in annex were teletyped to you this noon.³⁶ III in annex is given at end of this message. You have already received and have approved II of annex, draft of air transport agreement and draft of final act of conference.³⁷

General Kuter instructed Colonel Tate who returned to Washington Friday with final draft of bases agreement not to formally submit that draft to Joint Chiefs of Staff until advised from here that British were going to approve it although he was instructed to thoroughly brief advisers to Joint Chiefs of Staff. This is to avoid embarrassment of having JCS twice³⁸ approve bases agreement only to have British ask more changes. I would appreciate your approval of final material in prior teletype of this date, of the material in this teletype and of the bases agreement—the latter subject of course to

³⁶ This refers apparently to the undated telegram printed *supra*.

³⁷ See footnote 17, p. 1459.

³⁸ The Joint Chiefs had already on January 25 approved the draft they then had in hand (U.S. Delegation Document USD-14); see footnote 16, p. 1458.

receiving subsequent Joint Chiefs of Staff approval. I would hope all clearances could be obtained from London and Washington by Tuesday or Wednesday.³⁹ Meanwhile full delegation will stand by here in case British Government should give only qualified approval. I believe Self is very hopeful that he will get full approval but the overall agreement would seem to be much harder for the British to swallow than for us. If London approval is given it will be over the strong protest of some government officials. You will know best whether to use your influence with Halifax.

[Here follows draft of Part III of the Annex, regarding route descriptions.]

[BAKER]

841.796/2-546: Telegram

The Ambassador in the United Kingdom (Winant) to the Secretary of State

SECRET US URGENT
NIACT

LONDON, February 5, 1946—8 p. m.
[Received February 5—5:29 p. m.]

1417. Re my 1392, Feb. 5.⁴⁰ The differences between compromise arrived at in Bermuda and the position taken by the British Cabinet have been cabled to the British Embassy in Washington for transmission to Under Secretary Acheson and Assistant Secretary Clayton.

WINANT

841.796/2-646: Telegram

The Secretary of State to the Chairman of the United States Delegation (Baker)

CONFIDENTIAL
US URGENT

WASHINGTON, February 6, 1946—8 p. m.

A separate telegram comments on the Feb 6 British *Aide-Mémoire* just presented by Lord Halifax, which reads as follows: ⁴¹

His Majesty's Government in the United Kingdom have now considered the draft agreement relating to civil aviation which has been submitted by the British delegation at Bermuda. They share the

³⁹ That is, February 5 or 6.

⁴⁰ Not printed.

⁴¹ There is attached to the *aide-mémoire* a document headed "Draft Heads for Discussions between U.S.A. and U.K. in regard to Civil Air Transport Across the Atlantic" dated October 3, 1945, to which is appended another document entitled "Draft of an Agreement for Air Services between the United Kingdom and Other States" (841.796/2-646).

anxiety of the United States Government to conclude a satisfactory agreement without further delay and they are prepared to accept the agreement now proposed subject only to a clarification of paragraph 6 of the draft Final Act of the Conference to cover the question of "change of gauge". The interpretation which His Majesty's Government place on this matter is set out in the annex to this memorandum.

2. His Majesty's Government understand however that the United States Delegation at Bermuda are pressing that the Heads of Agreement on the subject of the commercial use of airfields in leased bases should be directly linked with the main civil aviation agreement by the inclusion of specific clauses in the Final Act of the Conference.

3. The draft of the leased bases agreement includes two provisions in particular which His Majesty's Government are unable to accept. They are: (a) an undertaking that His Majesty's Government will use their good offices to persuade Newfoundland and Canada to agree to American requirements in Newfoundland and Labrador; (b) a stipulation that all civil aircraft including British civil aircraft using these bases should obtain all their petrol supplies, spare parts and services from the United States military authorities.

4. As regards (a) His Majesty's Government are naturally reluctant to accept in advance an obligation to press on Canada and Newfoundland commitments which they may well be unable for good reason to accept. As regards (b) there is evident difficulty from the point of view of the interests of the colonies concerned in granting a monopoly of this character.

5. His Majesty's Government earnestly hope that the Department of State on considering these two conditions will instruct the United States delegation to withdraw their insistence upon them.

6. Alternatively, His Majesty's Government suggests that the Department of State should authorise the separation of the Civil Aviation and Leased Bases agreements so that, subject to clarification of the question relating to "change of gauge" referred to in paragraph 1 of this memorandum, the civil aviation agreement may be put into final shape and concluded at Bermuda. The Leased Bases agreement would, in these circumstances, form the subject of future negotiations.

ANNEX

Change of Gauge

It is understood:

(a) That no Fifth Freedom traffic shall be carried in an aircraft other than that which started from the country of origin except where for convenience or economy permission is given to transfer the passengers in such aircraft to a smaller aircraft, which permission will not be unreasonably withheld.

(b) That where the volume of onward traffic is not such as to justify any continuation of a trunk service even with smaller aircraft without violating the principles laid down in paragraph 6 (of the Final Act) such onward traffic as exists should be carried by the local services in operation.

(c) That where a change of gauge takes place the connecting air-

craft will not operate as separately scheduled services but will wait specifically on the arrival of incoming trunk aircraft and operate only in connection with such trunk aircraft.

BYRNES

841.796/2-146 : Telegram

The Secretary of State to the Chairman of the United States Delegation (Baker), at Hamilton

SECRET

WASHINGTON, February 6, 1946—6 p. m.

U.S. URGENT

Following comments refer to Brit *aide-mémoire* of Feb 6 repeated to you in separate tel.⁴²

Dept reluctant to delay conclusion of air transport agreement if a satisfactory Heads of Agreement on bases cannot be reached at Bermuda within very near future.

With reference to Final Act, perhaps Brit would agree to addition of "subject to the approval of their respective govts" to pgh II on page 4. This additional phrase could also be inserted in line 14 on page 5, as well as in numbered pgh 8, line 41 on page 6.⁴³

Re pgh 3A of Brit *aide-mémoire*, Dept would be willing to see numbered pgh 9⁴⁴ on page 6 of Final Act omitted. It is assumed that Brit would not object to reference to bases agreement in second pgh of Article 13⁴⁵ of air transport agreement, but this likewise might be revised if Brit object to its present form.

It is recognized that matter covered by pgh 3b of Brit *aide-mémoire* will require further discussion with military and JCS, but it need not delay conclusion of air transport agreement.

It is hoped that Brit delegation will agree to changes suggested above, but if not, Dept feels that as last resort all references to bases agreement could be omitted from Final Act and air transport agreement if conclusion of latter is to be unduly delayed.

With regard to so-called change of gauge proposal in Annex to Brit *aide-mémoire*, this seems to preclude an operator from basing similar

⁴² *Supra.*

⁴³ No definitive editing of this paragraph can be undertaken as the particular draft to which the Department apparently had reference has not been found. It is clear that the intent of this modification was to make the agreements *ad referendum*, unlike earlier drafts (see Hamilton's unnumbered telegram received in the Department at 7:54 p.m., January 27, p. 1459).

⁴⁴ Text of this paragraph is printed in Hamilton's unnumbered and undated telegram received in the Department at 4:45 p.m., February 3, p. 1467.

⁴⁵ Apparently at one time consideration was given to adding as a second paragraph of Article 13 of the bilateral agreement a text that corresponded to the new paragraph 11 of the Final Act which is printed in the telegram cited in the immediately preceding footnote. No texts either in draft or final form have been found of a bilateral agreement that has an Article 13 with two paragraphs.

sized aircraft at foreign points for onward carriage of through traffic. Dept will rely on whatever revised language you may be able to work out with Brit if present proposal objectionable.

Separate tels offer certain comments on route section of Annex and on Report of Committee III on Miscellaneous Matters (your tel Feb 1).⁴⁶

Subject to whatever modifications are made in the Final Act, the air transport agreement and the Annex to this agreement in the light of the above comments, these drafts appear to be satisfactory and you may proceed with signing in accordance with Full Power.

Please inform as soon as possible whatever changes are finally made in the various documents forwarded by Morgan to Walstrom so that text to be released to press will incorporate any such revisions.

BYRNES

841.796/2-746: Telegram

The Chairman of the United States Delegation (Baker) to the Secretary of State

SECRET US URGENT

HAMILTON [undated].

[Received February 7, 1946—1:22 a. m.]

To Clayton. British delegation received instructions from London today to present US delegation with additional restrictive clause on Fifth Freedom traffic.⁴⁷ They did so, and American delegation strongly opposed it as presented. I believe British delegation here are not strongly in favor of the London proposal and that we can work something out satisfactorily (Halifax should not be told the American reaction on this point—as yet). British Cabinet will be considering over-all policy of final act, transport agreement, and bases agreement Thursday.⁴⁸ I believe Self hopes for general approval of final act and transport agreement by tomorrow night. Halifax has been asked by London to see you on bases agreement, which is, in several respects, distasteful to London. My understanding is that he will request that a clause in the final act which states UK will use its good offices with Newfoundland and Canadian Governments to get agreements on bases there should be dropped from final act, and that we should depend on oral assurances. There is no objection here

⁴⁶ None of the three telegrams alluded to here is printed (841.796/2-146).

⁴⁷ This refers to the "change of gauge" proposal included in Lord Halifax's *aide-memoire* of February 6; see Department's telegram of February 6, 8 p. m., to Hamilton, under heading of "Annex", p. 1470.

⁴⁸ February 7.

to dropping it. He will also express dissatisfaction with part of agreement (accepted by British here) dealing with military and colonial supplies on bases. British here do not know just what Halifax proposition on this question will be, but Self and I both hope that this question can be left completely out of this bases agreement and arrangement made for further study on this one difficult point. All the rest of the bases agreement, on which an enormous amount of work has been expended, should certainly not be allowed to go uninitialled because of this one difficulty. Mr. Bigg, here from the Colonial Office, has apparently disagreed with Self on many bases matters, and has apparently been writing his own strong dissents to London. I believe this conflict accounts primarily for Halifax being brought into the bases picture at this time. I believe Self hopes for signing and initialling of documents by Sunday night.

[BAKER]

U. S. Delegation Files : Lot 53-D407 : Folder "Delegation Documents"

Memorandum by the Chairman of the United States Delegation (Baker) to Major General Lawrence S. Kuter, Adviser to the Delegation

HAMILTON, February 7, 1946.

At a meeting held in room 401 of the Belmont Manor Hotel on Thursday, February 7, 1946, Sir Henry Self, Chairman of the British Delegation to the U.S.-U.K. Civil Aviation Conference in Bermuda, quoted the following statement from a cable received by him from his superiors in London :

"You can give the Americans an oral undertaking to facilitate discussions with Canada and Newfoundland."

Sir Henry then stated :

"This I now do."

There were present at this meeting :

U.K.

Sir Henry Self
Sir William P. Hildred
Mr. Donald Maclean
Mr. W. J. Bigg
Mr. L. J. Dunnett

U.S.

Major General L. S. Kuter
Mr. Garrison Norton
Mr. George P. Baker

All those present heard the above statements and understood that they would form a part of the official American records.

GEORGE P. BAKER

841.796/2-746: Telegram

The Chairman of the United States Delegation (Baker) to the Secretary of State

SECRET

URGENT

HAMILTON, February 7, 1946.

[Received February 8—2:35 p. m.]

This message is to be telephoned to addressee per instance of originator. Classification is to be disregarded in this respect for Mr. Clayton, Dept of State. Copies to be sent direct to Colonel Mitchell, Office of the Under Secretary of War for Air, and to Vice-Admiral Sherman, Deputy Chief of Naval Operations for both Departmental and Joint Chiefs of Staff use. From Mr. Baker.

In reference to the two objections raised by Lord Halifax to the bases agreement, it is satisfactory to delegation here to drop reference in the final act to the use of U.K. good offices with Newfoundland and Canada. Oral assurances of such good offices have been made by Sir Henry Self here today in a formal manner and a memorandum to this effect to General Kuter from myself will form a part of the official U.S. records.

In regard to Lord Halifax's second objection to bases agreement: His objection to monopoly position of US Delegation is based on a misunderstanding by London of US Delegation position during past 2 weeks. General Kuter joins me in recommending the following quotation as the only wording to appear under Article VIII(A).⁴⁹

"Discussions shall be held between the two governments with a view to making arrangements for the provision of necessary facilities, supplies and services to civil air carriers using the bases, and the agreement to be concluded pursuant to these heads of agreement shall contain provisions defining such arrangements and shall not enter into force until such arrangements have been made."

This suggestion is satisfactory to British Delegation here. Makins in British Embassy⁵⁰ also has the above wording. Self believes that any further suggested changes by London in bases agreement would be only of drafting character. General Kuter strongly recommends therefore that the bases agreement be put to the Joint Chiefs for approval now.

[BAKER]

⁴⁹ In the draft submitted to the two governments for approval at the end of January (see footnote 33, p. 1466), the text read: "The Government of the United States reserves the right to rent, lease, sell or otherwise make available to the Colonial Governments or the operators of civil aircraft, without discrimination, such buildings, facilities, supplies and services where such action will not interfere with the performance of the military mission of the Base. In appropriate cases such transactions will be the subject of consultation between the local military and the Colonial authorities." (U.S. Delegation Files, Delegation Document USD-14)

⁵⁰ Roger Makins, British Minister in the United States.

841.796/2-746 : Telegram

*The Secretary of State to the Chairman of the United States
Delegation (Baker), at Hamilton, Bermuda*

SECRET U.S. URGENT WASHINGTON, February 7, 1946—6 p. m.

With reference to Deptels Feb 6 re Brit *aide-mémoire*, Lord Halifax addressed subsequent letter to Undersecretary Acheson saying he had further message from HMG, and there now appear to be some serious Brit objections to draft Heads of Agreement on bases in addition to the two points mentioned pgh 3 of *aide-mémoire*.⁵¹ Halifax letter informs that the withdrawal of these two provisions will in the circumstances hardly suffice, and Brit urge that bases question should be completely separated from main air transport agreement.

Difficult to say how soon JCS approval for revised Heads of Agreement can be obtained. However, if Brit willing, it would be satisfactory to initial the noncontroversial sections, including the revised Article 8(A) quoted your teletype message Feb 7,⁵² if this latter acceptable to military. Presumably there would be qualifying statement on Heads of Agreement such as "subject to approval of the respective govts".

If there will be delay in getting Brit to initial, Dept believes best solution is to separate the two agreements entirely, but if possible to state in the Final Act that preliminary discussions on the opening of the 99-year bases to civil aircraft have resulted in substantial measure of agreement and that the two delegations have made recommendations to their govts which are intended to serve as the basis for the early negotiation of a formal agreement on this subject.

Further study of Brit change of gauge proposal⁵³ gives Dept some concern with respect to the provision that permission must be obtained for transfer of passengers from one aircraft even to a smaller aircraft. Also, in the event our operators do not feel it necessary to insure right for transfer of onward passengers from one plane to another plane which might be based at a foreign point, there at least should be provision for transfer in the event of breakdown of the first plane, without necessity of getting prior permission. It is also not clear whether the change of gauge restrictions apply only to Brit points. However, Brit proposal appears susceptible to reasonably satisfactory revision, and as stated previously, we rely on your delegation to work out language which would be agreeable.

BYRNES

⁵¹ See text transmitted in Department's telegram of February 6, 8 p. m., p. 1469.

⁵² *Supra*.

⁵³ See text in Department's telegram of February 6, 8 p. m., under the heading of "Annex", p. 1470.

841.796/2-746 : Telegram

The Secretary of State to the Chairman of the United States Delegation (Baker), at Hamilton

SECRET U.S. URGENT WASHINGTON, February 8, 1946—noon.

Further reference your tel recd Feb 7 on bases agreement. Makins, Brit Emb, was asked whether his Govt would approve initialling the Heads of Agreement if revised Article 8(A) were substituted, and if reference omitted to UK using its good offices with Canada and Newfoundland. Makins said he could not answer this in view of further instructions they had received from HMG referring to additional objections, mentioned in first pgh Deptel Feb 7. However, he will endeavor to obtain an answer not later than Feb 9, and if it is favorable Dept will try to get immediate JCS clearance.⁵⁴

BYRNES

841.796/2-846 : Telegram

*The Chairman of the United States Delegation (Baker) to the Secretary of State*SECRET HAMILTON [undated].
URGENT [Received February 8, 1946—2:17 a. m.]

War 8421. For Clayton. The following two paragraphs from the annex⁵⁵ of the air transport agreement were very reluctantly agreed to by US Delegation as outside limit to which it can go to meet British so called "clarification" of Paragraph VI of final act⁵⁶ mentioned in British *aide-mémoire* of February 6:⁵⁷

"Where the onward carriage of traffic by an airplane of different size from that employed on the earlier stage of the same route (hereinafter referred to as 'change of gauge') is justified by reason of economy of operation, such change of gauge at a point in the territory of the United Kingdom or in the territory of the United States shall not

⁵⁴ In a telegram of February 9, 5 p. m., the Department informed the Delegation of Washington approval of certain revisions proposed in Articles III, VIII and XI of the Heads of Agreement which were considered to be relatively minor in importance. The Department continued: "Dept has asked JCS to give informal approval today [of the draft agreement as a whole] and you will be informed directly by military. Dept also asked Brit Emb to urge HMG approval Heads of Agreement on basis of suggested revisions to date, and Emb is doing this." At the end of the same telegram the Department reported that "We have just been informed by telephone that the JCS have given informal approval to the draft agreement subject to certain understandings which are being communicated direct to General Kuter. They tell us these understandings should make no difficulty about initialing the agreement." (841.796/2-946)

⁵⁵ This might more properly have been worded: "The following two paragraphs which have been added to the annex. . . ."

⁵⁶ For text of paragraph VI in the draft of the Final Act, see p. 1470.

⁵⁷ See paragraph 6 of the text of the British *aide-mémoire* of February 6 transmitted to the Delegation in Department's telegram of February 6, 8 p. m., p. 1469.

be made in violation of the principles set forth in the final act and in particular shall be subject to there being an adequate volume of through traffic in accordance with the provisions of Paragraph 6 of that act.

Where a change of gauge is made at a point in the territory of the United Kingdom or in the territory of the United States, the smaller airplane will operate only in connection with the larger airplane arriving at the point of change, so as to provide a connecting service, specifically scheduled as such, and will thus normally wait on the arrival of the larger airplane."

Believe this to be a most reasonable compromise. Self is cabling the two paragraphs for annex referred to above to London, stating it is as far as US Delegation will go. He is making no recommendation on this point himself. He had received instructions, first, that there be an absolute prohibition of change of gauge, and, later, instructions to propose wording which made right to change gauge subject British permission as in *aide-mémoire*. The problems raised are difficult ones basically involving Third and Fourth Freedom traffic from the US to other than British countries, and US Delegation thinks this is a last chance attempt on part of London to break away from the over-all deal of rate control, on the one hand, and no prior control of frequencies and limited Fifth Freedom traffic on the other. We agreed some time ago, in addition to rate control, to have through traffic to and from the US the main controlling consideration in our overseas operations, as indicated in the restrictive language on Paragraph VI of the Final Act. We now, in order to close the deal, agree to spell out a further restriction on change of gauge operations, tied into Paragraph VI with an even heavier stress on the volume of traffic standard. Beyond this the delegation does not feel they can possibly go. I do not know whether Self will send our arguments, as well as our language, to London, so I have given the above information to you, should you deem it wise to talk to Halifax about it.

[BAKER]

841.796/2-946

Memorandum of Conversation, by the Chief of the Division of Aviation Affairs (Morgan)

[HAMILTON,] February 9, 1946.

During an informal chat with Sir William [Hildred] on the afternoon of February 9, he voluntarily brought up the question of Fifth Freedom traffic and said that he hoped it was clear that the American Delegation fully understood the interpretation which the British put on the phrase "Fifth Freedom traffic". He said that Fifth Freedom traffic to the British meant all pick-up traffic between foreign nations

all over the world, and they were interested in the manner in which such traffic was picked up since it could be expected to have at least an indirect effect on competitive operations nearly everywhere. At the same time he said the British fully recognized that in the bilateral agreement with the United States, they could only put in provisions affecting Fifth Freedom traffic carried between points in British (or United States) territory and points in third countries. They had no intention of trying, through the bilateral agreement, to regulate the carriage of Fifth Freedom traffic between points in two countries, neither being in the territory of the United States or in the territory of the United Kingdom.

I told Sir William I believed that was the understanding of the American Delegation of the British position. We also felt that the references to Fifth Freedom traffic in the bilateral agreement applied only to points in one of the two jurisdictions and points in third countries.

At the same time I said that the American Delegation recognized the very important precedent that was being established through this bilateral agreement and foresaw the possibility that many other nations would wish to adopt the same principles with respect to the transportation of Fifth Freedom traffic. To that extent the bilateral agreement would indirectly affect the carriage of such traffic between points outside of the United States or the United Kingdom. To this Sir William readily agreed.

I then went on to say that a good many of the difficulties which we met with respect to certain provisions and conditions in the agreement, were due to the strong possibility that we would have to incorporate those same provisions in other agreements in the near future. Thus we were, in a sense, although not directly setting the pattern for a sort of multilateral air transport agreement.

It is also my recollection that Sir Henry Self and Sir William expressed themselves in practically the same terms during the late evening meeting of the two Delegations on February 9.

STOKELEY W. MORGAN

841.796/2-1046 : Telegram

The Chairman of the United States Delegation (Baker) to the Secretary of State

SECRET

URGENT

HAMILTON [undated].

[Received February 10, 1946—1:39 p. m.]

For Clayton. Following is language of proposed new Section V of annex dealing with change of gauge:

“(a) Where the onward carriage of traffic by an aircraft of different size from the [*that?*] employed on the earlier stage of the same route (hereinafter referred to as ‘change of gauge’) is justified by reason of economy of operation, such change of gauge at a point in the territory of the UK or the territory of the US, shall not be made in violation of the principles set forth in the final act of the Conference on Civil Aviation held at Bermuda from January 15 to February 1946, and, in particular, shall be subject to there being an adequate volume of through traffic.

(b) Where change of gauge is made at a point in the territory of the United Kingdom or in the territory of the United States, the small aircraft will operate only in connection with the larger aircraft arriving at the point of change, so as to provide a connection service which will thus normally wait on the arrival of the larger aircraft, for the primary purpose of carrying onward those passengers who have travelled to UK or US territory in the larger aircraft to their ultimate destination in the smaller aircraft. Where there are vacancies in the smaller aircraft such vacancies may be filled with passengers from UK or US territory respectively. It is understood, however, that the capacity of the smaller aircraft shall be determined with primary reference to the traffic travelling in the larger aircraft normally requiring to be carried onward.

(c) It is agreed that the arrangements under any part of the preceding paragraphs (a) and (b) shall be governed by and in no way restrictive of the standards set forth in paragraph (6) of the final act.”

Above was agreed to by British and American delegations in lengthy meeting last night. It has not been approved by British Cabinet but has been transmitted to London and Self expects approval to be forthcoming promptly. You will be informed immediately approval is received from London and of any changes which may be made before signing. We are still hoping to sign tomorrow (Monday).

[BAKER]

Editorial Note

On February 10 the Department of State was informed by the United States Delegation that on the previous day the two Delegations had reached an agreed text for the proposed bases agreement, a master copy of which was being despatched to Washington by courier that morning (February 10). The Department was informed that a new Article 12 (c) had been added as follows:

“The initialling of this document shall not indicate that a contract has been concluded. This document is the agreed bases of, and subject to the preparation of, a formal contract. In the preparation of the formal contract any outstanding points, more particularly the points arising on articles 8 and 11, will be resolved.”

Washington was informed in the same telegram that "The new Article 12 (c) is the agreed US-UK delegation compromise on British Ministry [*sic*] wording received last night. US delegation believes London Cabinet will accept this at meeting tomorrow morning, February 11. We expect no further changes in bases agreement. . . ." (Hamilton unnumbered telegram, February 10, 1946, received February 11, 8:44 a. m. (841.796/2-1246)) The Delegation informed the Department in an undated and unnumbered telegram received in the Department on February 11, 4:18 p. m., that Section 12 (c) "now accepted by British and should be included in Annex and heads of agreement". (841.796/2-1146)

In the same telegram the Department was informed that Part V of the Annex to the bilateral agreement had also received British approval (see undated and unnumbered Hamilton cable, *supra*).

Certain technical changes in the drafting of these documents were also conveyed to the Department in telegrams received on February 10 and February 11 (841.796).

Three instruments were signed or initialled at a final plenary session of the Conference on February 11: The Final Act of the Conference, an Air Transport Agreement with attached Annex, and Heads of Agreement relating to the civil use of leased air bases with exchange of letters between the Chairmen of the two Delegations embodying certain reservations of their respective governments on the Heads. For texts, see Department of State *Treaties and Other International Acts Series* No. 1507 or 60 Stat. (pt. 2) 1499; these are printed also in Department of State *Bulletin*, April 7, 1946, pages 584 ff.

For the Joint Statement issued by the two Delegations at Hamilton, Bermuda on February 11, 1946, see Department of State *Bulletin*, February 24, 1946, pages 302 ff.

Pending the conclusion of the "formal contract" referred to in Article 12(c) of the Heads of Agreement a temporary arrangement was worked out between the two Governments in the months that followed in a succession of diplomatic exchanges between the Department and the British Embassy, for the use of the leased-bases airfields in Bermuda and the Caribbean by civil aircraft. This was done without prejudice to negotiations for permanent arrangements. Documentation regarding this matter is found in the Department of State's central indexed files, File No. 811.34544.

Agreement was reached between the two Governments in May 1946 for the holding of talks at Washington in June looking towards negotiating the formal contract cited in Article 12(c). These discussions, held June 18-July 18, resulted in an agreement on a draft

text of fourteen articles dealing with such subjects as traffic rights, use of the bases for private and charter flights, limitation of civil use, administrative and operational control and requirements, landing fees, and suspension of United States responsibilities. Final approval and signature awaited further review by interested agencies of the two Governments and by the British Colonial Governments concerned, and the matter was still pending at the end of the year. Documentation is found in File No. 811.34544.

Final settlement was contingent also upon a United States requirement that a satisfactory agreement be reached by the United States with the Newfoundland Commission of Government and the Canadian Government regarding the use of certain bases in Newfoundland by civil aircraft. Conversations were held at Washington June 14–June 26 between representatives of the three governments, and substantial agreement was reached on a draft text. Certain questions however were still unsettled at the year's end. Relevant documentation may be found principally in File No. 843.7962.]

579.6 PICA0/5-1846

The Acting Secretary of State to Mr. William A. M. Burden, Chairman of the United States Delegation to the Interim Assembly of the Provisional International Civil Aviation Organization

SECRET

WASHINGTON, May 18, 1946.

SIR: In your capacity as Chairman of the United States Delegation to the First Annual Assembly⁵⁸ of the Provisional International Civil Aviation Organization, to be held at Montreal, Canada, beginning May 21, 1946, I shall greatly appreciate your communicating to the other members of the Delegation the position to be upheld at this forthcoming meeting.

The position of leadership which this Government holds in the field of international civil aviation, and particularly within PICA0 itself, carries with it the obligation to assume a leading role in the proceedings of the Meeting. The attitude of the United States Delegation should constantly demonstrate the sincere desire of this Government for the greatest possible advancement in this field through international collaboration. The members of the Delegation should, individually and collectively, take the initiative in supplying helpful information based on the resources and experience of this country.

⁵⁸ The Provisional International Civil Aviation Organization consisted of an Interim Assembly and an Interim Council. The former met annually to act principally upon matters submitted to it by the latter, which was in session almost continuously.

Since the majority of nations did not favor the multilateral Chicago Air Transport Agreement,⁵⁹ the United States Government, seeing the necessity for a new bilateral approach, took the leadership in attempting to reconcile the major difference at Chicago, namely the opposed positions of the United States and the United Kingdom. This was successfully accomplished through the US-UK Air Transport Agreement concluded at Bermuda, and the pattern was established under which several mutually satisfactory bilateral air transport agreements have already been reached by the two governments with the governments of other nations. Many more such bilateral agreements are in prospect.⁶⁰

The United States Government believes that further experience with the Bermuda-type of bilateral agreement, and its modification where desirable, are necessary preliminaries to an intelligent discussion of a multilateral agreement. This view represents no change from this Government's position at Chicago that the multilateral approach will ultimately prove to be the solution to the problem of regulation in international air transport. In fact, this view contemplates the adoption of such multilateral agreement through the merging at an early date of those provisions that experience with the Bermuda-type bilaterals has proved to be desirable for a world-wide agreement.

In the present circumstances, it is the belief of the United States Government that discussion of a multilateral air transport agreement at the forthcoming Assembly of PICAQ should be postponed until the next Assembly. Therefore, the United States Delegation, as soon as possible after arriving at Montreal, should ascertain with all possible tact and discretion whether the above view of the general situation coincides with the views of other delegations, particularly those of the British and French. If sufficient unanimity can be developed with regard to this point, the United States Delegation should attempt to have the report of the PICAQ Committee on Air Transport re-

⁵⁹ Signed December 7, 1944; for text, see Department of State Executive Agreement Series No. 488, or 59 Stat. (pt. 2) 1701. This Agreement is often referred to as the Agreement of the "Five Freedoms". For documentation relating to the International Civil Aviation Conference at Chicago, November 1 to December 7, 1944, see *Foreign Relations, 1944*, vol. II, pp. 355.

⁶⁰ For a list of bilateral air transport agreements concluded by the United States with 28 countries, in the two-year period from December 1944 (following the Chicago Conference) through December 1946, see article by Joe D. Walstrom, Associate Chief of the Aviation Division, entitled "Bilateral Air Transport Agreements Concluded by the United States", Department of State *Bulletin*, December 22, 1946, pp. 1126 ff. Nine of the agreements were based on the "Chicago standard form" agreement (established at the Chicago Conference) and the remainder were patterned after the so-called "Bermuda Principles". For an explanation of the two types of agreement see *ibid.*, pp. 1127-1129.

An agreement with Peru should be added to the Walstrom list. It was concluded on December 27, 1946.

ferred back to that Committee without Assembly action. It is recognized that this role is a difficult one, since it is important that the Delegation should not be placed in the position of opposing a multilateral agreement as the desired ultimate objective.

[Here follows discussion relating to certain contingencies that did not arise, other items to be on the conference agenda and certain matters concerning delegation organization and procedure.

The conference was held in Montreal from May 21 to June 7. A report of the U.S. Delegation is found in the Department of State's central indexed files, File No. 579.6 PICA0/6-746.

The public documentation of the Conference is printed in two sets, a pre-Conference series and a Conference series. The former is published as Provisional International Civil Aviation Organization, *First Assembly. May-June 1946*. Montreal, 1946, and consists of preparatory documentation drafted for the consideration of the five commissions of the Conference; technically this series consists of five separate publications, corresponding to the five commissions, but frequently these are found on library shelves as one volume. The second or Conference set of documents is published as Provisional International Civil Aviation Organization, *Interim Assembly*, 3 vols., Montreal, 1946 (I—minutes of plenary meetings, II—committee documents, III—miscellaneous.)]

800.796/7-2546 : Circular telegram

The Secretary of State to Certain Diplomatic Officers ⁶¹

URGENT

WASHINGTON, July 25, 1946.

Please address following note to Minister for Foreign Affairs country to which you are accredited :

"I have the honor to refer to the International Air Transport Agreement formulated at the International Civil Aviation Conference at Chicago on December 7, 1944, which was accepted by the Government of the United States of America with a reservation on February 8, 1945.

"I am now instructed to inform the Government of that on July 25, 1946 the Government of the United States of America gave notice of its denunciation of that Agreement in accordance with the provisions of Article V ⁶² thereof and that the Agreement will accord-

⁶¹ Sent to the United States missions in all the countries whose representatives had attended the Chicago Convention, with the exception of Bolivia.

⁶² Article V specified that any contracting state could denounce the Agreement provided it gave one year's notice.

ingly cease to be in force with respect to the United States of America on July 25, 1947."⁶³

BYRNES

800.796/8-146: Circular telegram

*The Acting Secretary of State to Certain Diplomatic Officers*⁶⁴

WASHINGTON, August 1, 1946.

In view inquiries resulting from Depcirtel July 25 re this Govts denunciation of International Air Transport Agreement, you are authorized furnish additional following background information to appropriate authorities.

Decision US to withdraw from this Agreement was based on failure of most nations principally concerned with operation and development of air transport services to accept this particular document, together with dissatisfaction with it as reflected at meeting Assembly of Provisional International Civil Aviation Organization held at Montreal. It is therefore opinion US that agreement cannot be relied upon as effective medium for establishment of international air routes for operation by US airlines.

At same time, this Govt still adheres firmly to Fifth Freedom principle, even though it is achieved through bilateral rather than multilateral approach.

All 18 bilateral arrangements concluded by US with other countries since Chicago Aviation Conference provide for such Fifth Freedom traffic, and this Govt will continue to seek to have this principle incorporated in bilateral air arrangements with additional countries.

ACHESON

800.796/8-1246

*The Acting Secretary of State to the British Ambassador
(Inverchapel)*

[WASHINGTON,] August 12, 1946.

MY DEAR MR. AMBASSADOR: I am writing this personal letter to express my Government's growing concern with recent developments in the field of international air transportation, particularly with respect

⁶³ For a statement by this Government regarding its withdrawal from the International Air Transport Agreement formulated at the Chicago Conference and which the United States had accepted as binding on February 8, 1945, see Department of State *Bulletin*, August 4, 1946, p. 236.

⁶⁴ Sent to the same missions as noted in the circular telegram of July 25, *supra*.

to arbitrary limitations which have been incorporated in inter-governmental arrangements on this subject.

When the bilateral air transport agreement between the United States and the United Kingdom was concluded at Bermuda on February 11, 1946, the joint press release of the two Delegations referred to it as representing "a sincere and determined effort to reconcile the widely divergent views by the two nations on the extent to which international air transport should be subject to government controls". The Final Act of the Bermuda Conference also stated "that the two Governments had reached agreement on the procedure to be followed in the settlement of other matters in the field of civil aviation", and proceeded to outline certain general principles.

It was the hope of my Government that its bilateral agreement with the United Kingdom would serve as a model for bilateral arrangements between any two countries, thus making a sound contribution to the wider development of international air transport. However, there now appears to be a trend away from certain of the Bermuda principles, especially those which impose no arbitrary limitations on frequencies and capacity, and which grant the right to carry Fifth Freedom traffic without undue restrictions.

For example, the British-French agreement on February 26[28], 1946⁶⁵ provides for an equal division of traffic between British and French airlines operating on certain routes, while the British-Argentine agreement of May 17, 1946⁶⁶ likewise envisages a quantitative division of capacity between the airlines of the two countries. It is also understood that the effect of the latter agreement will be to place serious limitations on the volume of Fifth Freedom traffic.

The United States Government continues to regard its bilateral agreement with the United Kingdom as an important step forward in the history of air transportation, but finds difficulty in reconciling certain of the Bermuda principles with the arrangements concluded by the United Kingdom with the above-named countries.

It is believed that a very difficult and confusing situation will result if, after having resolved our differences at Bermuda, the United States and British Governments proceed along divergent lines in concluding their bilateral air arrangements with other countries. Furthermore, my Government remains convinced that arbitrary restrictions on Fifth Freedom privileges and quantitative division of traffic and capacity will inevitably result in retarding the overall development of rapid communications, commerce and good will among all nations.

⁶⁵ British Cmd. 6787.

⁶⁶ British Cmd. 6848.

I realize that this question is one which probably deserves further consultation between our two Governments and I understand that aeronautical officials of the United States have been informally invited to London in September, at which time the matter could be discussed in greater detail. It is my Government's earnest hope that the British Government's implementation or ratification of its agreement with Argentina, in particular, could be deferred until these discussions.

In the meantime, however, I am prompted to inquire whether the British Government would be disposed, in the immediate future, to join with us in publicly espousing the principles of the Bermuda agreement *in toto* as a model for bilateral air negotiations between all countries.

Sincerely yours,

DEAN ACHESON

800.796/8-2946

*The British Minister (Balfour) to the Acting Secretary of State
(Acheson)*

WASHINGTON, August 29, 1946.

DEAR ACTING SECRETARY OF STATE: On August 13th [12th] you wrote a personal letter to Lord Inverchapel on the subject of recent developments in the field of international air transportation. Your letter was at once passed on to the Foreign Office and I have now received their comments.

When representatives of our two Governments met at Bermuda they approached the question of commercial traffic rights from widely divergent standpoints which had hitherto been irreconcilable. That agreement was reached at that Conference was largely due to the very special relations prevailing between our two countries, particularly in the field of civil aviation where our interests are world wide and interlocked, and to the fact that provision could be made in the Agreement for setting up machinery for continuous consultation, as a result of which it was found possible to dispense with the detailed regulation of commercial traffic on a slide-rule basis and substitute for it the statement of certain general principles coupled with the provision of *ex post facto* safeguards.

At the time of the Bermuda Conference neither the United States nor the United Kingdom were alone in advocating the principles for which each had previously stood. On the contrary, the United States had, since the Chicago Conference concluded a series of bilateral agreements based on the unconditional grant of all five freedoms. The

United Kingdom for their part had concluded certain bilateral agreements based on the regulatory principles which they had put forward at Chicago, and these principles had been adopted by the partner Governments of the British Commonwealth of Nations at a Conference held in London in January 1945. While the spirit of the compromise which our two countries displayed at Bermuda enabled them to reconcile their conflicting viewpoints in a mutually satisfactory manner, the corollary has unfortunately not followed that the remaining countries of the world have unreservedly associated themselves with the principles and methods which formed the basis of our bilateral agreement at Bermuda.

Indeed, it was clearly recognised at Bermuda that this was unlikely to be the case, and paragraph 8[9?] of the report of the *ad hoc* Committee recorded the agreement of both parties that the Governments of third countries should "decide for themselves, in the light of their own interests, the extent of the traffic rights which they would be prepared to grant to the civil air carriers of the United Kingdom and the United States". Since Bermuda my Government have felt entitled on more than one occasion, notably in Greece and the Middle East, to suggest to the United States Government that they should not press third countries to conclude bilateral civil aviation agreements on the basis favoured by the United States Government before Bermuda but they have never challenged the freedom of the United States Government to conclude such agreements should third countries themselves propose this course. We should have regarded such action as a breach of the understanding reached in the *ad hoc* Committee. That this view is shared by the United States Government is apparent from the letter addressed by Mr. Norton to Mr. Masfield on June 27th in which he states that the United States interpretation of this understanding is that "neither of our governments would seek to deter the governments of third countries from concluding bilateral agreements on any basis which these third countries felt was acceptable in the light of their own interests" and that the United States Government "is willing to use the Bermuda arrangement, or pertinent provisions thereof, as a basis for bilateral negotiations whenever desired by other foreign Governments".

Since the Bermuda Conference it has been the policy of His Majesty's Government to propose to those foreign countries with which they have negotiated bilateral civil aviation agreements that these should follow the general lines of the Bermuda Agreement and at the First Interim Assembly of PICA0 the United Kingdom Delegation

tabled proposals for Working Principles for the framing of a Multilateral Agreement which are based thereon.

His Majesty's Government did not depart from these principles in the proposals which they submitted to the French and Argentine Governments for the conclusion of the Agreements referred to in paragraph 4 of your letter. In the case of France, the original proposals submitted to the French Government before the Bermuda Conference provided for the equal division of capacity. When the negotiations opened in Paris immediately after the conclusion of the Bermuda Conference the United Kingdom Delegation submitted to the French Delegation fresh proposals based on the Bermuda Agreement. It was only in deference to the clearly expressed wish of the French Government that the principle of the equal division of traffic with metropolitan France (though not with French overseas territories) was incorporated in the Agreement as eventually concluded.

You also referred to Argentina. Here again, it was only on the insistence of the Argentine Government, after lengthy negotiations and faced with the alternative of a breakdown which would have interrupted the operations of British South American Airways that the United Kingdom agreed reluctantly to certain conditions more restrictive than those of Bermuda. Had they not done so they would not have been leaving it to the Argentine Government to "decide for themselves, in the light of their own interests, the extent of the traffic rights which they would be prepared to grant to civil air carriers of the United Kingdom".

His Majesty's Government regret that the Mexican Government should have quoted to United States negotiators the example of the Anglo-Argentine Agreement. They are however not in a position to defer its implementation or ratification. This Agreement has already been approved by Parliament and His Majesty's Government could not justify to public opinion in this country a withdrawal from it at this late stage. They would, however, be prepared to consider approaching Latin American Governments on parallel lines with a view to the conclusion of civil aviation agreements on the Bermuda model. Moreover, they look forward to full discussions in mid-September of all the issues involved which will no doubt establish whether the identity of views between our two Governments will enable us to join the United States Government in a public declaration of the kind which you have proposed.

May I add my personal hope that the forthcoming discussions will rapidly dissipate any misunderstandings and uncertainties which may have grown up around the Bermuda Agreement.

Yours sincerely,

JOHN BALFOUR

711.0027/9-1946: Circular telegram

*The Acting Secretary of State to Certain Diplomatic Officers*⁶⁷

WASHINGTON, September 19, 1946.

Unless you perceive objection you may bring to attention of Govt to which you are accredited the following press statement released Sept 19:

"The Department of State today released the following text of a joint statement relating to the international air transport policy of the US and Brit Govts. The statement also is being released simultaneously by the Brit Govt:

1. During the visit of United States aviation officials to the exhibition of the Society of British Aircraft Constructors in London between September 11 and 15, 1946, the opportunity was taken to arrange informal discussions with the Minister of Civil Aviation and representatives of the Ministry and the Foreign Office.⁶⁸

2. The discussions centered on developments in the field of international air transport since the conclusion of the United States-United Kingdom Air Transport Agreement at Bermuda on February 11, 1946.

3. Both parties are in accord that experience since the Bermuda agreement has demonstrated that the principles enunciated in that agreement are sound and provide, in their view, a reliable basis for the orderly development and expansion of International Air Transport. They believe that these principles provide the basis for a multilateral international agreement of the type that their representatives at the meeting of the PICAQ Assembly in May advocated as being in the interests of international air transport.

4. Consequently, both parties believe that in negotiating any new bilateral agreements with other countries, they should follow the basic principles agreed at Bermuda, including particularly:

(a) fair and equal opportunity to operate air services on international routes and the creation of machinery to obviate unfair competition by unjustifiable increases of frequencies or capacity;

(b) the elimination of formulæ for the predetermination of frequencies or capacity or of any arbitrary division of air traffic between countries and their national airlines;

⁶⁷ Page 5 to this circular telegram reads: "The attached circular telegram should be transmitted to the following Missions: Ankara, Ascuncion, Athens, Baghdad, Beirut, Bangkok, Bern, Bogota, Brussels, Buenos Aires, Cairo, Canberra, Caracas, Ciudad Trujillo, Copenhagen, Damascus, Dublin, Habana, Helsinki, Jidda, La Paz, Lima, Lisbon, Madrid, Manila, Mexico, D.F., Montevideo, Monrovia, Moscow, Nanking, New Delhi, Ottawa, Oslo, Paris, Port au Prince, Praha, Pretoria, Quito, Reykjavik, Rio de Janeiro, Santiago, San Salvador, Stockholm, Tehran, The Hague, Wellington.

⁶⁸ Informal British minutes of the meetings, held in the British Ministry of Civil Aviation, London, September 12-14, are found in Department of State central indexed files, No. 711.4127/10-1746, not printed.

(c) the adjustment of Fifth Freedom traffic with regard to:

(1) traffic requirements between the country of origin and the countries of destination

(2) the requirements of through airline operation, and

(3) the traffic requirements of the area through which the airline passes after taking account of local and regional services.

5. The representatives of the two countries were united in the belief that until a multilateral agreement should be adopted, the Bermuda type of agreement represents the best form of approach to the problem of interim bilateral agreements.

6. In furtherance of the foregoing principles each government is prepared upon the request of any other government with which it has already concluded a bilateral air transport agreement that is not deemed to be in accordance with those principles, to make such adjustments as may be found to be necessary.

7. Arrangements have been completed for setting up the machinery envisaged in the Bermuda conversations for continuous consultation and exchange of views between the two countries on civil aviation problems. Mr. Laurence Vass has been appointed as representative of the Civil Aeronautics Board with the Ministry of Civil Aviation in London. Mr. Nigel Bicknell has been appointed as representative of the Ministry of Civil Aviation with the Civil Aeronautics Board in Washington.

The United States representatives at the discussions included: Mr. James M. Landis, Chairman of the Civil Aeronautics Board; Mr. William A. M. Burden, Assistant Secretary of Commerce for Air; Mr. Garrison Norton, Director of the Office of Transport and Communications Policy of the Department of State; Mr. George A. Brownell, Personal Representative of the President to the Middle East and India in connection with air agreements; Mr. Livingston Satterthwaite, Civil Air Attaché of the United States Embassy in London.

The United Kingdom representatives included Lord Winster, Minister for Civil Aviation; Mr. Ivor Thomas, Parliamentary Secretary; Sir Henry Self, Permanent Secretary, and Mr. Peter Masefield, Civil Air Attaché at the British Embassy in Washington."

CLAYTON

THE CONVOCATION OF AN INTERNATIONAL WHALING
CONFERENCE AT WASHINGTON, NOVEMBER 20-
DECEMBER 2, 1946; THE ESTABLISHMENT OF AN INTER-
NATIONAL WHALING COMMISSION

Editorial Note

On October 1, 1946 the United States issued invitations for an International Whaling Conference to be held in Washington on November 20, 1946. A draft agenda and draft rules of procedure were sent in a circular instruction on October 24, 1946 to U.S. missions accredited to the invited countries. The principal objectives of the conference were to develop a code of regulations for the 1947-48 and subsequent whaling seasons, and to establish an international whaling commission. The delegates drafted an International Convention for the Regulation of Whaling, which was signed by the United States and other nations on December 2, 1946. This provided for the establishment of an International Whaling Commission.

The Convention, the Final Act of the Conference, and the Report of the United States Delegation may be found accompanying President Truman's Message of April 7, 1947 (Senate Executive L, 80th Congress, 1st Session). The Convention was brought into force on November 10, 1948 (62 Stat. (pt. 2) 1716; TIAS 1849).

In addition, a Protocol for the Regulation of Whaling, signed in London on November 26, 1945, was, at the Washington Conference, extended for the 1947-48 whaling season, and entered into force on February 5, 1948. The text of the Protocol may be found printed in Senate Executive K, 80th Congress, 1st Session (TIAS 1708).

Additional documentation, including a complete set of conference documents, may be found in the Department's indexed central files under No. 562.8 Washington.

UNITED STATES POLICY WITH RESPECT TO
ANTARCTICA ¹

800.014 Antarctic/11-1546

*Memorandum by the Director of the Office of American Republic
Affairs (Briggs) ²*

CONFIDENTIAL

[WASHINGTON,] November 15, 1946.

ISSUE OF CONFLICTING INTERNATIONAL CLAIMS TO ANTARCTICA RAISED
BY PROPOSED BYRD EXPEDITION

Since the initial publicity a few days ago on the Navy-Byrd expedition to Antarctica,³ interest therein has been shown by Great Britain, Australia, New Zealand, and Chile, with a strong possibility that we shall shortly hear from further countries. While the immediate requests may be for permission to send foreign observers (which Navy indicates it will oppose), the main issue is of course Who owns What, and if not, what should we do about it. At present the continent is claimed almost *in toto* by Great Britain, Australia, and New Zealand, with Norway, Chile, Argentina, and France likewise in the running and Russia reportedly preparing to join. Our position thus far has been that we recognize no foreign claims, assert none ourselves, but reserve all our rights (whatever they may be) to assert claims in the future.

Preliminary discussion with Navy indicates agreement regarding the desirability of clarification at an early date, plus doubts whether the area can ever be regarded as habitable.

Beyond our interest in what may be accessible in the land underlying all the ice and snow, we are interested in Antarctic whaling which is apparently about to be resumed on a large scale.

A preliminary meeting to consider the problem of Antarctic claims

¹ For previous documentation regarding Antarctica, see *Foreign Relations*, 1940, vol. II, pp. 333 ff. See also Green H. Hackworth, *Digest of International Law* (Washington: Government Printing Office, 1940), vol. I, pp. 449-465.

² This memorandum was circulated to Under Secretary of State Dean Acheson, the Assistant Secretary of State for American Republic Affairs Spruille Braden, the Deputy Director of the Office of European Affairs John Hickerson, and the Acting Chief of the Division of Special Inter-American Affairs John C. Dreier.

³ At a news conference on November 12, Rear Adm. Richard E. Byrd and Vice Adm. Forrest P. Sherman, Deputy Chief of Naval Operations, announced that Admiral Byrd would be in charge of a forthcoming American expedition to Antarctica.

is scheduled to be held in the Department on November 19 with Navy participation. Among the alternatives discussed informally are:

1) For the United States to suggest a conference among the claimants with a view to dividing up the area among them. I should anticipate that the prospect of reaching such an agreement would be meager if not microscopic, and also that many nations not included would demand their "fair share".

2) For the United States forthwith to set about establishing our own claims on the basis of discovery, land spied from airplanes, the Little America activities, et cetera. The off-the-cuff view seems to be that we could probably make about as good a case as the British Empire claims, although possibly not one which they would readily accept.

3) For us to suggest that Antarctica be placed under the administration of United Nations, for the benefit of humanity, Antarctic terns, penguins, et cetera, with appropriate obeisance to the principles set forth in the United Nations charter.

4) To approach the third alternative above as an objective, via the maneuver of certain maximum United States claims and in the expectation of so confusing and complicating the issue that eventually the United Nations proposal would appear to be the only solution likely to preserve the sanity of the litigants.

ELLIS O. BRIGGS

800.014 Antarctic/9-2446

The Secretary of State to the British Ambassador (Inverchapel)

The Secretary of State presents his compliments to His Excellency the British Ambassador and has the honor to refer to his note No. 531 of September 24, 1946 regarding hutments at Marguerite Bay occupied by the United States expedition to Antarctica of 1941.⁴

Since it is assumed that the United States expedition referred to is the United States Antarctic Service Expedition of 1939-1941, the contents of the Embassy's note have been communicated to the Departments of the United States Government which sponsored that expedition. The Department is informed⁵ that it was the intention that

⁴ The British Ambassador's note under reference read in part as follows:

"Ships of the Falkland Islands Dependencies Survey recently visiting British Antarctic territory between the meridians of longitude 20 degrees west and 80 degrees west of Greenwich inspected the hutments at Marguerite Bay occupied by the United States expedition to Antarctica which left by air in 1941 and found the site in considerable disorder. As the United States Government may already be aware, an Argentine naval vessel, the 'Primero de Mayo', called at Marguerite Bay in 1943. In accordance with explicit instructions left by the United States expedition, the Falkland Islands Dependencies Survey recovered all the salvageable equipment of value, and this and the personal effects of the expedition are now being sorted and prepared for return to the United States at the first opportunity in the next Antarctic summer. British personnel are now in occupation on this site." (800.014 Antarctic/9-2446)

⁵ Letter of October 28, from the Acting Secretary of the Navy, John L. Sullivan, to the Secretary of State, not printed.

buildings and supplies of coal, gasoline, food and other equipment left at the Marguerite Bay site, named "East Base" by the United States Antarctic Service Expedition, should remain there for possible future use by any United States scientific expedition basing in that area. The "explicit instructions" referred to in the Embassy's note were intended by the party of the United States Antarctic Service Expedition which evacuated East Base in 1941 to apply only to the salvage of personal belongings and not to United States government property.

The Department is informed that the foregoing has been reviewed by and is concurred in by Rear Admiral Richard E. Byrd, USN (Retired), as head of the United States Antarctic Service Expedition.

The Department is also informed of a forthcoming expedition by a non-profit scientific organization, the American Antarctic Society, Incorporated. It is understood that this expedition expects to occupy the East Base site and, with permission of the United States departments concerned, utilize the buildings and equipment. Commander Finn Ronne, USNR, who will head the American Antarctic Society, Incorporated, expedition, was second-in-command at East Base during its occupation in 1939 to 1941. It would be preferred, therefore, that hutments, equipment and stores other than personal belongings left by the East Base component of the United States Antarctic Service Expedition at the Marguerite Bay site remain there for future utilization. The offer of the Falkland Islands Dependencies Survey to return the salvageable equipment to the United States is greatly appreciated, but for the reasons given cannot be accepted.

WASHINGTON, November 18, 1946.

800.014 Antarctic/11-2046 : Telegram

The Acting Secretary of State to the Ambassador in Chile (Bowers)

CONFIDENTIAL

WASHINGTON, November 22, 1946—7 p. m.

559. Reur 1003 and 1016.⁶ Official position this Govt re Antarctic claims is that US has never officially asserted territorial claims in Antarctic and, on other hand, has never recognized any claims asserted

⁶ Neither printed. Telegram 1003, November 15, from Santiago, reported that the Chilean newspapers had given prominence to an alleged statement by Admiral Byrd to the effect that the United States did not recognize territorial claims in Antarctica. As a result of Admiral Byrd's alleged statement, an extraordinary meeting of the Chilean Army, Navy and Aviation general staff was convened at which agreement was reportedly reached to undertake a joint expedition with Argentina in order to establish Chile's claims over territory in Antarctica (800.014 Antarctic/11-1546). Telegram 1016, November 20, from Santiago, reported that the Chilean Foreign Office was resisting pressure to issue a public statement regarding a joint Chile-Argentine Antarctic expedition (800.014/Antarctic/11-2046).

by other countries. (See Secret Policy Statement on Polar Regions⁷ which Emb received Sept 28).

This policy was conveyed orally to Chargé, Chilean Emb,⁸ few days ago; and in your discretion you may reiterate same to appropriate Chilean authorities.

Two US Antarctic expeditions are contemplated: (1) Naval task force exercise concerned with techniques for operations that climate under direct command Capt R. H. Cruzen; assisting is Admiral Byrd as Officer in Charge of Project; and (2) small, private and purely scientific expedition led by Commander Finn Ronne, USNR, sponsored by American Antarctic Association; this expedition to base in western Palmer Land and to explore inland.

Dept has informed Chilean Emb by memorandum that this Govt has no objections presence Chilean scientist on Ronne expedition, provided Ronne satisfied qualifications nominee and provided Chile de-frays added costs.

Dept also informally advised Emb that Navy not considering accepting any foreign observers on task force expedition.

ACHESON

800.014 Antarctic/12-946: Airgram

The Ambassador in Argentina (Messersmith) to the Secretary of State

Buenos Aires, December 9, 1946.

[Received December 16—8: 58 a. m.]

A-1164. In press conference Friday Foreign Minister⁹ made various declarations with reference to Argentine rights in Antarctic of which following is résumé from *La Prensa*.¹⁰

⁷ The Department's Policy and Information Statement on the Polar Regions, undated, which is under reference here, reviewed United States policy in both the Arctic and the Antarctic. With regard to the Antarctic, it read in part as follows:

"It may be stated that the United States policy up to 1939 was primarily one of refusal to recognize the claims asserted by other Governments and to emphasize the absence of acts of occupation or use of the territory which was considered necessary for the perfecting of a valid claim. The United States Antarctic Service Expedition of 1939-1941 was the beginning of what was planned to be a more positive policy of establishing and perfecting United States claims on the continent. The execution of this policy was interrupted by the war and has, therefore, been held in abeyance pending an appropriate occasion for further steps. A post-war policy on the Antarctic territorial question has not as yet been formulated."

The Department's Policy and Information Statements were concise documents summarizing the current United States policy toward a country or region, the relations of that country or region with the principal powers, and the issues and trends in that country or region. These Statements, which were begun in the spring of 1946, were generally prepared by *ad hoc* working groups in the responsible geographic offices and were referred to appropriate diplomatic posts abroad for comment and criticism. The Statements were periodically revised.

⁸ Mario Rodriguez.

⁹ Juan Atilio Bramuglia.

¹⁰ A leading Buenos Aires newspaper.

He said discovery and explorations of last decade in Antarctic continent have shown advantages which legitimate possession would give those states which advance claims over that region. He stated Argentina has given special attention since beginning of century to all questions dealing with Antarctic. He mentioned the uninterrupted occupation of Orkneys since that time, claims arising from geographical vicinity, legitimate aspirations over "sector" which might be called Argentine, and in addition he referred to numerous governmental acts and diplomatic documents by which sovereignty has been continuously and peacefully strengthened. He stated then that expedition which will leave within next few days for purpose of scientific studies constitutes a new proof of the interest with which Argentine Navy is attempting to amplify knowledge with reference Antarctic. Other countries, among them Chile and United States, have announced similar expeditions and it is expected that an interchange of Navy officials will be conducted with Chile, as when the Argentine transport "*Primero de Mayo*" made its Antarctic trip in 1943. He stated that "our aspirations as those of Chile are that there may be a friendly delimitation of the jurisdictions of both countries in the Antarctic."¹¹

Finally, Minister said Foreign Office has firmly maintained Argentine rights, based on unquestionable claims. It has conducted an open-door policy which does not exclude just claims which other American states have advanced in the Antarctic and it has cooperated by means of its meteorological stations with ships of all flags which periodically ply the southern waters. Such facts, which certainly do not weaken the Argentine thesis, indicate Government's attitude with reference to the strengthening of its sovereignty over those Antarctic territories which form part of the National patrimony. The friendly relations which unite Argentina with those nations (which have also advanced claims to Antarctic) will make possible a proper contact for the purpose of arriving at a solution satisfactory to all, through an examination of the claims of each one, whether it be by means of direct negotiations or in an International Antarctic Conference.

MESSERSMITH

¹¹ According to telegram 2489, December 6, from Buenos Aires, not printed, press reports indicated that Chile would be invited to join the Argentine Antarctic expedition scheduled to leave December 10 (800.014 Antarctic/12-646).

S00.014 Antarctic/12-1446

*The Acting Secretary of State to the Secretary of the Navy
(Forrestal)*

WASHINGTON, December 14, 1946.

MY DEAR MR. SECRETARY: At a meeting attended by State and Navy Department representatives on November 25, 1946 there was discussed the U. S. Naval Antarctic Developments Project 1947 and questions of United States policy arising therefrom, particularly as regards possible future assertion of United States territorial claims.

I am in complete agreement with the views expressed at the meeting on November 25, 1946 that this Government should follow a definite policy of exploration and use of those Antarctic areas considered desirable for acquisition by the United States, including those Antarctic areas to which we already have a reasonable basis for claim to inchoate title by virtue of prior discovery and use, in order that we may be in a position to advance territorial claims to those areas at such time or times as it appears we have sufficient basis of sustained interest and use to substantiate those claims under international law.

The United States has not recognized any claims of sovereignty over territory in the Antarctic regions asserted by any foreign state. In its replies to official notifications from foreign governments asserting such claims this Government has on each occasion reserved all rights which the United States or its nationals might have in the particular areas concerned. Therefore, in the view of this Department vessels, aircraft or personnel of the U. S. Naval Antarctic Developments Project 1947 are not precluded by prior territorial rights or claims of other states from entering and engaging in lawful activity in any of those areas or from making symbolic claims thereto or to newly discovered territory on behalf of the United States.

In order that the maximum advantage in this regard may be gained for the United States from the activities of the Naval Antarctic Developments Project, I suggest that you authorize the expedition to take appropriate steps, such as depositing written claims in cairns, dropping from airplanes containers enclosing such written claims, etc., which might assist in supporting a claim of sovereignty by the United States Government and that you give instructions to the officers in charge of the expedition to keep a careful record of the circumstances surrounding each such act. I suggest that no public announcement with respect to these activities should be made without

prior specific authorization in each case from you after clearance with the Department of State. It is suggested that the written claims to be deposited should be expressed substantially in the following form:

U.S. NAVAL ANTARCTIC DEVELOPMENTS PROJECT, 1947

I, _____ (name) _____ (rank), a member of the United States Naval Antarctic Developments Project, 1947, operating by direction of the President of the United States of America and pursuant to instructions of the Secretary of the Navy, being engaged in the discovery, investigation, and survey of land and sea areas of the Antarctic regions and being in command of a party carrying out the aforesaid instructions,

Hereby declare that we have discovered and investigated the following land and sea areas:

(Here describe briefly what the party has done, means of transportation, course taken, and inclusive dates.)

And I hereby claim this territory in the name of the United States of America and in support of this claim I have displayed the flag of the United States thereon and have deposited this record thereof under the following circumstances:

(Here indicate where and how deposited, or dropped from airplane at approximately _____ South Latitude, and _____ Longitude _____ of Greenwich on this _____ day of _____, 1947.)

Signed: _____

Witnesses:

It is, of course, essential that a verbatim copy be retained by the person depositing the record and it is desirable that the copy be transmitted as promptly as possible to Washington for deposit with the Department of State.

Sincerely yours,

DEAN ACHESON

800.014 Antarctic/12-1846: Telegram

The Ambassador in Chile (Bowers) to the Secretary of State

CONFIDENTIAL

SANTIAGO, December 18, 1946—2 p. m.

[Received 4:03 p. m.]

1098. Monday¹² afternoon at interview requested by Foreign Minister,¹³ he handed me a confidential memorandum on Antarctic

¹² December 16

¹³ Raul Juliet Gomez.

question which is being forwarded to Dept by despatch.¹⁴ Summary of memo is as follows:

Chilean Government decree 1747 of November 6, 1940, established boundaries of Chilean Antarctic territory. In view of Argentine observations in this regard, representatives of Chile and Argentina met in Santiago March, 1941, to discuss common boundary of their Antarctic territories. No definitive agreement was reached during these conversations, and it was decided that conversations would continue at a later date in Buenos Aires. Owing to war and political conditions in Argentina, it was not possible to renew them. Almost six years have elapsed without conversations taking place. After removal of aforementioned obstacles, Argentina has now expressed desire to continue negotiations and Chilean Government is agreeable to this suggestion. It is hoped that conversations will be renewed in near future in Buenos Aires. In 1943, Argentine vessel *Primero de Mayo* visited Antarctic region and three Chilean Naval officers participated in this expedition at request of Argentine Government. As a matter of reciprocity Chile offered to invite three Argentine officers to participate in next Chilean expedition to Polar region. Owing to necessity of utilizing all its naval vessels to patrol extensive coasts during war, it has not been possible to send a Chilean Antarctic expedition up to present. Chile has now, however, decided to send a frigate to Polar region next February, and in conformance with agreement with Argentina, has invited 3 Argentine Naval officers to participate in expedition.

BOWERS

800.014 Antarctic/12-2346: Telegram

The Minister in New Zealand (Warren) to the Secretary of State

SECRET

WELLINGTON, December 23, 1946—5 p. m.

[Received December 23—6: 10 p. m.]

616. McIntosh,¹⁵ under instructions of Prime Minister,¹⁶ called me to his office this afternoon, handed me a tentative draft note (which is being forwarded by following telegram)¹⁷ and requested my comment. At same time I was shown a more lengthy proposed press release on generally similar lines. I pointed out to McIntosh that New Zealand Government was familiar with American position in regard to Antarctic claims (which he had correctly stated in conversation), that I

¹⁴ The Chilean Foreign Office memorandum under reference was transmitted to the Department as an enclosure to despatch 14,744, December 20, from Santiago, neither printed.

¹⁵ A. D. McIntosh, Director of the Office of the New Zealand Prime Minister.

¹⁶ Peter Fraser.

¹⁷ Telegram 617, December 23, from Wellington, not printed (800.014 Antarctic/12-2346). The draft note under reference here was cancelled. For the final text of the note, forwarded to the Legation on December 24, see *infra*.

was without information which would substantiate correctness of some statements in note and press release (referring to operations in the Ross Dependency), and that I could see no useful purpose in New Zealand opening a public debate with the US at this time regarding the present American expedition.

McIntosh referred to recent and sustained clamor in New Zealand press (reLegtel 608, December 16, 2 p. m.)^{17a} for positive assertion of New Zealand Antarctic claims and stated that Prime Minister feels it necessary to take some cognizance of press reports that Admiral Byrd proposes to operate the Navy task force from a base in the Ross Sea.

McIntosh undertook to refer both note and press release to the Prime Minister and to notify me later today if the note is to be canceled or modified. In any event, he expected issuance of modified press release in which New Zealand claims will be implied.¹⁸

WARREN

Wellington Legation Files : 801.4

*The New Zealand Department of External Affairs to the Legation
in New Zealand*¹⁹

The New Zealand Government understand from a United States Navy Press and Radio Release of 12 November, 1946, and from various newspaper reports, that a United States Navy Task Force will, early in 1947, establish a base in and operate aircraft over that portion of the Antarctic known as the Ross Dependency, territory which is under New Zealand jurisdiction and administration.

The New Zealand Government would normally have expected a formal request for permission to land on and fly over the Dependency but since they have no desire to place any obstacles in the way of the exercises proposed by the United States Navy Department they do not under the circumstances of this expedition desire to raise the question of this formality. The purpose of this note is to inform the United States Government that every possible assistance will be offered by New Zealand with a view to facilitating the plans of the Task Force.

WELLINGTON, 20 December, 1946.

^{17a} Not printed.

¹⁸ Prime Minister Fraser's statement on Antarctica, which was issued to the press on December 28, was transmitted in telegram 624, December 29, from Wellington, not printed.

¹⁹ Telegram 619, December 24, from Wellington, not printed, reported that Prime Minister Fraser had cancelled an earlier draft note (see telegram 616 from Wellington, *supra*) and had forwarded this text to the Legation in its stead (800.014 Antarctic/12-2446). This final text was transmitted to the Department of State in telegram 620, December 24, from Wellington, not printed (811.31/12-2446).

800.014 Antarctic/12-2746

*The Counselor of the British Embassy (Hadow) to the Chief of the
Division of Northern European Affairs (Cumming)*

URGENT WASHINGTON, 27 December, 1946.

DEAR CUMMING: Confirmation has lately been received in London that the Byrd expedition buildings mentioned in our letter of the 17th December to Wailes²⁰ were still standing; but the report says nothing of their state of repair. The American geological specimens, medical equipment, books, etc. have been packed for despatch by "Trepassey" on her next visit unless otherwise instructed.²¹ Two thousand nine hundred gallons of aviation petrol left by United States expedition has been found beside dumps near a house on a glacier, which have not been checked.

2. We are further instructed to request you kindly to inform Commander Ronne that:—

(a) for practical reasons of which he is believed to be aware he could not support his proposed party at Marguerite Bay without serious detriment to the operation of our party.

(b) nevertheless His Majesty's Government would welcome a visit by him to Marguerite Bay if he considers it essential to see the position for himself.

(c) if he is prepared to leave a very small party of say four or five men to spend the Antarctic winter and work jointly with the British party of ten, H.M.G. would be glad to consider whether this can be arranged on hearing what sort of specialists he would like to leave and what work he has in mind for them.

3. Beyond this, as Commander Ronne will himself best realise, it is difficult to go without serious physical risk to both parties involved.

4. As the Ronne expedition is understood shortly to be leaving for the Antarctic we should be grateful for urgent transmission of this message and of Commander Ronne's decision; in order that we may communicate the latter to London.

5. With the inaccuracies of the "New York Times" article of 23rd December, it seems unnecessary to concern ourselves, as the more serious misstatements are understood to lack official confirmation or backing.

Yours sincerely,

R. H. HADOW

²⁰ The letter under reference to Edward T. Wailes, Chief of the Division of British Commonwealth Affairs, is not printed.

²¹ In a letter of January 3, 1947, to Hadow, not printed, Cumming wrote in part as follows:

"Commander Ronne has asked that I repeat to you his request, made orally to members of the Embassy on December 27, that the American geological specimens, medical equipment, books, etc. which your letter mentioned as having been packed for despatch by Trepassey be left at the site for the use of his expedition." (800.014 Antarctic/12-2746)

800.014 Antarctic/12-3046

*Memorandum of Conversation, by the Chief of the Division of
Northern European Affairs (Cumming)*

[WASHINGTON,] December 30, 1946.

Mr. Lacoste²² came in to see me today by appointment made at his request and inquired, under instructions from his Government, whether it was correct that the Government of the United States did not recognize any territorial claims in the Antarctic. I replied in the affirmative and added that although claims on behalf of the United States Government had been made by a number of American citizens and by official government expeditions, the United States Government had not formalized any of those claims; that, on the other hand, the United States Government had not recognized the claims of any other government but had reserved any rights it might have with respect to the Antarctic Continent.

Mr. Lacoste then said that he had expected this answer and had been instructed to leave the attached *aide-mémoire*.²³ He went on to say that he was under no instructions to make any protest or enter into any further discussion of the matter at this time.

In the belief that French Foreign Office archives may have been dispersed or in part lost during the period of the German occupation of France, I read to Mr. Lacoste the text of the note which the American Embassy in Paris had been instructed to deliver to the French Foreign Office in January 1939 (File 741.5127/3),²⁴ and the note which was delivered to the Foreign Office by the American Embassy in Paris on May 26, 1939 (See Paris Embassy's despatch No. 4424, May 26, 1939).²⁵ Mr. Lacoste was interested and asked me if I would be good enough to send him copies of these notes. I said that I would be glad to do so.

HUGH S. CUMMING, JP.

²² Francis Lacoste, French Minister.

²³ *Infra*.

²⁴ For text of note under reference, see telegram 13, January 6, 1939, to London, *Foreign Relations*, 1939, vol. II, p. 1.

²⁵ Despatch 4424, May 26, 1939, from Paris, is not printed, but for text of note under reference, see Instruction 1487, May 16, 1939, to Paris, *ibid.*, p. 5.

800.014 Antarctic/12-3046

The French Embassy to the Department of State

[Translation]

WASHINGTON, December 30, 1946.

AIDE-MÉMOIRE

Adélie Land was duly annexed by Dumont d'Urville during his expedition to Antarctica in 1840. The official report of the taking of possession was prepared by Dumont d'Urville on February 19, 1840, aboard the *Astrolabe*, which was at that time lying in the roads at Hobart, Tasmania.

This discovery was the subject of an article published in the *Sydney Herald* of March 13, 1840.

On March 27, 1924, a decree of the French Government reserved to French citizens the right to mine, hunt, and fish in these territories.

On April 2, 1924, the *Journal Officiel* published a decision of the Ministry of the Navy placing Adélie Land under the supervision of the French Navy in the Pacific.

On November 21, 1924, another decree placed Adélie Land and other Antarctic islands and archipelagoes under the jurisdiction of the General Government of Madagascar.

Dumont d'Urville's maps gave Adélie Land the following limits: 136°–142° East Greenwich

These limits, which were the subject of various communications between the French and British Governments, are at present the very same limits set by Dumont d'Urville.

As for the limit in depth, an Order in Council of the British Government dated February 7, 1933 having stipulated that "all territories south of the 60th parallel and situated between the 45th and the 160th meridians are under British sovereignty, *except Adélie Land*", the French Government specified, in a decree of April 1, 1938, that France's possession in Antarctica extends south of the 60th parallel to the South Pole.

An exchange of notes on October 25, 1938, between the French Ministry of Foreign Affairs and the British Embassy in Paris, also acting in behalf of the Australian and New Zealand Governments, granted British, Australian, and New Zealand aircraft, subject to reciprocity, the right to fly over Adélie Land.

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